

ORDINANCE NO. 24-09-05-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 12.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO ALLOW FILING OF CRIMINAL CHARGES IN MUNICIAPL COURT FOR VIOLATIONS OF THE ZONING ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND OPEN MEETING.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established penalties for violations of the Zoning Ordinance in Section 12 of Chapter 14, the Lago Vista Zoning Ordinance, and

WHEREAS, the current language of Section 12.20 has potential legal vulnerabilities in an enforcement proceeding; and

WHEREAS, the City Prosecutor reviewed and revised the language of Section 12.20; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista conducted the required public hearing and considered the proposed amendment at its regular meeting on August 8, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a unanimous recommendation to the City Council to amend the provisions of Section 12.20 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council conducted its public hearing and considered the proposed amendment at its September 5, 2024 meeting and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 12.20 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit "A."**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 5th day of September, 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



On a motion by Councilor Smith, seconded by Councilor Marion, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 14

ZONING

Section 12 Enforcement And Penalties

12.20 Penalties

~~Any person, firm or corporation who violates any provision of this chapter is subject to a civil penalty of not less than one hundred dollars (\$100.00) but not more than \$2,000.00, unless otherwise stated in this chapter for a particular violation as permitted by law for each act of violation and for each day of violation. In addition to any remedial fee or civil remedy available to the City under this Code or other law, any person, firm or corporation who violates any provision of this chapter or any order made under the authority of this chapter, or who causes or permits any such violation, or who fails to perform any act required hereunder or does any act prohibited by this chapter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.~~