

ORDINANCE NO. 2015- 136

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 2, Administration, by adding a new Article VII, Code Enforcement; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

WHEREAS, the City of Pasadena desires to protect and promote the public health, safety and welfare through the passage and enforcement of reasonable regulations; and

WHEREAS, code enforcement is a tool that will assist the City in preservation of neighborhood character and aesthetics, eliminating blight and unsafe or unsanitary conditions, and generally promote and protect the public health, safety and welfare of the citizens of Pasadena, thereby improving the quality of life in and around the City; and

WHEREAS, the City Council of the City of Pasadena desires to implement a comprehensive approach to achieve these means through code enforcement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the City Council of the City of Pasadena adopts the entire preamble of this ordinance.

SECTION 2. That the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Chapter 2, Administration, by adding a new Article VII, Code Enforcement, to read as follows:

ARTICLE VII. - CODE ENFORCEMENT

Sec. 2-145. Code enforcement citations.

- (a) *Construction, administration and relation to related laws.*

The authority, responsibility and duties of peace officers to issue citations, pursuant to Article 14.06(d) of the Code of Criminal Procedure, and/or Section 543.003 of the Transportation Code, is not obviated or in any way eliminated by the provisions of this section.

A citation issued pursuant to this section does not relate to the issuance of a citation by a peace officer pursuant to Article 14.06(d) of the Code of Criminal Procedure, or Section 543.003 of the Transportation Code.

- (b) *Authority to issue citations.*

Whenever there is a reference in this Code to violation of a Code provision being a misdemeanor, and/or whenever any provision of this Code provides that the city, certain city officials, or their designees, have the authority to enforce the provisions of this Code, or any applicable ordinance or other statutes, regulations or codes adopted by the city, that authority includes, but is not limited to, the ability to issue citations to be prosecuted in the municipal court or other appropriate court, depending on the type of offense and the location of the offense. The city reserves the right to exercise all of the appropriate enforcement remedies.

Pursuant to this section, and the scope of their assigned duties and respective authority, the following departments/individuals listed herein may issue citations:

- (1) Code compliance officer/code enforcement
- (2) Building Official/inspector
- (3) Animal Control/humane officer
- (4) Health Official/inspector
- (5) Public Works inspector
- (6) Fire Marshal/deputies
- (7) Fire Chief

- (c) *Offenses.*

It shall be unlawful for any person to interfere with any individuals authorized under subsection (b) to issue citations in the performance of his/her duties.

(d) *Warrants.*

Under Article 18.05 of the Texas Code of Criminal Procedure, if any individual authorized under subsection (b) is refused access to a premises, building, facility or residence, or any part thereof, and said individual can demonstrate probable cause to believe that a fire or health hazard, code violation or unsafe building condition is present in the specified location sought to be inspected, the municipal court judge shall issue a search warrant for the purpose of allowing the inspection of the specified premises/location to determine the presence of the hazard, code violation, or unsafe building condition.

SECTION 3. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 4. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 5. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of

any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 6. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this chapter. Any infraction of this ordinance as determined by the appropriate enforcing officer of these regulations shall be subject to the fines as enumerated in the general penal provisions of Section 1-7 of the Pasadena Code of Ordinances.

SECTION 7. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of
Pasadena, Texas in regular meeting in the City Hall this the
____ day of _____, A.D., 2015.

APPROVED this the ____ day of _____, A.D., 2015.

JOHNNY ISBELL, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the
City of Pasadena, Texas in regular meeting in the City Hall
this the ____ day of _____, A.D., 2015.

APPROVED this the __20__ day of _____October_____, A.D.,
2015.

JOHNNY ISBELL, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS