

ORDINANCE NO. 1512-08-2022

AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CERTAIN PROVISIONS OF CHAPTER 1. GENERAL PROVISIONS BY ADDING SECTION 1.5.2 AND 1.5.2 (a) AND (b) TO PROVIDE FOR CODE ENFORCEMENT OFFICER AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

WHEREAS, the City of Gainesville, Texas, has previously implemented Chapter 1. General Provisions of the Code of Ordinances of Gainesville Texas; and

WHEREAS, it is the intention of the City to further refine and enhance the enforcement capabilities of the city's Code Enforcement Officers to better enforce minimum standards and abate public nuisances in order to serve the citizens of the City of Gainesville; and

WHEREAS, the City is authorized to adopt these enforcement provisions by virtue of its Home-Rule authority, the Texas Constitution, Chapters 51, 54 and 214 of the Texas Local Government Code, and Chapters 341-342 of the Texas Health and Safety Code; and

WHEREAS, the City Council finds that it is necessary to declare the full jurisdictional authority of the City's Code Enforcement Officers for all purposes and such amendments are in the best interest of the citizens of the City of Gainesville.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GAINESVILLE
HEREBY ORDAINS:**

SECTION 1: FINDINGS

The recitals herein are found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety and general welfare.

SECTION 2: AMEND CHAPTER 1 – GENERAL PROVISIONS BY ADDING SECTION 1-5.2 ENFORCEMENT TO READ AS FOLLOWS

1-5.2 Enforcement.

The city manager or the director of community development shall designate employees as the code enforcement officers who shall be assigned to the Community Development Department for the City of Gainesville.

- (a) The code enforcement officers shall have enforcement authority for all provisions of this code related to building safety, minimum building standards, zoning, property and premise maintenance, food safety and all other ordinances governing public nuisance or as specifically designated by the city manager.

(b) Any code enforcement officer or any police officer shall have the authority to issue citations for any violation of this code or applicable state law. If the occupant or owner is not present, the code enforcement officer or police officer may mail the citation to the alleged violator by certified mail, return receipt requested.

SECTION 3: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Gainesville, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective upon passage and publication.

SECTION 5. OPEN MEETING FINDING

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

INTRODUCTION, FIRST READING AND CHARTER SUSPENSION

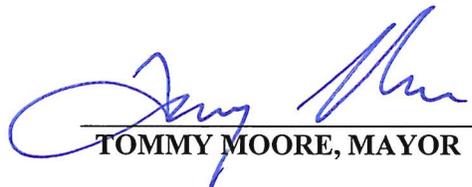
INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 2ND DAY OF AUGUST 2022, AT WHICH TIME THE CHARTER REQUIREMENT OF THREE READINGS WAS SUSPENDED BY THE FOLLOWING VOTE:

 5 AYES 0 NAYS 2 ABSENCES 0 ABSTENTIONS

ATTEST:



DIANA ALCALA, CITY SECRETARY



TOMMY MOORE, MAYOR

ADOPTION

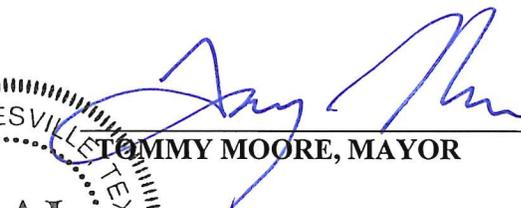
ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 2ND DAY OF AUGUST 2022:

 5 AYES 0 NAYS 2 ABSENCES 0 ABSTENTIONS

ATTEST:



DIANA ALCALA, CITY SECRETARY



TOMMY MOORE, MAYOR

