

RESOLUTION NO. 2020-RES014

A RESOLUTION OF THE CITY OF DOUBLE HORN, TEXAS, CREATING THE POSITION OF CODE COMPLIANCE ENFORCEMENT OFFICER FOR THE CITY OF DOUBLE HORN, AND ESTABLISHING THE DUTIES OF SAID POSITION; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Double Horn (hereinafter referred to as "City") is a General Law Municipality created pursuant to Chapter 6 of the Texas Local Government Code; and

WHEREAS, pursuant to Section 217.022 of the Texas Local Government Code, the City Council of the City of Double Horn (the "City Council") shall prevent, to the extent practicable, any nuisance within the limits of the City and shall have each nuisance removed at the expense of the person who is responsible for the nuisance or who owns the property on which the nuisance exists; and

WHEREAS, pursuant to Sections 51.001 and 51.032 of the Texas Local Government Code, the City Council has adopted and published ordinances, rules, and police regulations that are for the good government, peace, and order of the City, and for the trade and commerce of the City, that are necessary and proper for carrying out powers granted by law to the City, which are not inconsistent with state law; and

WHEREAS, in accordance with Sections 54.001 and 54.002 of the Texas Local Government, the City Council may enforce each rule, ordinance, or police regulation of the City and may punish a violation of a rule, ordinance, or police regulation with a prescribed fine for the violation of a City ordinance; and

WHEREAS, the City Council finds and determines that it is necessary and in the best interest, safety, and welfare of the community to create, appoint and employ a code compliance officer that is licensed and registered with the State of Texas pursuant to Chapter 1952, Subchapter C, of the Texas Occupations Code, in order to enforce the ordinances related to health and safety on behalf of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are fully incorporated into the body of this Resolution, and are determined to be the legislative findings of the City Council.

Section 2. Creation of Office, Appointment and Duties. The position of Code Compliance Officer for the City of Double Horn is hereby created for the purpose of enforcing the City's Code of Ordinances.

The duties of the Code Enforcement Officer shall be to initiate, coordinate, oversee and administer all inspections, giving of notices, posting of properties, and other duties as determined from time to time by the City Council.

Upon a determination that a violation of any of the City's ordinances has occurred, the Code Enforcement Officer shall have the authority to issue citations related thereto, pursuant to the provisions of the said ordinances and state law, and shall have authority to represent the City as its prosecuting witness before the Double Horn Municipal Court Judge, or state district court as the case may be, in the prosecution of all such violations.

The duties and authority of the Code Enforcement Officer created by this ordinance shall not abrogate any concurrent authority in other City officials or employees to administer and enforce the provisions of any of the City's ordinances, if such ordinances already grant such powers in any such officials or employees. Such officials or employees, by way of example, but not limitation, are the police, animal control officer, or building official.

The Code Enforcement Officer shall be appointed by motion or resolution of the City Council, and such Officer shall serve at the pleasure of the City Council with remuneration as agreed by City Council, including reimbursement of out of pocket costs. All replacements of the Code Enforcement Officer shall be by majority motion or resolution of the City Council.

Section 3. **Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Resolution or the application thereby shall remain in effect, it being the intent of the City Council of the City of Double Horn, Texas, in adopting this Resolution, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any portion or provision.


Section 4. **Savings/Repealing Clause.** All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

Section 5. **Open Meetings.** It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. **Effective Date.** This Resolution shall be effective immediately upon its adoption.

PASSED AND APPROVED on July 9, 2020.

CITY OF DOUBLE HORN


Cathy Sereno, Mayor

ATTEST:


Karen Maxwell, City Secretary