

ORDINANCE NO. 22-W

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 1-6 FAILURE TO PAY, AND DELETING SECTION 1-7 CITY WORKHOUSE ESTABLISHED AND SECTION 1-8 KEEPER; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That Chapter 1, General Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 1, GENERAL PROVISIONS

...

Sec. 1-6. - Failure to pay fine.

Any person who shall fail or refuse to pay any fine or costs imposed by the municipal court for any offense against the provisions of this Code or other ordinances of the City may be committed to the city jail or assigned community service by the Judge or the Municipal Court. Persons assigned community service shall be required to do and perform such work and labor as may be designated by the person responsible for the community service program. Such person shall receive a credit on his fine and costs in the sum of one hundred dollars (\$100.00) for each day's work performed for the City under such commitment.

Sec. 1-7. - Severability of parts of Code.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-8. - Violation of promise to appear.

Any person who willfully violates his written promise to appear in court for a violation of any provision of this Code or who knowingly fails to appear in accordance with the terms of a duly received written notice to appear in court for a violation of any provision of this Code shall be guilty of a misdemeanor regardless of the disposition of the original ordinance violation charge. A violation of a written promise to appear in court or a failure to appear in accordance with the terms of a duly received written notice to appear in court under this section shall be punishable by a fine prescribed by section 1-5.

Sec. 1-9. - Culpable mental state.

- (a) In any prosecution filed under a provision of this Code or any ordinance of the city which expressly requires proof that the actor engaged in conduct intentionally, knowingly, recklessly, or with criminal negligence, then a person does not commit an offense unless he is shown to have engaged in such conduct as the definition of the offense requires.
- (b) Whenever in this Code or in any ordinance of the city an act or a failure to act is prohibited, or is made or declared to be unlawful, or an offense, or a misdemeanor, and such provision does not expressly require proof that the violation be committed intentionally, knowingly, recklessly, or with criminal negligence, then proof of a culpable mental state is not required for conviction of such offense, it being the intent of the City Council to dispense with the requirement of any culpable mental state in prosecutions filed under such provisions of this Code and other ordinances of the City.
- (c) Proof of a higher degree of culpability than that charged constitutes proof of the culpability charged.

Section 2. That except as amended herein all other provisions of Chapter 1 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the 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*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary