

## **CITY OF VON ORMY, TEXAS**

### **ORDINANCE NO. 2010-50**

**AN ORDINANCE OF THE CITY OF VON ORMY AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; CULPABLE MENTAL STATE; REPEALER AND SAVINGS; SEVERABILITY; AND EFFECTIVE DATE.**

**WHEREAS** the City Council of the City of CITY OF VON ORMY seeks to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, an amendment to the Texas Penal Code enacted by the 79<sup>th</sup> Texas Legislature and pursuant to Section 6.02 of the Texas Penal Code requires the inclusion of a culpable mental state for certain offenses defined by municipal ordinance; and

**WHEREAS**, the Council seeks to amend that portion of the City of Von Ormy Code of Ordinances relating to the general penalty for violations of the Code to add a general provision relating to culpable mental states;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF VON ORMY:**

#### **I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of City of Von Ormy and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

#### **II. CULPABLE MENTAL STATE**

SECTION 1. Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that does not exceed the amount authorized by Section 12.23 of the Texas Penal Code does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.

SECTION 2. Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of "criminal negligence."

#### **III. MISCELLANEOUS**

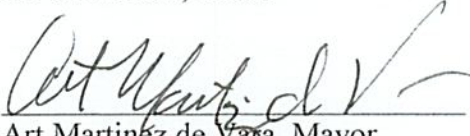
SECTION 3. Savings/Repealing Clause. All provisions of any ordinance in conflict with this

Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect,

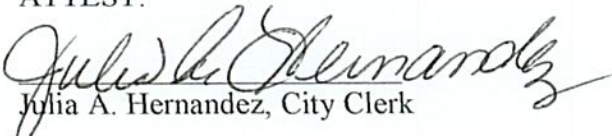
SECTION 4. Severability. Should any section, subsection, sentence clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect, the City of Von Ormy hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid,

SECTION 5: Effective Date. This ordinance shall become effective immediately after passage.

PASSED, APPROVED AND ADOPTED THIS 4TH DAY OF AUGUST, 2010.

  
Art Martínez de Vara, Mayor

ATTEST:

  
Julia A. Hernandez, City Clerk