

## CHAPTER 329

## H.B. No. 1070

An Act relating to penalties for violation of municipal ordinances, rules, and regulations governing vegetation and litter.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Article 1011, Revised Statutes, is amended to read as follows:

Art. 1011. **POWERS.** The City Council, or other governing body shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the Constitution of this State, for the good government, peace and order of the City and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this title in the corporation, the city government or in any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof. No fine or penalty shall exceed \$1,000 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning or ~~and~~ public health and sanitation, including dumping of refuse, ~~other than vegetation and litter violations~~ nor exceed \$200 for all other violations. *The provisions of this Act apply to any city or town, including a home rule or special law city, however incorporated and notwithstanding any provision in its charter to the contrary.*

**SECTION 2.** Article 1195, Revised Statutes, is amended to read as follows:

Art. 1195. **JURISDICTION.** All ~~A~~ municipal courts, including all municipal courts of record, ~~court~~ shall have exclusive original jurisdiction within the territorial limits of the city, town or village, in all criminal cases arising under the ordinances of the city, town or village in which punishment is by fine only and where the maximum of such fine does not exceed \$1,000 in all cases arising under the ordinances of such city, town or village that govern fire safety, zoning, or ~~and~~ public health and sanitation, including dumping of refuse, ~~other than vegetation and litter violations~~ and where the maximum of such fine does not exceed \$200 in all other cases arising under the ordinances of such city, town or village, and shall also have concurrent jurisdiction with any justice of the peace in any precinct in which the city, town or village is situated in all criminal cases arising under the criminal laws of this State, in which punishment is by fine only, and where the maximum of such fine may not exceed \$200, and arising within such territorial limits.

**SECTION 3.** Article 4.14, Code of Criminal Procedure, 1965, is amended to read as follows:

Art. 4.14. **MUNICIPAL COURT.** All ~~The~~ municipal courts, including all municipal courts of record, ~~court~~ in each incorporated city, town or village of this State shall have exclusive original jurisdiction within the corporate limits in all criminal cases in which punishment is by fine only and where the maximum of such fine does not exceed \$1,000 in all cases arising under the ordinances of such city, town or village that govern fire safety, zoning, or ~~and~~ public health and sanitation, including dumping of refuse ~~other than vegetation and litter violations~~ and where the maximum of such fine does not exceed \$200 in all other cases arising under the ordinances of such city, town or village, and shall have concurrent jurisdiction with any justice of the peace in any precinct in which the city, town or village is situated in all criminal cases

arising under the criminal laws of this State, in which punishment is by fine only, and where the maximum of such fine may not exceed \$200, and arising within such corporate limits.

**SECTION 4.** (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** This Act takes effect September 1, 1985.

**SECTION 6.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 2, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 8, 1985

Effective: September 1, 1985