

CHAPTER 680

S.B. No. 920

AN ACT

relating to the jurisdiction of municipal courts to enforce certain municipal ordinances and to the creation of the offense of illegal dumping; providing a penalty.

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

SECTION 1. Article 4.14, Code of Criminal Procedure, is amended to read as follows:

Art. 4.14. MUNICIPAL COURT. All municipal courts, including all municipal courts of record, 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 \$2,000 [~~\$1,000~~] in all cases arising under the ordinances of such city, town or village that govern fire safety, zoning, or public health and sanitation, including dumping of refuse and where the maximum of such fine does not exceed \$500 [~~\$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 \$500 [~~\$200~~], and arising within such corporate limits.

SECTION 2. 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 \$2,000 [~~\$1,000~~] for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, nor exceed \$500 [~~\$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 3. Subsection (a), Section 29.003, Government Code, is amended to read as follows:

(a) A municipal court has exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that:

- (1) arise under the ordinances of the municipality; and
- (2) are punishable only by a fine not to exceed:

(A) \$2,000 [~~\$1,000~~] in all cases arising under municipal ordinances that govern fire safety, zoning, and public health and sanitation other than vegetation and litter violations; or

(B) \$500 [~~\$200~~] in all other cases.

SECTION 4. The Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes), is amended by adding Section 2.09 to read as follows:

*Sec. 2.09. ILLEGAL DUMPING FROM VEHICLE. (a) In this section, "illegal dumping" means the disposal of trash, refuse, waste, litter, or any other material in violation of a law or ordinance of the state or any political subdivision of the state.*

*(b) It is an exception to the application of this section that the person has a valid license with or contract from the state or a political subdivision of the state to dispose of the material in the manner and at the place in which it was disposed.*

*(c) If a motor vehicle is used in illegal dumping, an offense under the law or city ordinance violated by the illegal dumping is punishable by a fine in an amount not to exceed \$2,000.*

SECTION 5. This Act takes effect September 1, 1987.

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 the Senate on April 24, 1987, by a viva-voce vote. Passed the House on May 22, 1987, by a non-record vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.