

ORDINANCE No. 2016-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2004-09 WHICH REQUIRED A SPECIFIC USE PERMIT FOR BED AND BREAKFAST FACILITIES IN CERTAIN ZONING DISTRICTS, BY AMENDING THE PENALTY CLAUSE TO PROVIDE FOR A \$2,000.00 A DAY PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, on April 20, 2004, the City Council of the City of Canton, Texas, approved Ordinance No. 2004-09, which established a Bed and Breakfast Facility use and required a specific use permit for such use for certain enumerated zoning districts; and

WHEREAS, Section 3 of Ordinance No. 2004-09 provided for a penalty of a fine not to exceed Two Hundred and No/100 Dollars (\$200.00) a day for violations of said Ordinance; and

WHEREAS, Section 54.001(b)(1) of the Texas Local Government Code provides that the fine for a zoning violation may not exceed Two Thousand and No/100 Dollars (\$2,000.00); and

WHEREAS, the City Council of the City of Canton, Texas, finds and determines that the penalty provision for a violation of Ordinance No. 2004-09 should be amended to provide for a penalty of a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) a day for violation of Ordinance No. 2004-09.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. AMENDMENT

That Section 3 of Ordinance No. 2004-09, approved by the City Council of the City of Canton, Texas, is hereby amended to read as follows:

"SECTION 3. VIOLATION AND PENALTY

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum of not more than \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense."

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence,

paragraph or section of this Ordinance 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 Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED by the City Council of the City of Canton, Texas, on the 19th day of July, 2016.

APPROVED:



Lou Ann Everett, Mayor

ATTEST:



Debra Johnson, City Secretary

