

ORDINANCE No. 2016-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, 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 October 4, 1985, the City Council of the City of Canton, Texas, approved the 1985 Zoning Ordinance , which established the Comprehensive Zoning Ordinance for the City of Canton, Texas; and

WHEREAS, Section 19-7 of the 1985 Zoning Ordinance provided for a penalty of a fine not to exceed Two Hundred and No/100 Dollars (\$200.00) a day for violations of said 1985 Zoning 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 the 1985 Zoning Ordinance 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 the 1985 Zoning Ordinance;

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 19-7 of the 1985 Zoning Ordinance, approved by the City Council of the City of Canton, Texas, is hereby amended to read as follows:

Sec. 19-7. 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 uncodified, 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 uncodified, 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

