

Austin City Code

THE CODE OF THE CITY OF AUSTIN, TEXAS

This code is current through March 2013

[The Official Web Site of the City of Austin](#)

To assist in navigating:

JAVA users click on the plus sign (+) in the left frame to expand the Table of Contents

HTML users click on the manila folders in the left frame to expand the Table of Contents

Published by:

American Legal Publishing Corporation

432 Walnut Street, Suite 1200

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Fax: (513) 763-3562

E-Mail: customersevice@amlegal.com

[Internet: www.amlegal.com](http://www.amlegal.com)

ARTICLE II. THE COUNCIL.

§ 1. COUNCIL MEMBERSHIP.

(A) The council shall be composed of:

- (1) a mayor elected from the city at-large; and
- (2) 10 council members elected from single- member districts.

(B) The term “council member(s)” includes the mayor unless otherwise provided.

(C) The independent citizens redistricting commission, as prescribed below in Section 3, shall be empowered to divide the city into 10 geographical council districts for the election of council members. The commission shall designate each council district by a number or by other designation.

Amendment note:

Section 1 appears as added at the election of November 6, 2012. A former § 1 concerned the number, selection, and terms of office for Council members; had previously been amended at the elections of May 13, 2006, January 19, 1985, April 5, 1969, and April 1, 1967; and was repealed at the election of November 6, 2012.

§ 2. ELIGIBILITY OF COUNCIL MEMBERS.

(A) A candidate for mayor must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the city for six months immediately preceding the regular filing deadline for a mayoral candidate's application for a place on the ballot. If the mayor ceases to reside in the city, the mayor automatically resigns.

(B) A candidate for city council from a council district must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the council district from which the member is seeking election for six months immediately preceding the regular filing deadline for a council candidate's application for a place on the ballot. If a council member elected from a council district ceases to reside in the district as the boundaries of the district were drawn at the time of the council member's election, the council member automatically resigns.

Amendment note:

Section 2 appears as added at the election of November 6, 2012. A former § 2 concerned the qualifications for Councilmembers; had previously been amended at the election of April 1, 1978; and was repealed at the election of November 6, 2012.

§ 3. REDISTRICTING.

(A) For purposes of this section, the following terms are defined:

(1) COMMISSION means the Independent Citizens Redistricting Commission.

(2) CONTROLLING PERSON means an officer, director, manager, principal, or shareholder or member owning at least 10% ownership of a legal entity.

(3) DAY means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday in which the City of Austin's offices are closed, the period is extended to the next day that is not a Saturday, Sunday, or holiday in which the City of Austin's offices are closed.

(4) PANEL means the Applicant Review Panel of three qualified, independent auditors that screens applicants for the Commission.

(5) QUALIFIED INDEPENDENT AUDITOR means an auditor who is currently licensed by the Texas Board of Public Accountancy and has been a practicing independent auditor for at least five years prior to appointment to the Applicant Review Panel.

(6) SPOUSE means one's licensed marriage spouse, common law spouse, or recognized domestic partner.

(7) SUBSTANTIAL NEGLECT OF DUTY means that an individual has disregarded a manifest duty, prescribed by this section, intentionally, knowingly, or negligently. Missing half or more of the meetings in a three month period constitutes a substantial neglect of duty.

(B) In 2013 and thereafter in each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the 10 single-member districts in conformance with the standards and process set forth in this article. The Commission shall be fully established no later than July 1, 2013, and thereafter no later than March 1 in each year ending in the number (1). The Commission shall not draw district lines at

any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part, or the date of the city election is moved. If the date of the city election is moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.

(C) The commission shall:

- (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines;
- (2) draw district lines according to the redistricting criteria specified in this section; and
- (3) conduct themselves with integrity and fairness. This selection process is designed to produce a commission that is independent from influence by the City Council and is reasonably representative of this city's diversity.

(D) The commission shall consist of 14 members.

(1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member, except the student member described below, shall have voted in at least three of the last five city of Austin general elections immediately preceding his or her application. One commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.

(2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.

(3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.

(4) Each commission member shall apply this section in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible, for a period of 10 years beginning from the date of appointment, to hold elective public office for the City of Austin. A member of the commission shall be ineligible, for a period of three years beginning from the date of appointment, to hold appointive public office for the City of Austin, to serve as paid staff for or as a paid consultant to the City of Austin, the City Council or any member of the City Council, or to receive a non-competitively bid contract with the City of Austin. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

(E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:

- (1) districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- (2) districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and

following) and any other requirement of federal or state law.

(3) districts shall be geographically contiguous.

(4) the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) to the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

(6) to the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.

(7) to the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.

(F) The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate, or political group.

(G) By December 1, 2013, and thereafter by November 1 in each year ending in the number one (1), the commission shall adopt a final plan for the City of Austin specifically describing the district boundaries for each of the council districts prescribed above. Upon adoption, the commission shall certify the plan to the City Council. The city council may not change the plan. The plan shall have the force and effect of law.

(1) The commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.

(2) If the commission does not adopt a final plan by the dates in this section, the city attorney for the City of Austin shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent city council elections until a final plan is adopted by the commission to replace it.

(H) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the City Council if it determines that funds or other resources provided for the operation of the commission are not adequate. The City Council shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.

(I) Commission Selection Process.

(1) No later than December 1, 2012, and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all

registered City of Austin voters who meet the requirements of subdivision 3(D)(1) above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until February 1, 2013 and thereafter until September 30 in each year ending in the number zero.

(2) No later than December 1, 2012 and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all qualified independent auditors that reside in the City of Austin and who meet the requirements of subdivision 3(A)(5) above, in a manner that promotes a large pool of applicants and applicant diversity by race, ethnicity, gender, and geography. This process shall remain open until February 1, 2013 and thereafter until September 1 in each year ending in the number zero.

(3) The City of Austin Auditor shall remove from the commissioner or independent auditor applicant pool any person with conflicts of interest including:

(a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following:

(i) been appointed to, elected to, or have been a candidate for state or city office.

(ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.

(iii) been a registered state or local lobbyist.

(iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of Austin elective office in the last city election.

(b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Austin; person performing paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; any controlling person of any such consultant; or a spouse of any of the foregoing.

(4) No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall review the auditor review panel applicants and remove those who do not meet the prescribed qualifications in subdivision 3(A)(5) or have conflicts of interest as defined by subdivision 3(I)(3). No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall at a public meeting randomly draw the names of three qualified independent auditors from a pool consisting of all qualified independent auditors, without conflicts of interest, that have applied to serve on the Applicant Review Panel. After the drawing, the City Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors declines to serve on the panel or is disqualified because of any conflict of interest prescribed above in subdivision 3(I)(2), the City of Austin Auditor shall resume the random drawing at a public meeting as soon as possible until three qualified independent auditors who meet the requirements of this section have agreed to serve on the panel.

(5) No later than March 1, 2013, and thereafter no later than October 31 in each year ending in the number zero, the City of Austin Auditor shall have reviewed and removed individuals with conflicts of interest as defined in subdivision 3(I)(3), or fail to meet the qualification prescribed in subdivision 3

(D)(1), from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(6) No later than May 1, 2013, and thereafter by January 15 in each year ending in the number one, the Applicant Review Panel shall select a pool of 60 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Austin's diverse demographics and geography. The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Council.

(7) No later than May 2, 2013, and by January 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended applicants to the City Council. Each member of the City Council within five days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the City Council must be removed from the pool of applicants. No later than May 8, 2013, and thereafter by January 22 in each year ending in one, the Applicant Review Panel shall submit the pool of remaining applicants to the City of Austin Auditor.

(8) No later than May 9, 2013 and thereafter by January 23 in each year ending in the number one, the City of Austin Auditor shall randomly draw at a public meeting eight names from the remaining pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.

(9) No later than June 30, 2013, and thereafter by February 28 in each year ending in the number one, the eight commissioners shall review the remaining names in the pool of applicants and, from the remaining applicants in that pool, shall appoint six applicants to the commission. These six appointees must be approved by at least five affirmative votes among the eight commissioners. These six appointees shall be chosen to ensure that the commission reflects the diversity of the City of Austin, including, but not limited to, racial, ethnic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial. As for geographic diversity, for the first redistricting in 2013, the eight commissioners shall appoint the remaining six members to ensure geographic diversity and that at least three commissioners come from each of the four existing Travis County Commissioners districts, to the extent feasible with the remaining six open seats. As for the redistricting in each year ending in the number one thereafter, the eight commissioners shall ensure that at least one commission member resides in each of the then current council districts, to the extent feasible with the remaining six open seats.

(10) Once constituted, the commission shall conduct hearings and adopt a plan for the boundaries of the city's council districts as required by the charter of the City of Austin.

(J) Citizens Redistricting Commission Vacancy, Removal, Resignation, or Absence.

(1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the Commissioners.

(2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

(K) The activities of the Citizens Redistricting Commission are subject to all of the following:

- (1) the commission shall comply with all state and city requirements for open meetings.
- (2) the records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.
- (3) commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.
- (4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.
- (5) the commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.
- (6) notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.
- (7) the commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. In 2013, there shall be at least two such public hearings, before the commission votes on a preliminary plan, in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the then existing 10 council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

Following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed with at least one hearing in each of the four Travis County Commissioners' precincts and hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan. The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

(8) members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.

(9) the City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

(10) the commission shall remain inactive except when necessary to comply with its duties under this ordinance and the charter of the City of Austin.

Amendment note:

Section 3 appears as added at the election of November 6, 2012.

§ 4. TRANSITION.

(A) This section provides for a transition from the seven-member council elected at large to the 11-member council provided by this article. Except as provided in this section, and after the transition as prescribed in this section, the mayor and council members shall serve three- year terms.

(B) The three council members elected at large in May 2011 shall serve three-year terms. The mayor and three council members elected at- large in the May 2012 general election shall serve two-year terms.

(C) A general election shall be held for the council in May 2014, at which the mayor and the 10 council members elected from council districts shall be elected.

(D) As soon as practicable after assuming office after the May 2014 general election, the City Clerk shall divide at a public hearing the council members elected from council districts into two classes by drawing lots. Class One shall consist of five council members who shall serve initial two-year terms. Class Two shall consist of five council members who shall serve three-year terms.

(E) At the May 2016 general election, the five Class One council members elected by districts will be elected for three-year terms.

(F) At the May 2017 general election, the Mayor and five Class Two council members elected by districts will be elected for three year terms, marking the end of the transition period.

Amendment note:

Section 4 appears as added at the election of November 6, 2012.

§ 5. TERM LIMITS.

(A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may not be elected to the office of Mayor more than once in succession.

(B) Except as provided in Subsection (C), a person may not shall be elected to or serve on the City

Council in a position other than Mayor for more than two consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than Mayor more than once in succession.

(C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.

Amendment note:

Section 5 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 3, this section was added at the election of May 7, 1994, and had previously been amended at the election of May 13, 2006. Former subsection (D) concerned city officials elected prior to April 30, 2006, and expired on the date that no one subject to its provisions continued to serve in the office of Mayor or Councilmember.

§ 6. VACANCIES.

Where a vacancy in any place on the council shall occur, the vacant place shall be filled by a special election, and, where necessary, by a run-off election, in the same manner as provided in this Charter for the regular election of a councilmember. Such special election shall be held on the next available state uniform election date following the creation of the vacancy, and the run-off election shall be held according to state law following the preceding election; provided, however, that where a vacancy shall occur within ninety (90) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

Amendment note:

Section 6 appears as renumbered by Ord. 20121213-004. As former § 4, the section had previously been amended at the election of May 7, 1994.

§ 7. POWERS OF THE COUNCIL.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no power to, and shall not:

(A) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless:

(1) the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage, or other alienation is to be made; or

(2) a lease is to an independent school district, as defined by state law, for a purpose that two-thirds of the council find is a park purpose.

(B) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and

conditions under which such lease is to be made.

(C) Accept or admit liability in, or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding the city's liability therein.

Amendment note:

Section 7 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004.

§ 8. INVESTIGATIVE BODY.

The council shall have the express power to inquire into the official conduct of any department, agency, office, officer or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Amendment note:

Section 8 appears as renumbered by Ord. 20121213-004.

§ 9. INTERFERENCE IN PERSONNEL MATTERS.

Neither the council nor any of its members shall instruct or request the city manager or any of his or her subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative service of the city solely through the city manager and shall not give orders to any of the manager's subordinates either publicly or privately.

Amendment note:

Section 9 appears as renumbered by Ord. 20121213-004.

§ 10. MAYOR AND MAYOR PRO TEM.

The councilmember elected to and occupying the place designated "mayor" shall be the mayor of the City of Austin. At its first meeting following each regular election of councilmembers, the council shall, by election, designate one of its number as mayor pro tem, who shall serve in such capacity during the pleasure of the council. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for military purposes, but he or she shall have no regular administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

Amendment note:

Section 10 appears as renumbered by Ord. 20121213-004. As former § 8, the section had previously been amended at the election of April 5, 1969.

§ 11. CITY CLERK.

The council shall appoint the city clerk who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council.

Amendment note:

Section 11 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 9, the section had previously been amended at the election of April 7, 1973

§ 12. MEETINGS OF THE COUNCIL.

The council shall meet in regular session at the City Hall at least once each week at such time as may be prescribed by ordinance, unless otherwise ordered by the council for reasons to be spread upon the minutes. Special meetings of the council shall be called by the city clerk upon written request of the mayor or two (2) members of the council. All meetings shall be open to the public except as may be authorized by the laws of the State of Texas.

Amendment note:

Section 12 appears as renumbered by Ord. 20121213-004. As former § 10, the section had previously been amended at the election of April 7, 1973.

§ 13. RULES OF PROCEDURE.

The council shall by ordinance determine its own rules and order of business. A majority of the whole council shall constitute a quorum, and no action of the council shall be of any force or effect unless it is adopted by the favorable votes of a majority of the whole council. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

Amendment note:

Section 13 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 11, the section had previously been amended at the election of April 1, 1967.

§ 14. PROCEDURE TO ENACT LEGISLATION.

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two councilmembers, and shall be filed with and recorded by the city clerk before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall become effective until the expiration of 10 days following the date of its final passage, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of at least two-thirds of the councilmembers and contains a statement of the nature of the emergency.

Amendment note:

Section 14 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 12, the section had previously been amended at the election of April 1, 1967

§ 15. PUBLICATION OF ORDINANCE.

Except as otherwise provided by law or this Charter, the city clerk shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time after final passage thereof in some newspaper of general circulation in the city before the ordinance is effective. The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Amendment note:

Section 15 appears as renumbered by Ord. 20121213-004. As former § 13, the section had previously been amended at the election of May 7, 1994.

§ 16. CODE OF ORDINANCES.

Within six (6) months after the effective date of this section, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any ten (10) consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

Amendment note:

Section 16 appears as renumbered by Ord. 20121213-004.

§ 17. PROOF OF ORDINANCE.

An ordinance of the City of Austin may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the city, or by a copy of the ordinance certified by the city clerk to be a true copy of the same, or by the city clerk's official record thereof.

Amendment note:

Section 17 appears as renumbered by Ord. 20121213-004.

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

techsupport@amlegal.com
1.800.445.5588.