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## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2013-029 Enhanced Penalties

**Description:** Consider an ordinance amending Title 25 of the City Code to repeal and replace Section 25-1-462 relating to criminal enforcement and enhanced fines.

**Proposed Language:** See attached draft ordinance.

**Background:** Initiated by Council Resolutions 20130606-049 and 20130606-050

The proposed language increases the minimum fine when an offender is convicted of violating Technical Code (25-12).

**Staff Recommendation:** Staff recommends the proposed code amendment.

### **Board and Commission Actions**

**October 15, 2013:** Recommended by the Codes and Ordinances Subcommittee on a 4-0-1 vote (Commissioner Nortey abstaining).

**November 12, 2013:** To be reviewed by Planning Commission

### **Council Action**

**Ordinance Number:** NA

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ORDINANCE NO.

1 AN ORDINANCE REPEALING AND REPLACING CITY CODE SECTION 25-1-  
2 462 RELATING TO CRIMINAL ENFORCEMENT.

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4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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6 PART 1. City Code Section 25-1-462 (*Criminal Enforcement*) is repealed and replaced  
7 to read as follows:

8 §25-1-462 CRIMINAL ENFORCEMENT

9 (A) A person who violates a provision of this title is guilty of a separate offense  
10 for each day the violation of this title continues.

11 (B) Except as provided in Subsection (D), a person who violates this title  
12 commits a misdemeanor punishable by a fine not to exceed \$2,000.

13 (C) A culpable mental state is not required for fines of \$500.00 or less, and need  
14 not be proved.

15 (D) A person who violates Chapter 25-12 (*Technical Codes*) commits a  
16 misdemeanor punishable by a fine not to exceed \$2000 and not less than:

17 (1) \$1 for a first conviction;

18 (2) \$250 for a second conviction; and

19 (3) \$500 for a third or subsequent conviction.

20 PART 2. This ordinance takes effect on \_\_\_\_\_, 2013.

1 **PASSED AND APPROVED**

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5 \_\_\_\_\_, 2013

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Lee Leffingwell  
Mayor

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10 **APPROVED:** \_\_\_\_\_  
11 Karen M. Kennard  
12 City Attorney

13 **ATTEST:** \_\_\_\_\_  
14 Jannette S. Goodall  
15 City Clerk