

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2240.10

CULPABLE MENTAL STATE

AN ORDINANCE ENACTING VOLUME 1, ARTICLE 2, CHAPTER 5 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING THE REQUIRED MENTAL STATE FOR COMMISSION OF CERTAIN CRIMINAL MISDEMEANOR OFFENSES; AND PROVIDING FOR FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to provide for fair, unbiased and orderly administration of its Municipal Court, and the lawful implementation of its Criminal Code Enforcement program; and

WHEREAS, pursuant to Texas Penal Code §6.02, the Texas Legislature has required that municipalities specify the culpable mental state required to commit and be punished for certain offenses; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Volume 1, Article 2, Chapter 5 of the City of Dripping Springs Code of Ordinances is hereby established so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this

Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

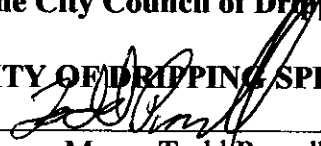
6. EFFECTIVE DATE

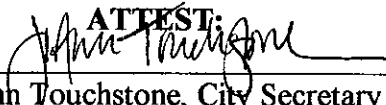
This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 13th day of May 2008, by a vote of 5_ (ayes) to 0__ (nays) to 0__ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:
by: 
Mayor Todd Purcell

ATTEST:

Jo Ann Touchstone, City Secretary

APPROVED AS TO FORM:
Alan J. Bojorquez, City Attorney

City of Dripping Springs
CODE OF ORDINANCES
VOLUME: 1

ARTICLE 2: CODE ENFORCEMENT

CHAPTER 5: CULPABLE MENTAL STATE

1. Criminal State of Mind for Criminal Ordinance Offenses

- 1.1. If the maximum allowable fine for an offense defined by a municipal ordinance of the City of Dripping Springs exceeds five hundred dollars (\$500.00), but the definition of the offense does not prescribe a culpable mental state, the culpable mental state shall be recklessness.
- 1.2. If the maximum allowable fine for an offense defined by a municipal ordinance of the City of Dripping Springs is less than five hundred dollars (\$500.00), but the definition of the offense does not prescribe a culpable mental state, or expressly dispenses with a culpable mental state, the culpable mental state shall be recklessness.