

Municipal Lawmaking: Ordinances, Resolutions, & Proclamations

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City Council may enact...

- Ordinances – to regulate people and property
- Resolutions – to express policies or opinions
- Proclamations – to recognize a person, organization, or event



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BROWSE THESAURUS

WORD OF THE DAY

WORDS AT PLAY

ordain

DICTIONARY

THESAURUS

ordain **verb**

or·dain | \ór-'dān  \

ordained; ordaining; ordains

Definition of *ordain*

transitive verb

1 : to invest (see [INVEST](#) entry 2 sense 1) officially (as by the laying on of hands) with ministerial or priestly authority

// was ordained as a priest

2 a : to establish or order by appointment, decree, or law : [ENACT](#)

// we the people ... do ordain and establish this Constitution

— *U.S. Constitution*

b : [DESTINE](#), [FOREORDAIN](#)

// It is futile to try to avoid what destiny has ordained.

Ordinances

- Local law prescribing general, uniform, and permanent rules of conduct.
- An act of legislation by the City Council or other municipal governing body.
- Has force of law over persons and property within municipal boundaries.
- Continues in force until the law is repealed.
- Can only be amended or repealed by another ordinance.

Ordinances: Example

Be it ordained by the City Council of Elle Woods, Texas: Section 1, Chapter 8 of the Code of Ordinances is to read as follows: “It shall be unlawful for the owner of a swimming pool to allow mosquitos to breed in the pool.”

Ordinances: Legal Authority

- LGC 51 authorizes cities to adopt, publish, amend or repeal an ordinance that:
 - is for the good government, peace, or order of a municipality or for trade and commerce; and
 - is necessary and proper for carrying out a power granted by law to a municipality or office/department.
- City ordinances operate with equal force as statutes on people and property within the corporate limits.

Ordinances: Requirements

- Comply with the U.S. Constitution, Texas Constitution, Federal & State Laws
- Be **reasonable** (not arbitrary, oppressive, capricious, or fraudulent)
- Contain an **ordaining clause** (LGC 52.002)
- Be published, if it establishes penalties for violations (LGC 52.011) or if required by City Charter or City Code

Ordinances: Procedure

- Publish notice of consideration in meeting agenda
- At council meeting:
 - Describe essential elements
 - Debate
 - Defeat, approve, postpone, or refer to committee
- If approved, mayor signs.

Caution: Additional requirements may be imposed by state law, city charter, or city code.



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WORDS AT PLAY

resolve

DICTIONARY

THESAURUS

resolve **verb**

re·solve | \ ri-'zälv , -'zölv *also* -'zäv or -'zöv\

resolved; resolving

Definition of *resolve* (Entry 1 of 2)

transitive verb

- 5** : to reach a firm decision about
// resolve to get more sleep
// resolve disputed points in a text
- 6** **a** : to declare or decide by a formal resolution and vote
b : to change by resolution or formal vote
// the house resolved itself into a committee

Resolutions

- A formal expression of the opinion or will of an official body or a public assembly, adopted by vote.
- Expresses intent or policy.
- Deals with matters of a special or temporary character.

Resolutions: Example

“Now, therefore, be it resolved that the City Council of Finchville, Texas, seeks introduction and passage of a bill in the 2019 legislative session of the Texas Legislature that expressly authorizing any municipality within the State of Texas to regulate and enforce juvenile curfews within its extraterritorial jurisdiction.”



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WORDS AT PLAY

proclaim

DICTIONARY

THESAURUS

proclaim **verb**

pro·claim | \ prō-'klām , prə-\

proclaimed; proclaiming; proclaims

Definition of *proclaim*

transitive verb

- 1 **a** : to declare publicly, typically insistently, proudly, or defiantly and in either speech or writing : ANNOUNCE
- b** : to give outward indication of : SHOW
// his manner proclaimed his genteel upbringing
- 2 : to declare or declare to be solemnly, officially, or formally
// proclaim an amnesty
// proclaim the country a republic

Proclamations

- A ceremonial document
- Issued by the Mayor
- Directed to a person, organization, or event
- No real legal effect

Proclamations: Example

“Now therefore, I, Vincent Gambini, Mayor of Two Youths, Texas, do hereby proclaim May 31, 2019, as Car Mechanic Appreciation Day.”

When to Use Which

1. Check State Law.
2. Check the City Charter and City Code.
3. If not specified in the above:
 - Ordinance - when the city is regulating persons or property and is imposing a fine.
 - Resolution - to express a city policy, dictate the city's own procedures, or direct the performance of city staff (if not imposing a fine or regulations persons or property).
 - Proclamation – to make a ceremonial decree.

Quiz!

- Your city is implementing a procurement policy.

Quiz!

- Your city is revising its building codes.

Quiz!

- Your city is mourning the recent death of Grumpy Cat.