Municipal Lawmaking: Ordinances, Resolutions, & Proclamations



7/4/2019

© Bojorquez Law Firm, PC (2018)

City Council may enact...

- Ordinances to regulate people and property
- Resolutions to express policies or opinions

Proclamations – to recognize a person, organization, or event

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- Continues in force until the law is repealed
- Can only be amended or repealed by another ordinance

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

Proclamations

- Ceremonial document
- Issued by the Mayor
- To a person, organization, or event
- With no real legal effect

Examples

Ordinance

"Be it ordained by the City Council of _____, Texas: Section 1, Chapter _____ of the Code of Ordinances is to read as follows: It shall be unlawful for the owner of a lot to allow weeds, brush, or other unsightly material to accumulate on the premises."

Resolution

"Now, therefore, be it resolved that the City Council of _____, Texas, seeks introduction and passage of a bill expressly authorizing any municipality within the State of Texas to regulate and enforce building codes within its extraterritorial jurisdiction."

Proclamation

"Now therefore, I, Steve Adler, Mayor of Austin Texas, do hereby proclaim March 26, 2015 as Communities In Schools Day."

When to Use Which

- An ordinance is required where the city is regulating persons or property and is imposing a fine.
- A resolution is useful to communicate with other levels of government – for instance, in support or opposition to state policy.
- A proclamation is more of a public relations move.
- State law authorizing a city's action may specify which to use.

Passing an Ordinance

- Introduction at Council Meeting
- Reading and Explanation
 - (No general requirement to read the full ordinance)
- Debate at Meeting
- Defeat/Approval, Postponement, or Referral to committee
- Signing by Mayor, once approved

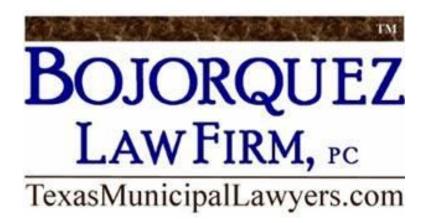
Legal Authority

- 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.

An Ordinance Must...

- 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)

Conclusion



© Bojorquez Law Firm, PC (2018)



please follow us on...







@BojorquezLaw

Bojorquez Law Firm



Bojorquez Law Firm, PC

#BojoLaw

© Bojorquez Law Firm, PC