

AN ORDINANCE 2008-03-06-0168

AMENDING CHAPTER 21, ARTICLE III, ENTITLED "NOISE", OF THE CITY CODE OF SAN ANTONIO, TEXAS REGULATING VEHICULAR MOUNTED SOUND AMPLIFICATION SYSTEMS, PROVIDING FOR A MINIMUM FINE OF \$300.00 FOR A THIRD VIOLATION AND REQUIRING THE PLEADING OF A CULPABLE MENTAL STATE TO ALLOW A MAXIMUM FINE OF UP TO \$2,000.00 PER VIOLATION.

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WHEREAS, violations of the provisions of Article III (Noise) of Chapter 21 of the City Code of San Antonio, Texas, as reflected by the number of citations issued for those violations, increased dramatically between 2006 and 2007; and

WHEREAS, in an effort to curb such violations, it is necessary to amend Article III to provide for increased fines for repeat offenders; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 21-58 of the City Code of San Antonio, Texas is hereby amended in its entirety as follows:

- (a) It shall be unlawful for a person to do or perform any act prohibited by this Article, and it shall be unlawful for a person to fail to do or perform any act required by this Article. A violation of this Article is a class C misdemeanor offense, no culpable mental state or criminal intent is required, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (b) Unless otherwise specifically provided for in this Article, if it is found that a person intentionally, knowingly or recklessly violated any provision of this Article, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) except that, in the event a person has once previously been convicted under this

Article, the person shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

- (c) Nothing in this Section shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter. Each day's violation thereof shall constitute a separate offense.

SECTION 2. All other provisions of Article III shall remain in full force and effect.

SECTION 3. Funds generated by this ordinance will be deposited into Fund 11001000 (General Fund), Internal Order 203000000026 (Municipal Court Fines), General Ledger 4602100 (Fines—Non-Traffic).

SECTION 4. The financial allocations in this ordinance are subject to approval by the Director of Finance. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific cost centers, WBS elements, internal orders, general ledger accounts, and funds as necessary to carry out the purposes of this ordinance.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

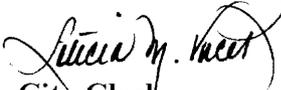
SECTION 6. The City Clerk of the City of San Antonio is hereby directed to publish notice of this ordinance as required by the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 7. This ordinance shall take effect ten days from the date of passage.

PASSED AND APPROVED this 6th day of March, 2008.

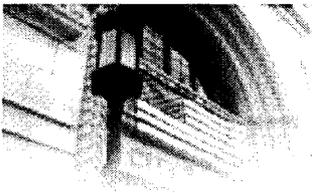

M A Y O R
PHIL HARDBERGER

ATTEST:

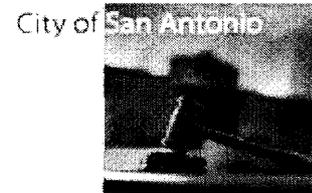

City Clerk

APPROVED AS TO FORM:


for City Attorney



Request for
COUNCIL



Agenda Voting Results - 15

Name:	15						
Date:	03/06/2008						
Time:	11:11:59 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 21, Article III, entitled "Noise", of the City Code of San Antonio, Texas regulating vehicular mounted sound amplification systems, providing for a minimum fine of \$300.00 for a third violation and requiring the pleading of a culpable mental state to allow a maximum fine of up to \$2,000.00 per violation. [Erik J. Walsh, Assistant City Manager; William P. McManus, Police Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				x
John G. Clamp	District 10		x			x	

Affidavit of Publisher

AMENDING CHAPTER 21, ARTICLE III, ENTITLED "NOISE", OF THE CITY CODE OF SAN ANTONIO, TEXAS REGULATING VEHICULAR MOUNTED SOUND AMPLIFICATION SYSTEMS, PROVIDING FOR A MINIMUM FINE OF \$300.00 FOR A THIRD VIOLATION AND REQUIRING THE PLEADING OF A CULPABLE MENTAL STATE TO ALLOW A MAXIMUM FINE OF UP TO \$2,000.00 PER VIOLATION. PASSED AND APPROVED THIS 6TH DAY OF MARCH, 2008.

/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
3/14

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the An Ordinance 2008-03-06-0168 here to attached has been published in every issue of said newspaper on the following days, to wit:

03/14/2008.

Helen I. Lutz

Sworn to and subscribed before me this 14th day of of March, 2008.

Martha L. Machuca

