

## CHAPTER II

### ORDINANCES

#### Article 1

#### PROCEDURE

##### 102.0101 VOTING, RECORD OF

The yeas and nays shall be taken by the governing body upon the passage of all ordinances and on all propositions to create any liability against the city or for the expenditure of appropriation of money, and, in all other cases, at the request of any member, which shall be entered on the journal of its proceedings, and the concurrence of a majority of all the members elected shall be necessary to the passage of any such ordinance or other matter which shall come before it for decision, except as otherwise provided by law or ordinance. It shall require a two-thirds vote of all the members elected to sell any city property. A member of the governing body who passes his vote, or who remains silent when the roll call on the vote is taken, shall be deemed to have voted yea and a record of yea shall be entered in the journal.

##### 102.0102 RECONSIDERATION OR RESCINDING VOTE

No vote of the governing body shall be reconsidered or rescinded at a special meeting unless, at such special meeting there is present as large a number of members as was present when such vote was taken.

##### 102.0103 PROCEDURE IN PASSING ORDINANCES

All ordinances shall be read twice, and the second reading shall not be had in less than one week after the first reading; and after such first reading, before the final passage, such ordinances may be amended, and shall then be put upon their second reading and final passage; provided such ordinance is not enacted until it is approved by the mayor or passed over the mayor's veto, the ordinance shall be deposited in the office of the city auditor for approval by the mayor. If he approves the ordinance, he shall sign it. If he disapproves, he shall return the ordinance with his written objections to the next regular or special meeting of the council occurring not less than five days after the passage thereof. If he fails to return the ordinance with his objections within said time, he shall be deemed to have approved the same. He may veto an entire ordinance or items thereof. An ordinance vetoed in whole or in part may be reconsidered by the council and passed over the veto by a two-thirds vote.

##### 102.0104 PUBLICATION

The title and penalty clause of each ordinance, imposing any penalty, fine, or imprisonment for its violation, after its final adoption, shall be published in one issue of the official paper of the city.

#### 102.0105 EFFECTIVE DATE

Ordinances adopted and requiring publication shall take effect and be in force from and after publication unless otherwise provided. Ordinances not requiring publication shall take effect and be in force from and after final approval unless otherwise provided.

#### 102.0106 EFFECT OF REPEAL

When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The city auditor shall keep an ordinance book. All councilmen shall keep copies of the ordinance book. Both the auditor and councilmen shall record in such book, all ordinances finally passed and approved.

#### 102.0107 GENERAL PENALTIES FOR VIOLATION

In case no other specific penalty is prescribed for the violation of any section or provision of any ordinance of the city of Taylor, any person found guilty of violating the same shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any section or provision of any article shall constitute a separate offense.

#### 102.0108 COSTS OF PROSECUTION

In every case of conviction of a violation of any ordinance, or any part thereof, the cost of prosecution shall be assessed against the person convicted, as part of the punishment.

#### 102.0109 JUDGEMENT ON CONVICTION

In all trials for offenses under the ordinances of the city of Taylor, if the defendant is found guilty, the municipal judge shall render judgement accordingly.

#### 102.0110 COMMITMENT FOR VIOLATION OF CITY ORDINANCE

If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in Section 102.0109, he may be required to work for the city at such labor as his strength and health will permit, not exceeding eight (8) hours in each working day. For that work, the person so imprisoned shall be allowed for each day, exclusive of his board, \$10.00 on account of the fines and costs assessed against him.

102.0111 REFUSAL TO WORK

Any person refusing to perform manual labor in accordance with the sentence of the court, shall be deemed in contempt of court and shall be punished accordingly. No credit shall be allowed such person on account of such fine and cost for the day or days that such person refuses to perform manual labor in accordance with the sentence of the court.

102.0112 FINES - NO REMISSION

Under no circumstances shall the municipal judge remit fines or penalties or payment of costs.

102.0113 MUNICIPAL JUDGE MAY ENFORCE ORDERS AND JUDGMENTS

The municipal judge shall have the power to enforce due obedience to his orders and judgments. He may fine or imprison for civil contempt offered to him while holding court, or to process issue, or orders made by him. When an act or omission constituting a contempt in a municipal court is not committed in the immediate view and presence of a municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest thereupon may issue on which the person accused may be arrested and brought before the municipal judge immediately. Such person must be given a reasonable opportunity to employ counsel and excuse or defend against the alleged contempt. After hearing the allegations and proofs, the municipal judge may discharge him or adjudge him guilty and may punish by fine or imprisonment or both. The fine in any case shall not be more than \$100.00 and the imprisonment shall not be more than one day.