



Texas House of Representatives

State Representative

Helen Giddings

District 109

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OPINION COMMITTEE

May 7, 2004

FILE # ML-43684-04
I.D. # 43684

The Honorable Greg Abbott
Office of the Attorney General
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0220-GA

Dear General Abbott:

Section 54/012 (5) of the Texas Local Government Code authorizes a municipality to bring a civil action for the enforcement of an ordinance which implements civil penalties under subchapter B of Chapter 54 for conduct classified by statute as a class C misdemeanor.

I request an opinion on the following issues:

- 1) Is a municipality authorized to enact an ordinance pursuant to section 54.012 (5) of the Texas Local Government Code which does not relate to the subject matters contained in subsections 54.012 (1), (2), (3), (4), (6), (7), (8), and (9)?
- 2) Assuming that the municipality has enacted an ordinance providing the appropriate jurisdiction, may a municipality file a civil action under subchapter B of Chapter 54 of the Texas Local Government Code to enforce an ordinance which provides for civil penalties if the ordinance enacts the civil penalty provision pursuant to sections 54.012 (5) and 54.017 of the Texas Local Government Code?

Sincerely,

Helen Giddings
Representative Helen Giddings
Chair, House Committee on Business and Industry

*Committees: Chair, Business & Industry • Higher Education
House Administration • Chair, Research and Oversight Council*