

# Municipal Lawmaking: Ordinances, Resolutions, & Proclamations

# City Council may enact...

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

# Ordinances

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- Continues in force until the law is repealed
- Can only be amended or repealed by another ordinance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

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- 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

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

# Examples

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## ■ 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

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- 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.
- An ordinance may only be amended or repealed by an ordinance, and a resolution by a resolution.

# Passing an Ordinance

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- 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

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- 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...

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- 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

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