

To the Mayor and Members of the City Council

January 14, 2025

Page 1 of 1



SUBJECT: CODE COMPLIANCE COMMERCIAL PROPERTY FINES

The purpose of this Informal Report is to explain when the City last reviewed the fines for commercial property violations and if the fines should be increased.

Ordinance Amendment

An amendment to the Texas Penal Code enacted by the 79th Texas Legislature requires the inclusion of a culpable mental state for certain offenses defined by municipal ordinances. Texas Penal Code Section 6.02 requires proof of a culpable mental state for offenses punishable by a fine exceeding \$500. Where a possible fine is less than \$500, the City may choose not to require a culpable mental state.

In February 2019, to comply with state law, the City Council revised sections in the Code to specify a culpable mental state for all violations where possible punishment exceeds \$500 and removed the requirement for any violation where the punishment is less than \$500. As a result, a fine for the violation of an ordinance that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed \$2,000. All other violations may not exceed \$500.

Commercial Code Violations

Below are the most common citations issued for commercially zoned properties. If paid after a plea of no contest, the fine for each violation is \$500 plus an additional \$76 for court costs as determined by State law. If an individual pleads not guilty and elects to go to court or otherwise be arraigned, our Municipal Court prosecutors make a recommendation on the fine amount within the range noted above and the fine schedule is decided and approved by the City’s Chief Judge on a case by case basis.

Citation Code	FY2020	FY2021	FY2022	FY2023	FY2024	YTD FY2025
Certificate Of Occupany - Vacant Land (59101)	1	3	0	2	16	4
Certificate of Occupancy - Building (59201)	17	24	13	12	34	15
Illegal Land Use (59400)	457	415	405	266	208	44
Outdoor Storage and Display (59411)	12	20	20	8	25	5
Automotive Repair/Paint & Body Shop (59416)	0	0	1	2	13	4
Dumpster Screening Requirements (59427)	0	0	0	6	27	3

Recommendation

The City operates within State law with regard to fines imposed for commercial code violations, with the Judge determining the final fine within a range, so there is no recommendation at this time.

For questions regarding this information, please contact Brian Daugherty, Code Compliance Director at Brian.Daugherty@fortworthtexas.gov or (817) 392-6322.

David Cooke
City Manager