



**RQ-1074**

**René O. Oliveira**  
Texas House of Representatives  
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January 26, 1998

Opinion Committee  
Sarah Shirley, Chair  
Office of the Attorney General  
P.O. Box 12548  
Austin, TX 78711-2548

FILE # ML-40040-98 RECEIVED  
I.D. # 40040 JAN 26 1998

Dear Ms. Shirley:

Opinion Committee

On behalf of the City of Brownsville which I represent, I am respectfully requesting an Attorney General's opinion regarding the Texas Health and Safety Code.

The question: If a Texas city adopts an ordinance modeled after Section 485.019 of the Texas Health and Safety Code, can that city set the maximum penalty for violation of that ordinance at a fine of more than one hundred dollars?

The maximum fine for violation of Section 485.019 of the health and Safety Code has been set at one hundred dollars. The City of Brownsville, if it adopts such an ordinance, would like to set the maximum fine for violation of that ordinance at several times higher than one hundred dollars. However, the city will not endeavor to take such action if it proves to unconstitutional or otherwise illegal.

Enclosed for your review is the proposed ordinance that Brownsville wishes to adopt. Thank you for your consideration.

Sincerely,

René O. Oliveira  
State Representative  
District 37