

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ADOPTING AND ENACTING A NEW AND REVISED CODE OF ORDINANCES AND ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH CODE AS WELL AS PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE DESIGNATION OF SUCH CODE AND HOW IT MAY BE CITED; PROVIDING FOR CATCHLINES OF SUCH CODE AND PROVIDING FOR CERTAIN DEFINITIONS AND RULES OF CONSTRUCTION FOR SUCH CODE; PROVIDING FOR THE AMENDMENT OR ADDITION TO SUCH CODE; PROVIDING FOR SUPPLEMENTATION OF SUCH CODE; PROVIDING FOR SUPPLEMENTATION OF SUCH CODE; ESTABLISHING A GENERAL PENALTY FOR VIOLATIONS OF THE CODE IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, EXCEPT FOR VIOLATIONS OF PROVISIONS THAT GOVERN FIRE SAFETY, ZONING, PUBLIC HEALTH AND SANITATION, OTHER THAN VEGETATION AND LETTER VIOLATIONS, IN WHICH THE MAXIMUM AMOUNT SHALL BE ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY OF PARTS OF THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION 1.

That the Code of Ordinances, consisting of Chapters 1 through 13, each inclusive, is hereby adopted and enacted as the Code of Ordinances, City of Terrell, Texas, and shall be treated and considered as a new and original comprehensive ordinance, which shall supercede all other and general and permanent ordinances passed by the City Council on or before August 19, 1986, to the extent provided herein.

SECTION 2.

That all provision of such code shall be in full force and effect from and after the 16th day of September, 1986, and all ordinances of a general and permanent nature of the City of Terrell, Texas, enacted on final passage on or before August 19, 1986, and not included in this code or recognized and continued in force by reference herein are hereby repealed from and after the 16th day of September, 1986, except as hereinafter provided. No resolution of the city is repealed by this ordinance.

SECTION 3.

That the repeal provided for in Section 2 above shall not affect any of the following:

- a) Any events of act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date of this code;
- b) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- c) Any contract or obligation assumed by the city;
- d) Any right of franchise granted by the city;
- e) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating or affecting the right-of-way of any street or public way in the city;
- f) Any ordinance relating to municipal street maintenance agreements with the State of Texas or the County of Kaufman;
- g) Any appropriation ordinance or ordinance providing for the levy of taxes or for adoption of an annual budget;
- h) Any ordinance relating to local improvements and assessments therefore;
- i) Any ordinance annexing territory to the city or discontinuing territory as a part of the city;
- j) Any ordinance dedicating or accepting any plat or subdivision in the city;
- k) Any ordinance pertaining to the holding of municipal elections;
- l) Any ordinance authorizing the installation of traffic control devices, designating speed limits or establishing stop intersections within the city;
- m) Any ordinance establishing rates to be charged by privately-owned utility companies operating within the city;
- n) Any ordinance pertaining to zoning regulations and any amendments thereto; and/or
- o) Any ordinance enacted after August 19, 1986.

The repeal provided for in Section 2 shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance, which is repealed by this ordinance.

SECTION 4.

That whenever in such Code of Ordinances or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whatever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code or any such ordinance shall be punished by a fine not exceeding two hundred dollars (\$200.00), except for violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, other than vegetation and litter violations, in which the maximum fine shall be one thousand dollars (\$1,000.00) for each offense. Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day any violation of such Code of Ordinances or any ordinance shall continue shall constitute a separate offense unless otherwise designated. Any violation of any provision of such Code of Ordinances which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the city for such purposes.

SECTION 5

That any and all amendments and additions to such Code of Ordinances, when passed in such form as to indicate the intention of the city council to make the same a part of the code, shall be deemed to be incorporated in such code so that reference to the "Code of Ordinances, City of Terrell, Texas," shall be understood and intended to include such additions and amendments.

SECTION 6

That in case of amendment of any section of such code for which penalty is not provided, the general penalty as provided in Section 4 of this ordinance shall apply to the section as amended, or, in case such amendment contains provision from which a penalty other than the aforementioned general penalty is provided in another section of the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended unless the penalty is specifically repealed therein.

SECTION 7

That a copy of the Code of Ordinances shall be kept on file in the office of the city secretary in looseleaf form. It shall be the express duty of the city secretary or someone authorized by the city secretary to insert in the designated places, all amendments or ordinances which indicate the intention of the city council to make the same a part of such Code of Ordinances, when the same has been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the city council such copy of such code shall be available for all persons desiring to examine the same at any time during regular business hours.

SECTION 8

That it shall be an offense for any person to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause a law of the city of Terrell to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

SECTION 9

That said Code of Ordinances shall be admitted in evidence without further proof and the city secretary shall record said code as adopted in the ordinance records of the city, and thereafter such record shall serve as a record of the ordinances so codified and it shall not be necessary in establishing the content of any particular ordinance so codified to go beyond said record.

SECTION 10

That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of the Code of Ordinances hereby adopted are severable and, if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections, since the same would have been enacted by the city council without the incorporation of any constitutional phrase, clause, sentence, paragraph or section.

SECTION 11

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 12

That this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

DULY ADOPTED, PASSED AND APPROVED on the first reading by the City council of Terrell, Texas, on the 2nd day of September 1986.

DULY ADOPTED, PASSED AND APPROVED on second final reading by the city Council of the City of Terrell, Texas, on this the 16th of September, 1986.

APPROVED:

Mayor

ATTEST:

City Secretary