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***Editor's note**—Printed herein is the Charter of the Town of Addison, Texas, as adopted by the voters on August 12, 1978. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. As Charter amendments altered the name of the municipality from city of Addison to Town of Addison, and at the instructions of the town, "City of Addison" has been changed to "Town of Addison" and "town hall" is substituted for "city hall."

State law reference—Authority for adoption and amendment of the Charter, Texas Const., Art. XI, § 5.

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ARTICLE I. INCORPORATION—FORM OF GOVERNMENT—POWERS

Section 1.01. Incorporation.

The inhabitants of the Town of Addison, Texas within the corporate limits as now established or as hereafter established in the manner provided by law and by this Charter, shall continue to be a municipal body politic and incorporate in perpetuity, under the name of the "Town of Addison." (Ord. No. 775, § 1, Prop. 1, 2-23-1982, election 4-3-1982)

Section 1.02. Boundaries.

The boundaries and limits of the Town of Addison shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this Charter and such boundaries are on file with the City Secretary.

Section 1.03. Form of government.

The municipal government provided by this Charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, by the statutory laws of Texas, and by this Charter, all powers of the town shall be vested in an elective Council, hereafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies, appoint the Judge of the Municipal Court, and appoint the City Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed, or if the manner be not prescribed, then in such manner as may be prescribed by Ordinance.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

Editor's note—The municipal court no longer exists, having been replaced by a municipal court of record. See V.T.C.A., Government Code § 30.00971 et seq.

Section 1.04. Annexation and disannexation.

The Town may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or

shape desired in any manner provided by state law. In addition thereto, the Town may annex additional territory lying adjacent to the Town with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with state law. Such annexations shall be accomplished by Ordinance providing for the alteration and extension of the boundary limits, which Ordinance shall describe the territory to be annexed and shall be published one time in the official newspaper. Amendments reducing the area may be incorporated into the proposed Ordinance without the necessity of publishing said amendments and without the necessity of republication of said Ordinance as amended. The proposed Ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the publication thereof, and upon the final passage of any such Ordinance, the boundaries of the Town shall thereafter be as fixed in such Ordinance. The additional territory annexed shall be a part of the Town and the property situated therein shall bear its pro rata part of the taxes levied by the Town as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the Acts, Ordinances and Resolutions of the Town.

State law reference—Annexation, V.T.C.A., Local Government Code ch. 43.

Section 1.05. Powers.

The Town of Addison may exercise all powers that now are or hereafter may be granted to municipalities by the Constitution or the laws of the State of Texas. All such powers, whether expressed or implied[,] shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed herein, in such manner as may be provided by Ordinance or Resolution of the Council of the Town of Addison.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the Town may have and shall exercise all other powers which, under the Constitution of the State of Texas, it would be competent for the Charter specifically to enumerate.

The Town of Addison shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the enabling act relative thereto, passed by the Thirty-third Legislature of the State of Texas, found in the published laws of said legislature, regular session, pages 307 to 317, and effective July 7, 1913, and all other laws passed by the legislature of the State of Texas, relating thereto, or which may hereinafter [hereafter] be passed by said legislature in relation to such matters.

The Town of Addison may acquire property within or without its corporate limits for any municipal purpose; may cooperate with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any County, City, or political subdivision to accomplish any lawful purpose for the advancement of the health, morals, safety, convenience, or welfare of the Town of Addison or its inhabitants, may sell, lease, mortgage, hold, manage and control such property as its interest may require provided the Town shall not sell, convey, lease, mortgage, or otherwise alienate any public utility without prior approval of the qualified voters of the Town; may exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or the Constitution or laws of the State of Texas; and may lay out, establish, open, alter, widen, lower, extend, grade, abandon, close, care for, dispose of, abolish, discontinue, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and all fruit stands, show cases and encroachments of every nature or character upon any of said streets, sidewalks, or other public property.

State law reference—City charters authorized, Texas Const., Art. XI, § 5.

ARTICLE II. THE COUNCIL

Section 2.01. Number.

The legislative and governing body of the Town shall be a City Council which shall be composed of

a mayor and six (6) council members. When used in this Charter, the phrase "member of the Council" shall mean and include the Mayor or any council member.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.02. Qualifications.

The members of the City Council shall be qualified voters of the Town of Addison who have been residents of the Town for at least one year and who shall never have been convicted of a felony offense or any offense involving moral turpitude.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.03. Removal from office; Council to be judge of qualifications of its members.

A member of the Council may be removed from office, in accordance with the procedures set forth in this Charter, if he:

- (1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law;
- (2) Commits any act of official misconduct including but not limited to:
 - a. wilfully violating any express prohibition of this Charter,
 - b. failing to discharge the member's official duties as set out in this Charter, or
 - c. committing acts in the member's official capacity which the member had no authority to commit;
- (3) Is incompetent;
- (4) Is convicted of a felony offense or any offense involving moral turpitude;
- (5) Fails to attend four (4) consecutive regular meetings of the Council without first being excused by the Council.

The Council shall be the judge of the election and qualifications of its members. If a member of

the Council is charged with a ground for removal, a hearing shall be set not less than ten (10) days nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his defense, but he shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of a majority of the members of the Council plus one additional affirmative vote, the accused member shall be removed from office and his seat declared vacant. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

(Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.04. Compensation.

Compensation of members of the City Council shall be determined by the Council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of Mayor and/or Council members elected at the next regular election. Members of the City Council shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties, with the approval of the City Council at a public meeting.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.05. Vacancies in Council.

A single vacancy in the Council shall be filled by a majority vote of the remaining members of the Council within thirty (30) days of the vacancy at a meeting subsequent to the date on which the vacancy occurs. The person selected shall not be one of the remaining members of the Council and once chosen, he shall serve until the next general town election shall be held to fill the unexpired term or regular term, as the case may be. Provided, however, that since any vacancy which occurs within forty-five (45) days prior to a general Town election does not allow time for candidates to file for such a vacated Council position, the appointment to fill such a vacancy shall be

made within thirty (30) days after the election and not before the election. When two (2) or more vacancies exist, a special election shall be held to elect successors to fill the vacated unexpired terms, provided that if such vacancies occur within ninety (90) days prior to a regular Town election, then such successors shall be elected at such regular Town election. When two (2) or more vacancies occur within forty-five (45) days prior to such regular Town election and there is insufficient time for candidates to file for the vacated Council positions, a special election shall be held as soon as possible after the regular general Town election.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.06. Mayor.

The Mayor shall preside at meetings of the Council, shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The Mayor may participate in the discussion of and shall be entitled to vote on all matters coming before the Council. A vacancy in the office of Mayor shall be filled by the Council in the same manner as provided in Section 2.05 except that one of the remaining Council members may be selected as Mayor.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.07. Mayor pro tempore.

The Council shall elect from among the Council members a (i) Mayor Pro Tempore who shall perform the duties of Mayor in case of the absence or disability of the Mayor, and (ii) a Deputy Mayor Pro Tempore who shall serve as Mayor Pro Tempore in the absence or disability of the Mayor Pro Tempore. In case of the absence or disability of the Mayor, the Mayor Pro Tempore and the Deputy Mayor Pro Tempore, the remaining members of the Council shall elect one of their members to act as Mayor temporarily during such absence or disability.

(Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.08. Powers of the City Council.

All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- a. Appoint and remove the City Manager as hereinafter provided;
- b. Reserved;
- c. Adopt the budget of the Town;
- d. Authorize the issuance and sale of bonds, by a Bond Ordinance;
- e. Collectively inquire into the conduct of any office, department or agency of the Town and make investigations as to Municipal affairs;
- f. Appoint the members of the Planning and Zoning Commission;
- g. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by Town Ordinance or by law;
- h. Adopt and modify the zoning plan and the building code of the Town;
- i. Adopt and modify the official map of the Town;
- j. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- k. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the clearance of slum districts and rehabilitation of blighted areas;
- l. Regulate the speed of engines, locomotives or other power-driven equipment operating upon tracks, rail, or defined routes, either at ground level, overhead or underground within the limits of the Town, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians;
- m. Regulate, license and fix the charges or fares by any person, firm or corporation owning, operating or controlling any vehicle or [of] any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the Town;
- n. Provide for the establishment of districts and limits, except as otherwise provided hereinafter; within the Town, where the sale of spirituous, vinous and malt liquors may be located and maintained; and to prohibit the sale of such liquors or the locations of such businesses without such defined districts or limits;
- o. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits;
- p. Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections;
- q. Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties [for failure] to pay such fees and charges. To define nuisances; and, to prohibit same; and provide penalties for violations;
- r. Provide for all necessary public utilities and set fees and charges therefore [therefor] and provide penalties for misuses of same;

- s. Exercise exclusive dominion, control and jurisdiction, (including the right to close and abandon streets and alleys), in and upon, over and under, the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the Town; and, provide for the improvement of same, as provided in V.T.C.A., Transportation Code ch. 313, as now, or hereafter amended;
- t. Compromise and settle any and all claims, demands, and lawsuits, of every kind and character, in favor of, or against, the Town of Addison;
- u. To require bonds, both special and general, or all contractors and others constructing or building for the Town, and set up standards, rules, and regulations therefor;
- v. To pass Ordinances defining and prohibiting misdemeanors and vagrancy; and, provide penalties for violations;
- w. To provide and/or arrange for any and all "Civil Defense Measures," and "Public Shelter Measures" for the Town of Addison, Texas, and for the citizens thereof, deemed necessary for the Public Welfare;
- x. To exercise, or delegate to the Mayor, extraordinary and total Executive powers, (on a temporary basis), during the existence and duration of any major public disaster, for the Public Welfare;
- y. Appoint Judge of Municipal Court;
Editor's note—The municipal court no longer exists, having been replaced by a municipal court of record. See V.T.C.A., Government Code § 30.00971 et seq.
- z. Provide for an independent audit.
 (Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.09. Interference in administrative matters.

Except as herein provided in this Charter, the Council and its members shall deal with the administrative departments and personnel solely through the City Manager, and neither the Mayor, the Council, nor any member thereof shall give

directives to any subordinate of the City Manager, either publicly or privately. Neither the Council nor any of its committees or members shall require or attempt to require the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the department of administrative service vested in the Manager by this Charter.
 (Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

Section 2.10. Meetings of the City Council.

The City Council shall hold at least one or more regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) Council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.
 (Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

State law reference—Open meetings and notices thereof, V.T.C.A., Government Code ch. 551.

Section 2.11. Rules of procedure.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. Five (5) members of the City Council shall constitute a quorum to do business, and, except as otherwise provided for herein, any Ordinance, Resolution, or other action shall require at least four (4) affirmative votes to be adopted or passed. Minutes of the proceedings of all meetings

of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the Town. The vote upon the passage of all Ordinances and Resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.

(Ord. No. 088-032, § 1, 7-12-1988, election 7-12-1988; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 2.12. Procedure for passage of ordinances.

a. The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the Town of Addison, Texas:". Every ordinance enacted by the Council shall be signed by the mayor, or in his absence or disability, the mayor pro tempore or by at least three (3) councilmen, and the authenticity of such signature shall be attested by the city secretary. The approval signature of the mayor shall not be necessary to make an ordinance or resolution valid.

b. Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every Ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other Ordinance required by law or this Charter to be published, by causing of the said Ordinance, or its caption and penalty, to be published at least one time within ten (10) days after final passage thereof in the official newspaper of the Town. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary, shall be conclusive proof of the legal publication and promulgation of such Ordinance, in all Courts. Such Ordinance shall take effect ten (10) days after the date of such publication, provided that any penal Ordinance passed as an emergency measure under the preceding paragraph of this Article shall take effect immediately on its publication.

Every Ordinance shall be authenticated by the signature of the Mayor and the City Secretary, and shall be systematically recorded and indexed in an Ordinance Book in a manner approved by the Council.

c. The City Council shall have power to cause the Ordinances of the Town to be corrected, amended, revised, codified, and printed in code form, as often as the Council deems advisable; and, such printed Code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same, or any part thereof, in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

(Ord. No. 775, § 1, Prop. 1, 2-23-1982, election 4-3-1982)

Section 2.13. Official bonds for town employees.

The City Manager and the City Secretary and such other Town officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council payable to the Town of Addison, and conditioned upon the faithful discharge of the duties of such persons, and upon the faithful accounting for all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas; and, the premium of such bonds must be acceptable to the City Council.

Section 2.14. Investigation by the City Council.

The City Council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the Town and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey such subpoena, or to produce books, papers or other evidence as ordered under the provisions of this

section shall constitute a misdemeanor and shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

Section 2.15. Independent annual audit.

Prior to the end of each fiscal year the Council shall designate qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town Government and shall submit their report to the Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the Town Government or of any of its officers. They shall not maintain any accounts or records of the Town business, but, within specifications approved by the Council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the Town Government. A copy of such audit shall be kept in the office of the City Secretary subject to inspection by any citizen and officer during regular office hours.

State law reference—Audits, V.T.C.A., Local Government Code ch. 103.

Section 2.16. Reserved.

Editor's note—The provisions of former § 2.16, municipal judge, were deleted pursuant to amendments of Ord. No. 092-073, adopted Nov. 24, 1992, which amendments were approved at an election on Jan. 16, 1993. The deleted provisions derived from the Charter as adopted Aug. 12, 1978, amended by Ord. No. 775, § 1, Prop. 3, adopted Feb. 23, 1982, approved at an election April 3, 1982.

Section 2.17. Induction of Council into office.

The first meeting of each newly elected Council, for induction into office, shall be the next regular meeting following its election. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the swearing in of such newly elected Council members.

Section 2.18. Reserved.

Editor's note—The provisions of former § 2.18 were deleted pursuant to the results of an election held Jan. 16, 1993, which adopted amendments enacted by Ord. No. 092-073, adopted Nov. 24, 1992. The deleted provisions pertained to the Council judging the qualifications of its members and derived from the Charter adopted Aug. 12, 1978.

ARTICLE III. CITY MANAGER

Section 3.01. Appointment and qualifications.

The City Manager shall be chosen by a vote of at least four (4) members of the Council. The selection of the City Manager shall be made on the basis of his character, executive and administrative training, experience and ability, and without regard to political consideration. No member of the City Council shall, during the time for which he is elected and for two (2) years thereafter, be appointed City Manager.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 3.02. Term and salary.

The City Manager shall not be appointed for a definite term and may be removed at the will and pleasure of the City Council by a vote of at least four (4) members of the Council. The motion of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. The City Manager shall receive compensation as may be fixed by the Council.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 3.03. Powers and duties.

The City Manager shall have the power to:

- (a) Appoint, suspend, and remove all town employees and appointive administrative officials provided for in this Charter, except as otherwise provided by law or this Charter.
- (b) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by law or this Charter.
- (c) See that all state laws and Town Ordinances are effectively enforced.

- (d) Attend all City Council meetings, with the right to take part in discussion, but not to vote.
- (e) Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions.
- (f) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- (g) Keep the City Council fully advised as to the financial condition of the Town, and make such recommendations concerning the affairs of the Town as the City Council deems desirable or necessary.
- (h) Make reports as the City Council may require concerning the operations of town departments, offices, or agencies subject to the Manager's direction or supervision.
- (i) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter, or state or federal law.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

Section 3.04. Absence of City Manager.

To perform his duties during his temporary absence or disability, the City Manager may designate by letter filed with the City Secretary a qualified administrative officer of the Town. In the event of failure of the City Manager to make such designation, the Council may by Resolution appoint an officer of the Town to perform the duties of the City Manager until he shall return or his disability shall cease.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

(a) The Council may establish town departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies,

except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other department, office or agency.

(b) All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the head of two or more of them.

(c) Consistent with applicable federal and state laws, the City Council shall provide by Ordinance for the establishment, regulation and maintenance of a merit system, governing personnel policies, grievances, and other procedures and practices necessary to effective administration of the employees of the Town of Addison. (Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

Section 4.02. Reserved.

Editor's note—Section 4.02, relative to the fire department, has been deleted pursuant to Ord. No. 088-032, § 1, Prop. 3, adopted July 12, 1988, approved at an election Aug. 13, 1988.

Section 4.03. Reserved.

Editor's note—Section 4.03, relative to the department of public works, has been deleted pursuant to Ord. No. 775, § 1, Prop. 4, adopted Feb. 23, 1982, approved at an election of April 3, 1982.

Sections 4.04, 4.05. Reserved.

Editor's note—Sections 4.04 and 4.05, relative to the finance department and the tax assessor-collector, have been deleted pursuant to Ord. No. 088-032, § 1, Prop. 3, adopted July 12, 1988, approved at an election of Aug. 13, 1988.

Section 4.06. City Secretary.

The City Council shall appoint an officer of the Town, who shall have the title of City Secretary. The City Secretary shall give notice of the Council meetings, shall keep minutes of its proceedings, shall authenticate by his or her signature and record in full in a book kept for the purposes of all Ordinances and Resolution and shall perform such other duties as shall be required by this

Charter or by the City Manager. He or she may be removed from office by the City Council. To perform the City Secretary's duties during his or her temporary absence and disability, the City Manager may appoint an assistant City Secretary until he or she shall return or their disability shall cease.

(Ord. No. 084-043, § 1, Prop. 2, 6-26-1984, election 8-11-1984)

Section 4.07. Municipal Court.

a. The city council may, by ordinance, create and provide for municipal courts to be known as municipal courts of the Town of Addison, as it may deem necessary, and may appoint one or more judges to serve each court. The municipal court shall have jurisdiction: (1) over all criminal cases arising under the ordinances of the town within the town limits and outside the town limits to the extent authorized by state law; (2) concurrent with the appropriate state court of all criminal cases arising under the laws of the state, where the offense is committed within the town limits of Addison and the penalty does not exceed that which is established for municipal courts by state law; (3) over the forfeiture and collection of bonds given in proceedings therein, and to order the forfeiture of cash acceptance bonds upon failure of the defendant to appear, and to accept the same in lieu of a fine; (4) over cases involving a license or permit granted by the town for any calling, occupation, business or vocation, and in addition to the punishment to be imposed therefor, the court may suspend or revoke the license or permit so granted; (5) enforce all process of the courts in accordance with state law and town ordinance, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment; (6) punish for contempt, admit to bail, forfeit bonds under such circumstances as provided by county courts, or county courts exercising criminal jurisdiction only; (7) over all other matters and cases provided for by state law or town ordinance.

b. Each of the municipal courts of the Town of Addison shall be presided over by a judge or judges, each of whom shall be designated as "municipal judge." Each judge shall be licensed to practice law in the State of Texas and a member

in good standing of the State Bar of Texas. The municipal judges shall be appointed by the Council and may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability, after a public hearing before the Council. Municipal judges shall receive such salary as may be fixed by the Council.

c. The City Manager shall appoint a Court Clerk of said court.

d. The clerk of said court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said Courts and conducting the business thereof.

e. In case of the disability or absence of the Judge of the Municipal Court, the Council shall appoint a person to act in his place as an alternate judge.

f. The Council may appoint alternate judges to act in the place of the Municipal Court Judge. (Ord. No. 775, § 1, Props. 2, 3, 2-23-1982, election 4-3-1982; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Editor's note—The municipal court no longer exists, having been replaced by a municipal court of record. See V.T.C.A., Government Code § 30.00971 et seq.

Section 4.08. City Attorney.

The City Council shall appoint a competent and duly qualified and licensed Attorney, practicing law in the State of Texas, who shall be the Attorney for the Town (and may also be referred to as City Attorney.) He shall receive for his services such compensation as may be fixed by the City Council and shall hold his office at the pleasure of the City Council. The Attorney for the Town, or such other attorneys selected by him, with the approval of the City Council, shall represent the Town in all litigation. He shall be the legal advisor of, and Attorney and Counsel for, the Town and all officers and departments thereof; provided, that the City Council may retain special counsel at any time they deem same appropriate and necessary.

Section 4.09. Reserved.

Editor's note—Section 4.09, relative to the establishment of other departments, has been deleted pursuant to Ord. No. 088-032, § 1, Prop. 3, adopted July 12, 1988, approved at an election Aug. 13, 1988. Former § 4.09 was previously amended by Ord. No. 775, § 1, Prop. 4, adopted Feb. 23, 1982, approved at an election of April 3, 1982.

Sections 4.10, 4.11. Reserved.

Editor's note—Section 4.10, relative to other departments, and § 4.11, relative to department heads, have been deleted pursuant to Ord. No. 775, § 1, Prop. 4, adopted Feb. 23, 1982, approved at an election of April 3, 1982.

ARTICLE V. MUNICIPAL FINANCE*

Section 5.01. Fiscal year.

The fiscal year of the Town of Addison shall begin on October 1 of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year.

Section 5.02. Preparation and submission of budget.

The City Manager, prior to August first of each year, shall prepare and submit the budget, covering the next fiscal year, to the Council, which shall contain the following information. In preparing this budget, each employee, officer, board and department shall assist the City Manager by furnishing all necessary information.

- a. The City Manager's budget message shall outline the proposed financial policies for the next fiscal year with explanations of any changes from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the Town.
- b. An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year.
- c. A carefully itemized list of proposed expenses by office, department, agency, and

project for the budget year, as compared to actual expenses of the last ended fiscal year, and the present year to date.

- d. A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the Town has incurred and which has not been paid.
- e. A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and recommended provision for financing.
- f. A list of capital projects which should be undertaken within the five (5) next succeeding years.

State law reference—Preparation of municipal budget, V.T.C.A., Local Government Code ch. 102.

Section 5.03. Budget a public record.

The budget and all supporting schedules shall be filed with the City Secretary when submitted to the Council and shall be open to public inspection by anyone interested.

Section 5.04. Public hearing on budget.

At the council meeting at which time the budget is submitted, the council shall name the date and place of a public hearing and shall cause to be published in the official newspaper of the town the time and place, which will be not less than fifteen (15) days nor more than thirty (30) days after date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any items of expense.
(Ord. No. 775, § 1, Prop. 5, 2-23-1982, election 4-3-1982)

Section 5.05. Proceedings on adoption of budget.

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least three (3) days prior to the beginning of the next fiscal year, adopt the budget by a favorable ma-

***State law reference**—Municipal finance, V.T.C.A., Local Government Code ch. 101 et seq.

majority vote. If the Council fails to adopt the budget, the Town shall continue to operate under the existing budget until such time as the Council adopts a budget for the ensuing fiscal year. (Ord. No. 088-032, § 1, Prop. 4, 7-12-1988, election of 8-13-1988)

Section 5.06. Budget, appropriation and amount to be raised by taxation.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations as proposed expenditures for the current year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

Section 5.07. Unallocated reserve fund.

The City Manager may recommend[,] for action by the Council, an unallocated reserve fund to be used for expected items of expense which were not contained as original items of expenditure.

Section 5.08. Amendment and supplemental budgets.

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the Council may amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by Ordinance, and shall become an attachment to the original budget.

(Ord. No. 088-032, § 1, Prop. 4, 7-12-1988, election 8-13-1988)

Section 5.09. Certification; copies made available.

A copy of the budget, as finally adopted, shall be filed with the City Secretary, Dallas County Clerk, and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, mimeographed or otherwise reproduced and suf-

ficient copies shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

Section 5.10. Defect shall not invalidate the tax levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

Section 5.11. Bonds, warrants and other evidences of indebtedness.

1. *Power to issue.* In keeping with the constitution of the State of Texas, and not contrary thereto, the Town of Addison shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the General Laws of the State of Texas.

2. *Manner of issuance.* Bonds and warrants of the Town of Addison shall be issued in the manner provided by the General Laws of the State of Texas applicable to cities and towns.

Section 5.12. Power to tax.

The Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the Town of Addison, not exempt from taxation by the constitution and laws of the State of Texas, based upon its true value as provided by law, to the extent of the constitutional limit permitted by the State of Texas to cities of over five thousand (5,000) population.

The Council may levy taxes on all property, privileges, and franchises, of every kind and description, within the Town limits or having its situs therein on January 1 of each year, and from any other local source, and provide for the rendition thereof, the place, time and manner of payment thereof, with penalties, as the Council may deem best, not in violation of the laws of this State.

Sections 5.13—5.15. Reserved.

Editor's note—Sections 5.13—5.15, relative to notice of property taxation and tax rolls, have been deleted pursuant to Ord. No. 088-032, § 1, Prop. 5, adopted July 12, 1988, approved at an election of Aug. 13, 1988.

Section 5.16. Where payable; no demand necessary.

All taxes shall be payable at the office of the Collector and Assessor of taxes in the Town of Addison at the Finance building or at such other places in the Town of Addison as may be specifically designated by the Council.

No demand for such taxes shall be necessary, but it is the duty of the taxpayer to make such payment of such taxes in cash within the time specified.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

Section 5.17. Removing property from Addison.

If anyone against whom a personal tax is assessed and unpaid, whether the same is delinquent or not, shall have removed or be about to remove his personal property out of the Town, it shall be the duty of the Assessor and Collector of taxes to proceed at once to collect such taxes by seizure and sale of such personal property.

Section 5.18. Inadequate description.

In any suit by the Town of Addison for the collection of any delinquent tax where it shall appear that the description of any property on the assessment rolls shall be insufficient to identify such property, the Town shall have the right to set up in its pleading a good description of the property intended to be assessed, and to prove the same, and to have judgment foreclosing its tax lien upon the same, and personal judgment against the owner, for such taxes, the same as if the property were fully described upon the assessment rolls.

When the owner of any property, or his agent, shall render any property to the County appraisal district for assessment, and such property is assessed in accordance with description furnished

by such owner or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for the collection of such taxes, but the same shall be binding upon such owner, and shall be sufficient for all purposes of such assessment.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

Section 5.19. Power to correct errors.

The Council shall have the power to cancel any uncollectible taxes upon the tax rolls.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

Section 5.20. Ratification.

All taxes heretofore assessed are ratified and all Ordinances relating to taxes now in force shall continue until amended or repealed by the Council.

Sections 5.21—5.26. Reserved.

Editor's note—Sections 5.21—5.26, relative to taxation and the board of equalization, have been deleted pursuant to Ord. No. 088-032, § 1, Prop. 5, adopted July 12, 1988, approved at an election of Aug. 13, 1988.

Section 5.27. Payment, delinquency, penalties.

The taxes herein and hereby authorized to be levied shall become due and payable October 1 of the year assessed, and the same shall be payable in cash at the office of the Assessor and Collector of taxes. Taxes shall be deemed and become delinquent if not paid prior to February 1, the year following assessment, and such delinquent taxes shall be subject to a penalty and shall bear interest at the rates prescribed by Ordinance of the City Council. In addition to such penalties and interest, a delinquent taxpayer shall be subject to the payment of all costs and expenses that may be incurred in the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas, and such penalties and interest shall be collected in the same manner as other taxes. The Council may by Ordinance provide that all taxes, either current

or delinquent, due to the Town of Addison may be paid in installments except that such installments shall not exceed, one year.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

State law reference—Delinquency date, V.T.C.A., Tax Code § 31.02.

Section 5.28. Tax levy and lien.

A lien is hereby created on all property, personal and real, in favor of the Town of Addison, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January first in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the Assessor and Collector of taxes can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes.

All persons or corporations owning or holding personal property or real estate in the Town of Addison on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the Town of Addison is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

State law reference—Tax liens, V.T.C.A., Tax Code ch. 32.

Section 5.29. Seizure and sale of personal property.

The Assessor and Collector of taxes shall, by virtue and of the tax rolls of the Town, have power and authority to seize and levy upon all such personal property and sell the same to satisfy all delinquent taxes together with all penalty, interest and costs due on said personal property to the Town. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale on same by posting a written notice at the Town Hall door and one at another public place within the Town at least ten (10) days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of caring for said

property, and shall make an entry in the book of sales of the amount realized. All such sales [shall] be made at the front door of [the] Town Hall. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Section 5.30. Reserved.

Editor's note—Section 5.30, relative to joint interest in property, has been deleted pursuant to Ord. No. 088-032, § 1, Prop. 5, adopted July 12, 1988, approved at an election of Aug. 13, 1988.

Section 5.31. General powers.

Unless otherwise provided by this Charter and by Ordinances passed hereunder, all property in the Town liable for taxation shall be assessed in accordance with the general laws of the state insofar as applicable. In addition to the powers herein conferred with reference to the assessment and collection of taxes, the Town of Addison shall have and may exercise all powers and authority now conferred or which may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general law of the State of Texas.

Section 5.32. Reserved.

Editor's note—Section 5.32, relative to the city manager acting as assessor and collector of taxes, has been deleted pursuant to Ord. No. 088-032, § 1, Prop. 5, adopted July 12, 1988, approved at an election of Aug. 13, 1988.

Section 5.33. Purchasing.

(a) The City Council may by Ordinance, give to the City Manager general authority to contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by all the Council.

All contracts for expenditures involving more than the set limits must be expressly approved in advance by the Council. The City Council, or City Manager in such cases as he is authorized to contract for the Town, shall have the right to reject any and all bids.

(b) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or the City Manager if given authority by

the Council, without competitive bidding. Such emergency shall be declared by the City Manager and approved by the City Council, or may be declared by the City Council.

(Ord. No. 088-032, § 1, Prop. 6, 7-12-1988, election 8-13-1988)

ARTICLE VI. FRANCHISES AND PUBLIC UTILITIES

Section 6.01. Powers of the town.

In addition to the Town's power, right and authority to buy, construct, lease, maintain, operate and regulate public utilities, and to manufacture, distribute and sell the output of such utilities' operations, the Town shall have all further rights, authorities, and powers as may now, or hereafter, be granted under the Constitution and laws of the State of Texas.

Section 6.02. Franchises; power of the City Council.

The City Council shall have power by Ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the Town of Addison. All Ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such Ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such Ordinance shall be published once a week for four (4) consecutive weeks in the official newspaper of the Town of Addison, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years; nor shall same be transferable, except with the approval of the City Council, expressed by Ordinance.

Section 6.03. Franchise value not to be allowed.

No value shall be assigned to any franchise granted by the Town of Addison under this Char-

ter, in fixing reasonable rates and charges for utility service within the Town, and in determining the just compensation to be paid by the Town for Public utility property which the Town may acquire by condemnation, or otherwise.

Section 6.04. Right of regulation.

All grants, removals, extensions, or amendment of public utility franchises, whether it be so provided in the Ordinance or not, shall be subject to the right and power of the City Council of the Town of Addison:

- a. To repeal the Ordinance, at any time, upon the failure of the grantee to comply with any provision of the Ordinance, the franchise, the Charter of the Town of Addison, any applicable Statute of the State of Texas, or the rule of any applicable governmental body.
- b. To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures of the highest reasonable standard of efficiency.
- c. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- d. At any time to examine and audit the accounts and other records of any such utility, and to require annual, and other reports, including reports on operations within the Town of Addison.
- e. To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.
- f. To require such compensation and rental as may be permitted by the laws of the State of Texas.

Section 6.05. Grant not to be inclusive.

No grant, contract, or franchise, to construct, maintain, or operate a public utility, for or in Addison, Texas, and no renewal or extension of such grant, contract, or franchise, shall be exclusive.

Section 6.06. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but, nothing in this Charter, or in any franchise granted thereunder, shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

Section 6.07. Extensions.

All extensions of public utilities within the Town limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 6.08. Temporary permits.

Permits unconditionally revocable at the will of the City Council for minor or temporary privileges in the streets, public ways and public places of the Town may be granted and revoked by Ordinance from time to time, and such permits shall not be deemed franchises as the term is used in this Charter.

Section 6.09. Other conditions.

All franchises heretofore granted are recognized as contracts between the Town of Addison and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except that the power of the Town of Addison to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the Town heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures of the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility

franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council of the electors of the Town in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas.

Section 6.10. Franchise records.

Within six (6) months after this Charter takes effect, every public utility and every owner of public utility franchises shall file with the Town, as may be prescribed by Ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the Town of Addison. The Town shall compile and maintain a public record of public utility franchises.

Section 6.11. Accounts of municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the Town, in such manner as to show the true and complete financial results of such Town ownership and operation, including all assets, appropriately subdivided into different classes, all liability subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues; operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The accounts shall show the actual capital cost to the Town of each public utility owned, also the cost of all extensions, additions, and improvements and the source of the funds, expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other City or governmental department. The Council shall annually cause to be made by a certified public accountant, and shall publish, a report showing the financial condition of said public utility and the financial results of such Town ownership and operation, giving the

information specified in this section and such additional data as the Council shall deem expedient.

Section 6.12. Regulations of rates and services.

The City Council shall have full power, after due notice and hearing, to regulate by Ordinance the rates and service of every public utility operating in the Town of Addison.

Section 6.13. Rate changes.

No person or corporation enjoying any franchise to operate a public utility within the Town of Addison shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the Town of Addison without first being authorized by the City Council of the Town by an Ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the City Council of the Town under the authority otherwise conferred in the Charter of the Town in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the City Council of the Town specifically setting out the grounds of complaint against any such order or Ordinance fixing any rate or charge and until the City Council of the Town shall have passed upon the said motion for rehearing.

ARTICLE VII. MUNICIPAL PLANNING AND ZONING*

Section 7.01. Platting of property.

Hereafter, every owner of any tract of land situated within the corporate limits of the Town of Addison, Texas, who may divide the same in two (2) or more parts for the purpose of laying out any subdivision or any addition to the Town, or seeks to have issued a building permit to construct any improvement on such land, shall comply with the provisions of V.T.C.A., Local Government Code ch.

*State law reference—Planning and zoning, V.T.C.A., Local Government Code chs. 211—213.

212, as now or hereafter amended, [which] is hereby adopted and incorporated herein for all purposes.

Section 7.02. Development of property.

The City Council shall cooperate in every manner possible with persons interested in the development of property within, or beyond, the Town limits. No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions, situated within or beyond the corporate limits of the Town; except, (where feasible for the Town) for the extension of utilities or services to such areas.

Section 7.03. Master plan.

a. The official master plan of the Town shall be used as a guide by the City Council and the City Planning and Zoning Commission for development of the Town with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development.

b. The master plan may be amended by majority vote of the whole Council, and such amendments as are read into the master plan shall be entered therein and shall become part thereof and of the official records of the Town.

Section 7.04. Planning and Zoning Commission.

The City Council shall have the power and authority to appoint a City Planning Commission, in accordance with the General Laws of the State of Texas, as provided for in V.T.C.A., Local Government Code chs. 211 and 371, as now, or hereafter, amended; and the City Council and Town of Addison shall have all of the rights, privileges, powers, and authority, given, permitted and granted under the laws of the State of Texas, relative to zoning and planning in, for, and of, municipalities, and their environs. Such commission may also be designated and referred to as the "City Zoning Commission." The present City Zoning Commission of the Town of Addison may continue to serve, (or, may be specially designated by the City Council, as the City Planning Commission or

City Planning and Zoning Commission, and shall, in such event, thereafter serve under such new title).

With each signature shall be stated the place of residence of the signer, giving the street, number or other description sufficient to identify it.

ARTICLE VIII. NOMINATIONS AND ELECTIONS

Section 8.01. Election.

The regular Town election shall be held on the first Saturday in May of each year or on such day established by state law, at which time, officers will be elected to fill those offices which become vacant that year. The Council shall fix the hour and place for holding such elections. The Council, may, by Resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election. (Ord. No. 088-032, § 1, Prop. 7, 7-12-1988, election 8-13-1988)

State law reference—Election duties, V.T.C.A., Election Code § 41.001.

Section 8.02. Regulation of elections.

The Council shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud, and shall make provisions for recount of the ballots in case of doubt or fraud. The Council will appoint election officials who will conduct the municipal elections consistent with this Charter, regulations, made by the Council, or the laws of the State of Texas.

State law reference—Election judges and clerks, V.T.C.A., Election Code ch. 32.

Section 8.03. Nominations.

Any person having the qualifications required by this Charter may place his own name in nomination as candidate for Mayor or Councilman by filing with the City Secretary, or may be placed in nomination by a petition signed by at least ten (10), or not more than fifteen (15) qualified voters, who shall be designated as his sponsors. No voter shall sign more than one petition and should a voter do so, his signature shall be void except as to the petition first filed.

Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary not earlier than ninety (90) days nor later than thirty (30) days before the election.

Acknowledgment of nomination by each nominee will be in writing and will be accepted by the City Secretary or other persons authorized to administer oaths under the laws of the State of Texas.

Any person who has placed his own name in nomination or has been placed in nomination by petition shall take the following oath:

"I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the Town of Addison, a resident of the State of Texas for at least one year and of the Town of Addison or an area now within the corporate limits of the Town of Addison for at least one year. I am not in arrears in the payment of any taxes or other liability due the Town. At the present time, I reside at _____ Street in the Town of Addison."

Signature of candidate _____
Date and hour of filing _____
Received by: _____
(Signature of City Secretary)

The petition placing a person in nomination shall be in the following form:

"We, the undersigned voters of the Town of Addison, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, 19____, and we individually certify that we are qualified to vote for a candidate for Mayor or Councilman and that during the current election we

have not signed any other nominating petition for that office."

Name _____ Street and number _____
 Address from which last registered (if different) _____
 Date of signing _____

These above statements will contain the following notarization:

["]State of Texas

County of Dallas

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this the _____ day of _____ 19____."

State law reference—Candidacy for town office, V.T.C.A., Election Code ch. 143.

Section 8.04. Number, selection, and term of Council.

The Council shall be composed of a Mayor and six (6) council members who shall be elected and serve in the following manner subject to the adopting of this Charter:

- a. The Mayor and Councilmen in office at the time of the adoption of this Charter shall continue to serve as Mayor and Councilmen under this Charter until the expiration of their present terms of office, or until their successors have been elected or selected and duly qualified under this Charter.
- b. In each odd-numbered year three (3) council members and a Mayor shall be elected and in each even-numbered year three (3) council members shall be elected.
- c. The Mayor and other members of the Council shall be elected from the Town at large, for a term of two (2) years.

- d. The candidate for Mayor who receives the highest number of valid votes by qualified electors voting at the election shall be declared elected.
- e. The candidates for election to the places of Councilmen, equal in number to the number of vacancies to be filled, who receive the highest number of valid votes cast by qualified electors voting at the election, shall be declared elected.
- f. In case of a tie vote as to any two (2) or more candidates, the Council shall order a special election within not less than thirty (30) days nor more than forty (40) days after the regular election to resolve the tie vote as between such candidates.
- g. All elections shall be held in accordance with the election laws of the State of Texas and the provisions of this Charter.
- h. No person shall serve as Mayor for more than three (3) successive terms of office, and no person shall serve as a council member for more than three (3) successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any two-year term.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 8.05. Prohibiting holding or running for other office.

(a) No person elected to the City Council, or Mayor, shall during the term for which he was elected, be appointed to any office or position of emolument in the service of the Town. If a member of any board appointed by the Council or any officer appointed by the City Council shall become a candidate for election to any public office, he shall immediately forfeit his place or position with the Town.

(b) A Council member or the Mayor shall forfeit his office if he becomes a candidate for nomination or election to any elected public office other than nomination or re-election to his present office.

(Ord. No. 088-032, § 1, Prop. 7, 7-12-1988, election 8-13-1988)

Section 8.06. Conducting and canvassing elections.

Returns of all municipal elections, both general and special, shall be made by the election officers to the Council at the next regular meeting after the election, at which time the Council shall canvass the votes, declare the results of such election; with notification of election to candidate elected.

State law reference—Canvassing elections, V.T.C.A., Election Code ch. 67.

ARTICLE IX. INITIATIVE AND REFERENDUM

Section 9.01. General power of initiative and referendum.

The qualified voters of the Town of Addison, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum.

Section 9.02. Initiative.

Qualified voters of the Town may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed Ordinance or Resolution to a vote of the qualified voters of the Town. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the tax collector of Dallas County, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall personally sign his name and address in ink or indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the date, the month and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

Section 9.03. Form of initiative and referendum petition.

The petition mentioned above must be addressed to the City Council of the Town of Addison, (and) must have attached to it a copy of the proposed legislation. The signature shall be verified by oath in the following form:

["]STATE OF TEXAS

COUNTY OF DALLAS

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this the _____ day of 19____

Notary Public,
Dallas County, Texas["]

Section 9.04. Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signature thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising an initiative or referendum petition shall be filed with the person performing the duties of City Secretary on the same day. Within fifteen (15) days from the filing of such petition, the

person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition and proposed Ordinance or Resolution to the City Council at its next regularly scheduled meeting. Upon presentation to it of the draft of the proposed Ordinance or Resolution, it shall become the duty of the Council, within twenty (20) days after the receipt thereof, to pass and adopt such Ordinance or Resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election as approved by State Law or if not controlled by State Law, the date of which election shall be within thirty (30) days thereafter, at which the qualified voters of the Town of Addison shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 9.05. Referendum.

Qualified voters of the Town of Addison may require that any Ordinance or Resolution, with the exception of Ordinances or Resolutions appropriating money, fixing salaries or levying taxes, passed by the Council be submitted to the voters of the Town of Addison for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after the final passage of said Ordinance or Resolution, or within thirty (30) days after its publication. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from a list of qualified voters maintained by the tax collector of Dallas County. Each signer of such petition shall personally sign his name and address in ink or indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall write thereon the date, the month and the year his

signature was affixed. Said petition shall be submitted to the person performing the duties of City Secretary. Within fifteen (15) days from the filing of such petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition to the Council at its next regularly scheduled meeting.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 9.06. Voluntary submission of legislation by the Council.

The Council, upon its motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed Ordinance, Resolution or measure or may submit for repeal any existing Ordinance, Resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

Section 9.07. Form of ballots.

The ballots used when voting upon such proposed and referred Ordinance, Resolution or measure, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"For the Ordinance" and

"Against the Ordinance" or

"For the Resolution" and

"Against the Resolution."

Section 9.08. Publication of proposed and referred Ordinances.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the Town the proposed or referred Ordinance or Resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to

such election as are required in general municipal elections or by the Ordinance or Resolution calling said election.

Section 9.09. Adoption of Ordinances.

If a majority of the qualified voters voting on any proposed Ordinance or Resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as law or as a mandatory order to the Council.

Section 9.10. Inconsistent Ordinances.

If the provision of two (2) or more proposed Ordinances or Resolutions approved at the same election are inconsistent, the Ordinance or Resolution receiving the highest number of votes shall prevail.

Section 9.11. Ordinances passed by popular vote, repeal or amendment.

No Ordinance or Resolution which may have been passed by the Council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the Council in response to the referendum petition or submission as provided in Section 9.05 of this Charter.

Section 9.12. Further regulations by the Council.

The Council may pass Ordinances or Resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.

Section 9.13. Franchise Ordinances.

Nothing contained in this article shall be construed to be in conflict with any of the provisions of this Charter, pertaining to Ordinances granting franchises when valuable rights shall have accrued thereunder.

ARTICLE X. RECALL

Section 10.01. Scope of recall.

Any elected Town official, whether elected to office by the qualified voters of the Town or

appointed by the Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the Town on grounds of incompetency, misconduct or malfeasance in office.

Section 10.02. Petitions for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the Town, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the tax collector of Dallas County. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month, and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

Section 10.03. Form of recall petition.

The recall petition mentioned above must be addressed to the Council of the Town of Addison, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. The signature shall be verified by oath in the following form:

["] STATE OF TEXAS

COUNTY OF DALLAS

I, _____, being first duly sworn on oath depose and say that I am one of the signers of the above petition; and, that the statements made therein are true, and that each signature appearing thereto was made in

my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

 Subscribed and sworn to before me this the _____ day of _____, 19____.

 Notary Public,
 Dallas County, Texas["]

Section 10.04. Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons, but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day and said City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Addison address.

Section 10.05. Presentation of petition to the Council.

Within fifteen (15) days from the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person perform-

ing the duties of the City Secretary shall present said petition to the City Council at its next regularly scheduled meeting.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 10.06. Public hearing to be held.

The officer whose removal is sought, may within five (5) days after such recall petition has been presented to Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Section 10.07. Duty to receive petition; Election to be called.

The Council, upon being presented with a recall petition, shall receive the petition, shall order an election in accordance with the requirements of this Charter and applicable law, and shall take all other steps necessary to effect a recall election.

If each officer whose removal is sought does not resign, then it shall become the duty of the Council to order an election and fix a date for holding such recall election. The date of the recall election shall be on the earlier of (i) the next available uniform election date as provided by law or (ii) if not contrary to State Law, the next available date that allows sufficient time to comply with other requirements of law not less than twenty-five (25) days after the date such petition was presented to the Council, or after the date of the public hearing if one was held.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 10.08. Ballots in recall election.

Ballots used at recall elections shall conform to the following requirements:

- a. With respect to each person whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

- b. Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"No" "Yes"

Section 10.09. Result of recall election.

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "Yes," that is, for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office, and the vacancy [shall] be filled as vacancies in the Council are filled, as provided in this Charter.

Section 10.10. Recall, restrictions thereon.

No recall petition shall be filed against any officer of the Town within three (3) months after his election, nor within three (3) months after an election for such officer's recall.

Section 10.11. Reserved.

Editor's note—The provisions of former § 10.11 were deleted pursuant to the results of an election held Jan. 16, 1993, which adopted amendments enacted by Ord. No. 092-073, adopted Nov. 24, 1992. The deleted provisions pertained to the failure of the council to call an election and derived from the Charter adopted Aug. 12, 1978.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 11.01. No officer or employee to accept gift, etc.

No officer or employee of the Town of Addison shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation, or other company, contractor or individual which currently has a grant, franchise, or contract with said Town during the term of office of such officer, or during such employment of such employee, except as authorized by law or ordinance. Any officer or employee of the

Town who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by Ordinance for this offense, and forthwith be removed from office.

(Ord. No. 088-032, § 1, Prop. 9, 7-12-1988, election 8-13-1988)

Section 11.02. Officers or employees of the Town not to have financial interest in any contracts of the Town.

No officer or employee of the Town shall have a financial interest, direct or indirect, in any contract with the Town, or be financially interested, directly or indirectly, in the sale to the Town of any land, materials, supplies or services, except on behalf of the Town as an officer or employee. Any knowing or willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the City Council of the Town shall render the contract involved voidable by the City Council. The restrictions contained in this section shall be cumulative of those required and provided by state law.

(Ord. No. 088-032, § 1, Prop. 9, 7-12-1988, election 8-13-1988)

Section 11.03. Retirement system and social security; group insurance.

The Council shall have the power to provide for coverage of its appointed officers and employees under the Workmen's [Workers'] Compensation, Retirement and Social Security systems provided by laws of the State of Texas for such officers and employees, of the Town; and for group insurance coverage of such officers and employees, with the Council having power to provide for the payment of all or any part of the cost.

State law references—Workers' compensation, V.T.C.A., Labor Code ch. 401 et seq.; Texas Municipal Retirement System, V.T.C.A., Government Code § 851.001 et seq.; Social Security for municipal employees, V.T.C.A., Government Code ch. 606.

Section 11.04. Restriction of sale of alcoholic beverages.

Sale of alcoholic beverages for off-premises consumption is hereby restricted and limited to the existing west side of Inwood Road between the southern corporate limits and the southern right-of-way of Belt Line Road and such area being more specifically described as follows:

Commencing at a point on the south right-of-way of Belt Line Road (a 100-foot R.O.W.) and the west right-of-way of St. Louis Southwestern Railway Company (a 100-foot R.O.W.);

Thence, in a westerly direction along the south right-of-way of Belt Line Road, a distance of 93.02 feet, more or less, to the point of beginning, said point being the most northerly point of a corner clip;

Thence, continue westerly along said south R.O.W. a distance of 159.5 feet, more or less, to a point;

Thence, in a southerly direction along the common property line (plat bearing south 0 degrees 26 minutes east), a distance of 2,601.27 feet, more or less, to a point on the Addison/Farmers Branch town limits;

Thence, in an easterly direction along said town limits line (plat bearing north 88 degrees 58 minutes 14 seconds west), a distance of 971.37 feet, more or less, to a point on the west right-of-way of Inwood Road;

Thence, northwesterly along said west right-of-way of Inwood Road, a distance of 2,676.56 feet, more or less, to a point, being the most southerly of a corner clip;

Thence, in a northwesterly direction along said corner clip, a distance of 48.31 feet, more or less, to said point of beginning.

(Ord. No. 775, § 1, Prop. 6, 2-23-1982, election 4-3-1982)

State law reference—Charter may prohibit liquor sales in residential areas, V.T.C.A., Alcoholic Beverage Code § 109.31.

Section 11.05. Notice of damage or injury required.

(a) The Town of Addison shall never be liable for any claim for any personal injury, whether such personal injury results in death or not, or for

any claim for damage or injury to personal property, unless the person damaged or injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within ninety (90) days or within six (6) months for good cause shown from the date the damage or injury was received, give notice in writing to the City Manager or City Secretary of the facts outlined in subsection (d) hereinbelow.

(b) The Town of Addison, Texas, shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf, shall, within ninety (90) days or within six (6) months for good cause shown from the date the damage or injury was received, give notice in writing to the City Manager or City Secretary of the facts outlined in subsection (d) hereinbelow.

(c) In addition to the notice required in subsection (a) or (b), the Town of Addison, Texas, shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work for the Town of Addison unless the specific defect causing the damage or injury shall have been actually known to the City Manager at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the City Manager shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the City Manager or City Secretary of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the Town itself, through its agents, servants or employees, or acts of third parties.

(d) The notice required herein shall contain the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received;

- (2) The nature of the damage or injury sustained;
- (3) The apparent extent of the damage or injury sustained;
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred;
- (5) The amount for which each claimant will settle;
- (6) The telephone numbers and the actual place of residence of each claimant by street;
- (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed; and
- (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

(e) No suit of any nature whatsoever shall be instituted or maintained against the Town of Addison unless the plaintiff therein shall aver and prove that prior to the filing of the original petition, the plaintiff applied to the City Council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the City Council refused.

(f) All notices required hereby shall be effectuated by serving them upon the City Secretary or City Manager, and all such notices shall be effective only when actually received in the office of the person named above.

(g) Neither the Mayor, a City Councilmember nor any other officer or employee of the Town shall have the authority to waive any of the provisions of this section.

(h) The written notices required under the subsections (a) and (d) shall be sworn to by the person claiming the damage or injuries or by

someone authorized by him to do so on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

(i) No provision of this section shall ever be so construed as to expand the ordinary liability of the Town under the applicable law. (Ord. No. 088-032, § 1, Prop. 10, 7-12-1988, election 8-13-1988)

State law reference—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code ch. 101.

Section 11.06. Town exempt from appeal bonds.

It shall not be necessary in any action, suit or proceeding in which the Town of Addison is a part[y], for any bond, undertaking or security to be executed in behalf of said Town, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said Town shall be liable as if such obligation had been duly given and executed.

Section 11.07. Execution, garnishment and assignment.

The property, real and personal, belonging to said Town shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said Town, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the Town or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said Town be liable to the assignee of any wages of any officer, agent or employee of said Town, whether earned or unearned, upon any claim or account whatsoever, and as to the Town such assignment shall be absolutely void.

Section 11.08. No lien on public property; contractors, etc., to notify Town of claims.

No lien of any kind can ever exist against the public buildings, public halls, parks or public

works of the Town of Addison. All subcontractors, materialmen, mechanics and laborers upon any public works of the Town of Addison are hereby required to notify the Town of all claims they may have on account of such work against the Town, and when such notice has been given, the Town shall retain an amount from any funds due the contractors, sufficient to satisfy all claims; provided that such notice may be given at any time after such indebtedness becomes due and before final settlement; and provided, further, that no contractor or subcontractor shall issue any time checks on or on account of any public works of said Town.

Section 11.09. Bonds of contractors.

In accordance with state law, the City Council shall require good and sufficient bonds of all contractors. The City Council may require that at least one of the sureties be a resident of the State of Texas. When bondsmen are not residents of the State of Texas, and that as such bondsmen be authorized to do business in the State of Texas such proof of their solvency may be required as the City Council may deem necessary. (Ord. No. 088-032, § 1, Prop. 11, 7-12-1988, election 8-13-1988)

Section 11.10. Condemnation of dangerous structures.

Whenever in the opinion of the City Council of the Town, any building, fence, shed, awning, cave, excavation, structure, object or thing of any kind or part thereof may fall or collapse and injure persons or property, the City Council may order the owner or agent of the same or occupant of the premises, to take such corrective measures as the City Council may direct, and may punish by fine all persons failing to do so. Upon his failure to comply, the City Council shall have the additional power to remove the same at the expense of the Town on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land or improvements, and same may be collected as other special taxes provided for in this Charter, or by suit in any court of competent jurisdiction.

The City Council of the Town shall have full power to condemn all dangerous buildings or obstructions of any kind that it may determine to be hazardous in any way especially to health and fire, and may provide regulations therefor by Ordinance.

State law reference—Abatement of dangerous buildings, V.T.C.A., Local Government Code ch. 214.

Section 11.11. Fire limits.

The City Council may establish fire limits and prescribe the kind and character of materials to be used in building[s] constructed within such limits.

Section 11.12. Building permits.

The Town of Addison shall have power to prohibit the erection or construction of any building or structure of any kind within the Town of Addison without a permit first having been issued by the Town for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the Town of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said Town or which shall hereafter be passed.

Section 11.13. Pools, ponds and lakes.

The Town of Addison shall have power to control or prohibit the construction of pools, ponds or lakes, receiving water from a recognizable stream, creek, branch or natural drainage, without a permit having first been issued by the Town. The Town may control location, construction, height of structure, depth and size of body of water to be impounded.

Section 11.14. Nepotism.

No officer of the Town shall appoint, vote for or confirm, the appointment to any office, position, clerkship, employment or duty of any person related within the second degree by affinity or within the third degree by consanguinity to the officer or to any other member of a Town board of

which the said officer may be a member, if any, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. However, this provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for at least thirty (30) days, if the officer is appointed, or at least six (6) months, if the officer is elected.

When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to a bona fide class or category of employees.

No officer of the Town may use his position to influence or to promote the appointment to any office, position, clerkship, employment or duty or the approval of a contract which purports to hire as an independent contractor any person relating within the second degree by affinity or within the third degree by consanguinity to such officer of the Town.

(Ord. No. 088-032, § 1, Prop. 9, 7-12-1988, election 8-13-1988; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 11.15. Publicity of records.

Town records and accounts which are required by the Texas Open Records Law to be open to the public shall be made available during normal business hours in accordance with the terms and provisions of that statute. The records may be examined and copied in the Town offices during normal business hours, at a nominal charge established by ordinance.

(Ord. No. 088-032, § 1, Prop. 11, 7-12-1988, election 8-13-1988)

State law reference—Open records, V.T.C.A., Government Code ch. 552.

Section 11.16. Applicability of general laws.

The Constitution of the State of Texas, the statutes of said State applicable to Home Ruled

[Rule] Municipal Corporations, as now or hereafter enacted, this Charter and Ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the Town of Addison, but the Town shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said Home Rule Statutes, Charter and Ordinances, but the exercise of any such powers by the Town of Addison shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by Ordinance it adopts same.

Section 11.17. Official newspaper.

The Council shall have the power to designate by Resolution a newspaper of general circulation in the Town as the official newspaper, and shall cause to be published therein all Ordinances, notices and other matters which are required to be officially published by this Charter, the Ordinances of the Town, or the Constitution or laws of the State of Texas, with the exception that a public hearing notice shall be published either in the official paper or a paper of general circulation in the Town as provided in the Zoning Ordinance of the Town.

Section 11.18. Gender clause.

A word importing the masculine gender only shall extend and be applied to include females, firms, partnerships and corporations as well as males.

Section 11.19. Construction of Charter.

This Charter shall be liberally construed as a general grant of powers subject only to the limitation of the constitution and statutes of the State of Texas.

The repeal of any provision, section or article of the Charter by the amendments to this Charter shall not affect or impair any act done or obligation, right, license, permit or penalty accrued or existing under the authority of the provision, section or article repealed or amended. Such provision, section or article shall be treated as still remaining in force for the purpose of sustain-

ing any proper action concerning any such obligation, right, license, permit or penalty. Furthermore, the change by the Charter amendment of the name of the City of Addison to the Town of Addison shall not affect any ordinance, resolution, franchise, contract, permit or license in force and effect when said amendment shall become effective, and said ordinance, resolution, franchise, contract, permit or license shall continue in full force and effect unimpaired by the provisions hereof. For the purpose of construing this Charter, ordinances, resolutions, or any legal rights, liabilities, obligations or duties heretofore or hereinafter created hereunder, unless some other meaning is manifest, the words "City" or "City of Addison" shall be construed to mean the "Town of Addison."

(Ord. No. 775, § 1, Prop. 7, 2-23-1982, election 4-3-1982)

Section 11.20. Judicial notice.

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Section 11.21. Power to remit penalties.

The City Council shall have the right to remit, in whole or in part, any fine or penalty belonging to the Town, which may be imposed under any Ordinance or Resolution passed pursuant to this Charter.

Section 11.22. Acquisition of land for park purposes.

The Town of Addison may acquire and appropriate land inside or outside of the Town of Addison for the purpose of establishing, laying out or enlarging any parks, parkways or pleasure grounds. Land owned, held or claimed as a public park or recreation land may not be sold, leased or otherwise conveyed unless the issue of such sale, lease or conveyance is submitted to the qualified voters of the municipality at an election and is approved by a majority of the votes received at the election.

(Ord. No. 088-032, § 1, Prop. 12, 7-12-1988, election 8-13-1988)

Section 11.23. Rearrangement and renumbering.

The City Council shall have the power, by Ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter, or any amendments thereto, as it shall deem (appropriate); (but, without changing the meaning or effect or any part hereof); and, upon the passage of any such Ordinance, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State.

The City Council shall also have the authority to change references to state law included in this charter to reflect a recodification or remembering of such laws by the Texas legislature, (but without changing the meaning or effect of any part hereof).

Words of any gender used herein shall be held and construed to include any other gender, and words of a singular number shall be held to include the plural and vice-versa, unless the context requires otherwise.

(Ord. No. 088-032, § 1, Prop. 11, 7-12-1988, election 8-13-1988)

Section 11.24. Town depository.

The provisions of the General Laws of the State of Texas governing the selection and designation of a City Depository are hereby adopted as the law governing the selection and designation of a depository of and for the Town of Addison.

State law reference—City depositories, V.T.C.A., Local Government Code ch. 105.

Section 11.25. Tax debt arrearages.

No money shall be paid by the Town of Addison upon any claim, debt, demand or account whatsoever, to any person, firm, or corporation, who is in arrears to the Town of Addison for taxes or otherwise; and the Town shall be entitled to a counterclaim and offset against any such debt, claim, demand or account, in the amount of taxes or other debt in arrears, and no assignment or transfer of such debts, claims, demand[s], or accounts, after the said taxes or other debts are due,

shall affect the right, authority and power of the Town to offset the said taxes or other debts, against the same.

Section 11.26. Disaster clause.

In case of disaster when a legal quorum of elected Councilmen cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected Council, or highest surviving Town official, if no elected official remains, must within twenty-four (24) hours of such disaster, request the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Dallas County to appoint a commission to act during the emergency and call a Town election within fifteen (15) days of such disaster for election of a required quorum, if for good reasons it is known a quorum of the present Council will never again meet.

Section 11.27. When provisions take effect.

For the purpose of nominating and electing members of the Council, the provisions of this Charter shall be in effect for the regular municipal election to be held in April, 1979. For all purposes this Charter shall be in effect from and after its approval by the electors of the Town and the entering of an official order upon the records of the Town by the City Council declaring the same adopted.

Section 11.28. Amend the Charter.

Amendment to this Charter may be formulated and submitted to the voters of the Town in the manner provided by V.T.C.A., Government Code ch. 9, as now or hereafter amended.

Section 11.29. Charter Review Commission.

Whenever allowed by law, the Town may appoint a Charter Review Commission composed of citizens of the Town of Addison. Each member of the Council shall have the right to appoint two (2) members to the said Commission. However, the Council shall appoint a Charter Review Commis-

sion at least every ten (10) years to review the Charter and make recommendations as to any suggested changes.

(Ord. No. 088-032, § 1, Prop. 13, 7-12-1988, election 8-13-1988; Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 11.30. Ordinances, rules and regulations validated.

All Ordinances, Resolutions, rules and regulations of the Town of Addison heretofore ordained, passed or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended or repealed by the City Council of the Town after such Charter takes effect.

Section 11.31. Severability clause.

If any section or part of [any] section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect [affect] the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Section 11.32. Airport.

The City Council of the Town of Addison shall not make application to the Federal Aviation Administration for an airport operating certificate or limited airport operating certificate for the Addison Airport under Federal Aviation Regulations Part 139, without having first submitted the proposition whether to make such application to the qualified voters of the Town at an election, and with such proposition being approved by a majority of votes cast at the election.

(Ord. No. 088-032, § 1, Prop. 9, 7-12-1988, election 8-13-1988)

Section 11.33. Savings clause.

The repeal of any provision, section or chapter of any Charter by the amendments to this Charter shall not affect or impair any act done or

obligation, right, license, permit or penalty accrued or existing under the authority of the provision, section or chapter repealed. Such provision, section or chapter shall be treated as still remaining in force for the purpose of sustaining any proper action concerning any such obligation, right, license, permit or penalty. In addition, any franchise, contract, permit or license obtained under any provision, section or chapter repealed by any amendments to this Charter shall remain effective for the term and under the conditions prescribed by the repealed portion under which the franchise, contract, permit or license was granted for [or] issued; provided that, if the franchise, contract, permit or license provides that the same shall be governed by the Charter of the Town of Addison, as amended, then the amended section shall control.

All civil and criminal ordinances and all resolutions of a general and permanent nature in force and effect when this Charter or any amendment thereto shall become effective, which are inconsistent or in conflict with this Charter or any amendment thereto, are hereby repealed except as herein provided. Where any such civil or criminal ordinance or resolution of a general and permanent nature are in force and effect when this Charter or any amendment thereto, shall become effective is consistent with and not in conflict with the provisions hereto, same shall continue in full force and effect unimpaired by the provisions hereof.

(Ord. No. 088-032, § 1, Prop. 14, 7-12-1988, election 8-13-1988)