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History:

<u>Ordinance</u>	<u>Date of Adoption</u>	<u>Effect</u>
87-10	5-18-87	Initial Adoption
87-19	9-28-87	Amended 1.1.17, penalty
96-03	1-18-96	Added 1.1.07, 1.1.27

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Article I

CODE ADMINISTRATION

- 1.1.01 Code designation and citation The ordinances embraced in this and the following chapters and sections shall constitute and be designated “The Code of the City of Dalworthington Gardens, Texas” and may be so cited. Such Code may also be cited as “Dalworthington Gardens City Code”.
- 1.1.02 Continuation of existing ordinances The provisions appearing in this and the following chapters and sections, so far as they are the same as those of ordinances existing at the time of the adoption of “The Code of the City of Dalworthington Gardens” (or additions thereto codified from existing ordinances) shall be considered as continuations thereof and not as new enactments.
- 1.1.03 Catchlines The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
- 1.1.04 Severability of parts of code It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.
- 1.1.05 Amendments or additions to code All ordinances of a general and permanent nature, and amendments to such ordinances hereinafter enacted or presented to the City Council for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to the Code of the City of Dalworthington Gardens. Amendments to this Code shall be made by reference to the chapter and section of the Code which is to be amended, and additions shall bear an appropriate designation of chapter and section.
- 1.1.06 Recording of ordinances; ordinance books as evidence All ordinances adopted or passed by the City Council shall be inscribed at large by the secretary, in the minutes of the Council. Such book of ordinances and all copies and abstracts therefrom shall be evidence of the tenor and contents of the ordinances therein inscribed, as well as such as have been heretofore or as may be hereafter therein so inscribed.

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1.1.07 Enforcement governmental; liability All regulations provided in this Code are hereby declared to be governmental and for the benefit of the general public. Any member of the City Council and any city official or employee charged with the enforcement of this Code, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable, and he or she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any official or employee because of such act performed in the enforcement of any provision of this Code shall be defended by the City through its designated attorney until the final adjudication thereof. (96-03)

1.1.08 - 1.1.09 (Reserved)

Article II

RULES FOR DEFINITION

1.1.10 Definitions The following words and phrases, whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- a. "City" and "Town" each mean the City of Dalworthington Gardens, Texas, or the area within the territorial limits of the City of Dalworthington Gardens, Texas.
- b. "Council" means the City Council of the City of Dalworthington Gardens, Texas. "All its members" or "All council members" means the total number of council members holding office.
- c. "County" means the County of Tarrant, State of Texas.
- d. "Law" means and includes federal law, the constitution and statutes of the State of Texas, the ordinances of the City of Dalworthington Gardens, Texas, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- e. "Month" means a calendar month.
- f. "Oath" means and includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such case the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- g. "Owner" applies to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or part of such building or land.

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- h. “Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, lessee, agent, servant, officer or employee of any of them.
 - i. “Personal property” means and includes money, goods, chattels, things in action and evidence of debt.
 - j. “Preceding” and “following” mean before and next after, respectively.
 - k. “Property” means and includes real and personal property.
 - l. “Real property” means and includes lands, tenements and hereditaments.
 - m. “Roadway” means that portion of a street between the curblineline and the adjacent property line intended for the use of vehicles and pedestrians.
 - n. “State” means the State of Texas.
 - o. “Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.
 - p. “Tenant” and “Occupant”, applied to a building or land, means and includes any person who occupies the whole or part of such building or land, whether alone or with others.
 - q. “Written” means and includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.
 - r. “Year” means a calendar year.
- 1.1.11 Title of office Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City.
- 1.1.12 Words and phrases All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning under the law shall be construed and understood according to such peculiar and appropriate meaning.
- 1.1.13 Grammatical rules The following grammatical rules apply in the ordinances of the City, unless it is apparent from the context that a different construction is intended:
- a. Gender. Each gender includes the masculine, feminine and neuter genders.
 - b. Singular and Plural. The singular number includes the plural and the plural includes the single.

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c. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.1.14 Principal/agent When an act is required by an ordinance, the same being an act that may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.1.15 Joint authority Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

1.1.16 Scope of act or omission Whenever in the ordinances of the town, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

1.1.17 Time of act Except when otherwise provided, the time in which an act is required to be done shall be computed by excluding the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.1.18 Construction The provisions of the ordinances of the City and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

1.1.19 - 1.1.24 (Reserved)

Article III

VIOLATIONS AND PENALTIES

1.1.25 Violation No person shall violate any of the provisions of this Code or the ordinances of the City.

1.1.26 Penalty Except in cases where a different punishment is prescribed by any ordinance of the City, an ordinance violation shall be punished by a fine not to exceed five hundred dollars provided, that violations of ordinances which govern fire safety, zoning and public health and sanitation, other than vegetation and litter violations, shall be punished by a fine not to exceed two thousand dollars. (87-19)

1.1.27 Continuing violations When a violation of this Code consists of the failure to act, when required to do so, or to permit a violation to continue to exist, when legally required to remedy the condition constituting a violation, then the person so violating this Code shall be deemed guilty of a separate offense for each and every day and portion thereof during which such violation is committed, continued or permitted. (96-03)