

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

GENERAL ORDINANCE 33-11

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, ADOPTING REGULATIONS RELATIVE TO GENERAL PROCEDURES AND ADMINISTRATION FOR THE CITY OF OAK RIDGE, TEXAS; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.

WHEREAS, the City of Oak Ridge, Texas (“City”), is a Type B general-law municipality and the City Council of the City of Oak Ridge, Texas (“City Council”) has the authority to adopt regulations that the City Council considers proper for the governance of the City pursuant to Section 51.032 of the V.T.C.A., Local Government Code; and

WHEREAS, the City Council finds it necessary and proper to adopt general administrative regulations in order to provide efficient services to the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, THAT:

SECTION I.
FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION II.
ADOPTION

1. Election of Mayor Pro Tempore.

At the first meeting after city council elections are final, the city council shall annually elect a mayor pro tempore from among their members to act in the absence or illness of the mayor.

2. City Council Meetings.

- (a) Regular meetings. Regular meetings will be held once each month in the council chambers at City Hall, but may be held at other locations at the council's discretion. Notice of such meetings shall be given in accordance with law.

- (b) Special meetings. Special meetings may be called by the mayor, city secretary, or a majority of the council upon written notice. The time, place, and purpose of such meetings shall be stated in each instance in accordance with law.
- (c) Workshop meetings. Workshop meetings may be called by the mayor, city secretary or a majority of the council upon written notice. The time, place, and purpose of such meetings shall be stated in each instance in accordance with the law. Workshop meetings shall be to discuss in detail or explore in depth matters of particular interest to the city or city council. Citizens, not on the council or city staff, may not participate in the discussions at a workshop meeting.

3. Council Agenda.

- (a) The mayor, in conjunction with the city secretary, shall establish the agenda for each council meeting.
- (b) Any council member desiring a particular item to be placed on the council agenda shall contact either the mayor or the city secretary who shall forward the request to the mayor. The mayor shall place the item on the agenda or may object to doing so. The mayor's objection can be overridden if at least two councilmembers notify the city secretary of their desire to have the item placed on the agenda.
- (c) Citizens shall not be placed on the agenda for council meetings, but shall participate in council meetings in accordance with paragraph 4, Rules of Procedure.

4. Rules of Procedure.

- (a) Calling council to order. At the posted time of the meeting, the mayor, as presiding officer, shall assume the chair and call the meeting to order. The mayor pro tempore shall act as chair in the mayor's absence. Should the mayor pro tempore also be absent, the secretary or some councilmember shall call the council to order after which a mayor pro tempore shall be elected to preside over the meeting.
- (b) Duties of the mayor. The mayor shall preserve order and decorum, may speak from the chair upon all questions, and shall decide all questions of order.
- (c) Decorum.

- (1) Each member of the council shall occupy their seat while the body is in session, and if away from their seat shall not be allowed to speak or vote on any questions before the body.
- (2) When a member is about to speak, all comments shall be addressed through the mayor.

(d) Participation in meetings.

- (1) Citizens desiring to address the council on matters not on the agenda for the regular meeting they are attending shall fill out a visitor's card, provided by the city, prior to the meeting. The card shall contain the citizen's name, address, phone number, and topic which they wish to address. Visitors' comments will be limited to three minutes per speaker. In situations where a large number of citizens representing a certain delegation have signed up to speak, the mayor may ask the group to designate a spokesperson to present the group's comments to the council. Visitors shall observe the rules of decorum and courtesy, remove hats, and speak only upon recognition by the mayor. No formal action shall be taken on any issue not listed on the agenda. Any citizen may address the council concerning an agenda item in accordance with these same procedures.
- (2) No one except members of the council and officers of the city in the discharge of their official duties shall be permitted to participate in the deliberations of the council concerning an agenda item.
- (3) Public hearings may be held as determined by the mayor or as provided for in the laws of the state.

(e) Order of business. The order of business on council agendas shall be determined by the council.

(f) Voting. The ayes and nays may be demanded on any question by any member. In all cases of calling the ayes and nays, every member of the council shall vote unless an affidavit of abstention has been filed with the city secretary.

(g) Parliamentary rules. Except for specific standing rules adopted by the council, "Robert's Rules of Order" will be followed in all instances.

5. Notice to City Council of Property Damage, Personal Injury or Death.

(a) Notice; required information. The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury

results in death or not, unless the person damaged or injured, or someone in his behalf, or if the injury results in death, the person who may have a cause of action under the law by reason of such death or injury, shall within six (6) months from the date the damage or injury was received give notice in writing to the mayor, city administrator and each city council member of the following facts:

- (1) The date and time when the injury or damage 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 actual place of residence of each claimant by street, number, city and state on the date the claim is presented.
 - (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 or has been committed.
 - (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.
- (b) Proof of prior application to City Council for redress. No suit of any nature whatsoever shall be instituted or maintained against the City unless the plaintiff therein shall aver and prove that previous 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 refused by vote of the City Council.
- (c) Service of notices. All notices required by this section shall be effectuated by serving them upon the city secretary, at City Hall, and all such notices shall be effective only when actually received in the office of the person named above.

- (d) Waiver of notice. Neither the mayor, a city council member, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this section.
- (e) Claimant to swear to notice. The written notice required under this section 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 shall not render the notice fatally defective, but failure to 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.

6. Enforcement

The provisions of this Ordinance shall be enforced by the code compliance officer and his duly appointed representative, and it shall be unlawful for any person to interfere with or hinder the code compliance officer and his duly appointed representative in the exercise of their duties under this Ordinance. Notwithstanding any provisions contained herein to the contrary, the code compliance officer and his duly appointed representative are hereby granted the authority to issue immediate citations to persons violating any provision of this Ordinance in their presence.

7. Penalty Upon Failure to Comply

- (a) Whenever in this Code or in any ordinance of the city an act is prohibited, or made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required, other than duties of city officers and employees, or the failure to do any act is declared to be unlawful which relates to fire safety, zoning, public health or sanitation, including dumping of refuse, the violation of any such provision of any such ordinance shall be punishable by a fine not exceeding \$2,000.00; however, where the offense is unrelated to fire safety, zoning, public health or sanitation, including dumping of refuse, and where no specific penalty is provided, the violation of any ordinance shall be punishable by a fine not exceeding \$500.00; however, where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law.
- (b) Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense.
- (c) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be

abated by the city as provided by law. Any violation of any provision of this Ordinance which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purpose.

- (d) In addition to any other remedies or penalties contained herein, the City may enforce the provisions of this Ordinance pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code, which chapter provides for the enforcement of municipal ordinances.
- (e) Unless otherwise provided under state law, allegation and evidence of a culpable mental state are not required for the proof of an offense defined by this Ordinance.”

**SECTION III.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION IV.
REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION V.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Oak Ridge, Texas, on this the day 11th of April, 2011.

Roy W. Perkins, Mayor
City of Oak Ridge

ATTEST:

Jan Shedd, City Secretary
City of Oak Ridge