

Ordinances Governing
GENERAL PROVISIONS
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 10-013
(January 12, 2010)

(Chapter Designator: GENERAL PROVISIONS)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
1750	12/07/65	
09-073	11/03/09	Add Article VI , <u>Apportionment of Municipal Infrastructure Costs</u> , to incorporate state law provisions related to rough proportionality in developers' payment of municipal infrastructure improvement costs.
10-013	01/12/10	Amend Article I , <u>Designation and Composition of Code, Section 1.05, General Penalties; Continuing Violations</u> , relative to clarifying and updating the maximum fine amounts allowed as penalties by law; through the addition of Article VII , <u>Electronic Submittal of Final Plans and Other Documents</u> , relative to a requirement that final plans or other documents that will be archived must be submitted in electronic format.

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ARTICLE I**DESIGNATION AND COMPOSITION OF CODE****Section 1.01 How Code Designated and Cited**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the City of Arlington, Texas, 1987" and may be so cited. Such Code may also be cited as "Arlington City Code of 1987".

Section 1.02 Provisions Considered As 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 Arlington, 1987, shall be considered as a continuation thereof and not as new enactments.

Section 1.03 Catchlines of Sections

The catchlines of the several section of this Code printed in boldface type (underlined in this edition of the Code) are intended as mere catchwords to indicate the contents of the sections 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.

Section 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

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unconstitutional phrase, clause, sentence, paragraph or section.

Section 1.05 General Penalties; Continuing Violations.

In this Code or in any ordinance of the City:

- A. Where no specific penalty is provided for an offense or a misdemeanor, the violation shall be punishable by a fine not exceeding the maximum amount allowed by law, in particular,
 - 1. not exceeding Five Hundred Dollars and No Cents (\$500.00) for offenses where no culpable mental state is required, including offenses governing fire safety, zoning, or public health and sanitation, including dumping of refuse, and
 - 2. not exceeding Two Thousand Dollars and No Cents (\$2,000.00) for offenses which include a culpable mental state and which govern fire safety, zoning, or public health and sanitation, including dumping of refuse.
- B. If the maximum penalty provided for any offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the State of Texas, then the maximum penalty for the violation as provided by State statute shall be the maximum penalty under this Code.
- C. If the definition of an offense does not prescribe a culpable mental state, then a culpable mental state is not required. Although not required, if a culpable mental state is in fact alleged in the charge of the offense, such offense may be punishable by the maximum penalty allowed by law.
- D. Each day that a violation continues shall constitute a separate offense. (Amend Ord 10-013, 1/12/10)

ARTICLE II

RULES OF CONSTRUCTION

Section 2.01 Intent

In the construction of this Code, and of all ordinances and resolutions passed by the City Council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council:

Section 2.02 City

The words "the City" or "this City" shall mean the City of Arlington, in the County of Tarrant and State of Texas.

Section 2.03 City Secretary, Chief of Police or Other Officers

The words "City Secretary", "Chief of Police" or other City officers or departments shall be construed to mean the City Secretary, Chief of Police or such other municipal officers or departments, respectively, of the City of Arlington, Texas.

Section 2.04 Computation of Time

Whenever a notice is required to be given or an act to be done, a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Section 2.05 Council

Whenever the words "Council" or "this Council" or "the Council" are used, they shall be construed to mean the City Council of the City of Arlington, Texas.

Section 2.06 Gender

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

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Section 2.07 Highway

The term "highway", when used herein, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels and causeways, in the City, dedicated or devoted to public use.

Section 2.08 Joint Authority

Words purporting to give authority to three (3) 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.

Section 2.09 Month

The word "month" shall mean a calendar month.

Section 2.10 Number

Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

Section 2.11 Oath

The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Section 2.12 Or; And

"Or" may be read "and", and "and" may be read "or", if the sense requires it.

Section 2.13 Owner

The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the

entirety, of the whole or of a part of such building or land.

Section 2.14 Person

The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic, and corporate as well as to individuals.

Section 2.15 Preceding, Following

The words "preceding" and "following" mean "next before" and "next after" respectively.

Section 2.16 Roadway

The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Section 2.17 Sidewalk

The word "sidewalk" shall mean any portion of the street between the curb or the lateral line of the roadway and the adjacent property line intended for the use of pedestrians.

Section 2.18 Signature or Subscription

The words "signature" or "subscription" shall include a mark when a person cannot write.

Section 2.19 Street

The term "street", when used herein, shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, tunnel and causeway in the City, dedicated or devoted to public use.

Section 2.20 Time

Words used in the past or present tense include the future as well as the past and present.

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Section 2.21 Written or in Writing

The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Section 2.22 Year

The word "year" shall mean a calendar year.

ARTICLE III

ORDINANCES

Section 3.01 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 Arlington, 1987. 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.

Section 3.02 Recording of Ordinances; Ordinance Books as Evidence

All ordinances adopted or passed by the City Council shall be inscribed at large by the City Secretary, not only in the minutes of the Council, but also in a special book to be kept for that purpose by the Secretary, wherein at the foot of each ordinance so inscribed, the Secretary shall make a note stating the time of the adoption of such ordinance. Such book of ordinances and all copies and extracts therefrom, shall be evidence of the tenor and contents of the ordinances therein inscribed, as well of such as have been heretofore or as may be hereafter therein so inscribed.

ARTICLE IV

CORPORATE BOUNDARIES

NOTE: ARTICLE 4 - CORPORATE BOUNDARIES was in the process of revision at the time of this printing and will be included in the Code when adopted by ordinance.

ARTICLE V**EXTRATERRITORIAL APPLICABILITY****Section 5.01 Extraterritorial Applicability**

All ordinances of the City of Arlington now in force or hereafter enacted in the lawful exercise of the police powers of the City for the preservation and protection of the health, safety, morals and general welfare of the public are hereby made applicable and shall be in full force and effect with regard to any and all property owned, leased or otherwise held by the City of Arlington outside its corporate limits for the purposes stated in V.T.C.A., Local Government Code (formerly Section 1 of Article 969b, Vernon's Civil Statutes of the State of Texas).

Section 5.02 Enforceability

Said ordinances shall be enforceable in the Municipal Court of the City of Arlington; and any and all violations of said ordinances occurring on such property shall be prosecuted in the same manner as if such violations had occurred within the corporate limits of the City of Arlington.

Section 5.03 Penalty

The penalties prescribed in said ordinances shall be and are hereby made applicable to violations of said ordinances occurring on the properties hereinabove described. (Amended by Ordinance No. 1750, November 16, 1965)

ARTICLE VI

APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

Section 6.01 Rough Proportionality

- A. If the City requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs pursuant to the City Code, the developer's portion may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer retained by the City. Municipal infrastructure improvements have the meaning set forth in the Texas Local Government Code Section 212.904, as that term is interpreted by the Texas Attorney General and Texas courts.
- B. A developer who disputes the determination made under Section 6.01(A) may appeal to the City Council. At the appeal, the developer may present evidence and testimony under procedures adopted by the City Council. After hearing any testimony and reviewing the evidence, the City Council shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.
- C. A developer may appeal the determination of the City Council to a county or district court of the county in which the development project is located within 30 days of the final determination by the City Council.
- D. The City may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.
- E. A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees, to the extent permitted or required by state law.
- F. This section does not diminish the authority or modify the procedures specified by Chapter 395 of the Texas Local Government Code regarding impact fees.

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G. In the event of a conflict between the provisions of this section and any other provision in the City Code, this section controls.

(Amend Ord 09-073, 11/3/09)

ARTICLE VII

ELECTRONIC SUBMITTAL OF FINAL PLANS AND OTHER DOCUMENTS

Section 7.01 Electronic Submittal of Final Plans and Other Documents

Final plans or other documents required to be submitted pursuant to any provision in the Code of the City of Arlington, Texas, 1987, and that will be archived by the Community Development and Planning must be submitted in an electronic format specified by the Director of Community Development and Planning ("CDP Director") as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The City may provide an electronic conversion service for a fee in the amount set forth by City Council resolution. The CDP Director shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

(Amend Ord 10-013, 1/12/10)