

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, CALLING AND ORDERING AN ELECTION TO BE HELD IN THE CITY OF ADDISON, TEXAS, ON THE 3RD DAY OF APRIL, 1982, FOR THE PURPOSE OF VOTING ON PROPOSITION 1. TO PROVIDE THAT THE NAME OF THE CITY OF ADDISON BE CHANGED TO "TOWN OF ADDISON"; PROPOSITION 2. TO PROVIDE THAT THE CITY COUNCIL CREATE AND PROVIDE FOR ONE OR MORE MUNICIPAL COURTS AND TO PROVIDE THE JURISDICTION OF THE MUNICIPAL COURT; PROPOSITION 3. TO AUTHORIZE THE CITY COUNCIL TO APPOINT JUDGES TO PRESIDE OVER EACH MUNICIPAL COURT AND TO PROVIDE THE AUTHORITY OF THE MUNICIPAL JUDGES; PROPOSITION 4. TO DELETE THE PROVISION IN THE CHARTER CREATING PUBLIC WORKS DEPARTMENT AND DEPARTMENT OF HEALTH AND SANITATION AND PROVIDE AUTHORIZATION TO THE CITY COUNCIL TO ESTABLISH OTHER DEPARTMENTS AND OFFICES OTHER THAN THOSE CREATED BY CHARTER; PROPOSITION 5. TO PROVIDE THAT NOTICE OF PUBLIC HEARING ON THE BUDGET BE HEARD NOT LESS THAN FIFTEEN (15) NOR MORE THAN THIRTY (30) DAYS AFTER NOTICE OF SUCH HEARING IS PUBLISHED; PROPOSITION 6. TO PROVIDE A LEGAL DESCRIPTION OF THE AREA ALONG THE WEST SIDE OF INWOOD ROAD TO WHICH THE SALE OF ALCOHOLIC BEVERAGES (INCLUDING BEER & WINE) FOR OFF-PREMISES CONSUMPTION IS RESTRICTED; PROPOSITION 7. TO PROVIDE FOR THE CONSTRUCTION AND AFFECT OF THE CHARTER AMENDMENTS UPON EXISTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR APPOINTMENT OF ELECTION OFFICES; PROVIDE FOR ABSENTEE VOTING; PROVIDING FOR EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That in accordance with the Charter of the City of Addison and in accordance with the laws and constitution of the State of Texas, an election be, and the same is hereby, called and ordered to be held in the City of Addison, Texas on Saturday, the third day of April, 1982, at which time there shall be submitted, to the qualified voters of the City, the following Propositions for amendment to the Charter of the City of Addison:

Proposition 1: Shall Article I, Section 1.01 and Article II, Section 2.12a of the City Charter be amended to provide that the name of the City of Addison be changed to the "Town of Addison", said Sections of the City Charter, when amended, to read as follows:

Section 1.01. INCORPORATION - The inhabitants of the City 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".

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 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.

Proposition 2. Shall Article IV, Section 4.07a of the City Charter be amended to provide that the City Council may create and provide for one or more municipal courts as it may deem necessary and to provide the jurisdiction of the Municipal Court, said Section 4.07, when amended, to read as follows:

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 City within the city limits and outside the city 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 city 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 City 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 City 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 City ordinance.

Proposition 3. Shall Article II, Section 2.16 and Article IV, Section 4.07b of the City Charter, be amended, so as to authorize the City Council to appoint judges to preside over each municipal court and to provide the authority of the municipal judges; said Sections of the City Charter, when amended, to read as follows:

Section 2.16: MUNICIPAL JUDGE - 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 a practicing attorney of good standing. The Municipal Judges shall be appointed by Council and may be removed by 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.

Section 4.07: MUNICIPAL COURT

- b. The Municipal Judges shall have the power and authority to administer official oaths and affirmations and to give certification thereof, and shall have full power and authority to place persons upon probation, to issue subpoenas, writs of capias, search warrants, executions, and all other process known to the law which justice courts are by law authorized to issue in similar cases.

Proposition 4. Shall Article IV, Section 4.03, Section 4.09, Section 4.10 and Section 4.11 of the City Charter be amended, so as to delete the provision in the Charter creating Public Works Department and Department of Health and Sanitation and provide authorization to the City Council to establish other departments and offices other than those created by Charter, said sections of the City Charter, when amended, to read as follows:

Section 4.03: Reserved for future use

Section 4.09: ESTABLISHMENT OF OTHER DEPARTMENTS -  
The City Council shall have the power by ordinance to establish other departments and offices, than those created by Charter, and to create divisions or sections within any department, whether established by Charter or ordinance. The Council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of the department and offices not inconsistent with this Charter or State law.

Section 4.10: Deleted

Section 4.11: Deleted

Proposition 5. Shall Article V, Section 5.04 of the City Charter, be amended to provide that notice of public hearing on the budget be heard not less than fifteen (15) nor more than thirty (30) days after notice of such hearing is published, said Section 5.04, when amended, to read as follows:

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 City 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.

Proposition 6. Shall Article XI, Section 11.04 of the City Charter be amended to add a legal description of the area along the west side of Inwood Road to which the sale of alcoholic beverages (including beer and wine) for off-premise consumption is restricted, said Section 11.04, when amended, to read as follows:

Section 11.04: RESTRICTION OF SALE OF ALCOHOLIC BEVERAGES - Sale of alcoholic beverages for off-premise 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' R.O.W.) and the West Right-of-Way of St. Louis Southwestern Railway Company (a 100'R.O.W.);

THENCE, in a westerly direction along the South Right-of-Way of Belt Line Road, a distance of 93.02 ft., 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 ft., more or less, to a point;

THENCE, in a southerly direction along the common property line (plat bearing S 0°26'E), a distance of 2,601.27 ft., more or less, to a point on the Addison/Farmers Branch City Limits;

THENCE, in an easterly direction along said City Limits Line (plat bearing N 88°58'14" W), a distance of 971.37 ft., 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 ft., 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 ft., more or less, to said Point of Beginning.

Proposition 7. Shall Article XI, Section 11.19 of the City Charter be amended to provide for the construction and affect of the Charter amendments upon existing ordinances and resolutions, said Section 11.19, when amended, to read as follows:

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 sustaining 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".

SECTION 2. Said election to be held in accordance with the constitutional laws of the United States and the State of Texas and all duly qualified resident electors of the City of Addison, Texas, shall be qualified to vote.

SECTION 3. The ballots of said Election shall conform to the requirements of the Election Code of the State of Texas (Chapter 492, Acts of the Fifty-Second Legislature, Regular Session, 1941, as amended) and Article 1170, Vernon's Annotated Texas Civil Statutes, as amended, so that each voter may vote "YES" or "NO" on such propositions as follows:

OFFICIAL BALLOT

Place an "X" in the square beside the statement indicating the way you wish to vote.

- [ ] YES Proposition 1. Shall Article I, Section 1.01 and Article II, Section 2.12a of the City Charter be amended to provide that the name of the City of Addison be changed to the "Town of Addison".
- [ ] NO
- [ ] YES Proposition 2. Shall Article IV, Section 4.07a of the City Charter be amended to provide that the City Council may create and provide for one or more municipal courts as it may deem necessary and to provide the jurisdiction of the municipal court.
- [ ] NO
- [ ] YES Proposition 3. Shall Article II, Section 2.16 and Article IV, Section 4.07b of the City Charter, be amended so as to authorize the City Council to appoint judges to preside over each Municipal Court and to provide the authority of the Municipal Judges.
- [ ] NO
- [ ] YES Proposition 4. Shall Article IV, Section 4.03, Section 4.09, Section 4.10 and Section 4.11 of the City Charter be amended, so as to delete the provision in the Charter creating Public Works Department and Department of Health and Sanitation and provide authorization to the City Council to establish other departments and offices other than those created by Charter.
- [ ] NO
- [ ] YES Proposition 5. Shall Article V, Section 5.04 of the City Charter, be amended to provide that notice public hearing on the budget be heard not less than fifteen (15) nor more than thirty (30) days after notice of such hearing is published.
- [ ] NO
- [ ] YES Proposition 6. Shall Article II, Section 11.04 of the City Charter be amended to add a legal description of the area along the west side of Inwood Road to which the sale of alcoholic beverages (including beer and wine) for off-premise consumption is restricted.
- [ ] NO
- [ ] YES Proposition 7. Shall Article XI, Section 11.19 of the City Charter be amended to provide for the construction and effect of the Charter amendments upon existing ordinances and resolution.
- [ ] NO

SECTION 4. A Proposition approved by a majority of voters voting shall become effective upon adoption pursuant to Article 1170, Vernon's Annotated Civil Statutes, unless otherwise provided herein.

SECTION 5. The election shall be held at the following place in said City, and the following named persons are hereby appointed officers for said election. In Election Precinct No. 1173, at Addison Municipal Building, 4500 Belt Line Road in said City, with Phyllis Covington as Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist her which shall not exceed 3 clerks.

SECTION 6. The polls at each of the above designated polling places shall on said election day be open from 7 o'clock a.m. to 7 o'clock p.m.

SECTION 7. Jacque Sharp is hereby appointed Clerk for absentee voting, and Diane Kiszely is hereby appointed Deputy Clerk for absentee voting. The absentee voting for the above designated election shall be held at 5300 Belt Line Road within said City and said place of absentee voting shall remain open for at least eight hours on each day for absentee voting which is not a Saturday, a Sunday, or an official State holiday, beginning on the 20th day and continuing through the 4th day preceding the date of said election. Said place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. on each day for said absentee voting. The above described place for absentee voting is also the absentee clerk's mailing address to which ballot applications and ballots voted by mail may be sent.

SECTION 8. That said election shall be held in accordance with the Election Code of this State and only resident qualified voters of said city shall be eligible to vote at said election.



SECTION 9. Notice of said election will be given in accordance with the terms and provisions of Article 4.05 of the Election Code and Art. 29e and the City Secretary is hereby instructed to have said notice posted and/or published in accordance with law.

SECTION 10. That immediately after said election is held, the officers holding the same shall make returns of the result thereof to the Mayor of this city as required by the Election Code of this State.

SECTION 11. A copy of this ordinance shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge for said election.


SECTION 12. This ordinance shall take effect immediately upon its adoption of the said caption, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS  
this the 23 day of February, 1982.

MAYOR



ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
CITY ATTORNEY

EFFECTIVE DATE: 3-10-82