

ORDINANCE NO. 085-095

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, BY ADDING SECTION 2-22; PROVIDING FOR EMERGENCY ACTION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Texas Supreme Court in a case styled Ron Black Nueces County Rural Fire Prevention District No. 1, et al, No. C-4154, before the Supreme Court of Texas, has ruled that in absence of laws or ordinances applicable to emergency actions, there is no exception as provided by Article 6252-19, Section 14(a) suspending the Texas Tort Claims Act for officers, agents and employees responding to emergency situations; and

WHEREAS, the Texas Supreme Court seems to be of the opinion that a city must enact an ordinance to take advantage of this provision of the Texas Tort Claims Act;

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

SECTION 1. That the Code of Ordinances of the Town of Addison, Texas, is hereby amended by adding thereto a new Section 2-22, which shall read as follows:

Sec. 2-22. Emergency Action.

Every officer, agent or employee of the City, while responding to emergency situations, is hereby

authorized to act in such a manner as to most efficiently deal with the emergency. This provision shall prevail over every other ordinance of the City and, to the extent to which the City has the authority to so authorize, over any other law establishing a standard of care and conflict with this section. Neither the City nor the employee shall be liable for any failure to use ordinary care in such emergency.


SECTION 2. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. The fact that the present Code does not provide for laws or ordinances applicable to emergency actions and is therefore inadequate to properly safeguard the general public, health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force

from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 26 day of November, 1985.


MAYOR

ATTEST:


CITY SECRETARY

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