

ORDINANCE NO. 061523

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DODD CITY, TEXAS AMENDING SECTION 8.10 "REQUIRED IMPROVEMENTS", SUBSECTION 8.10.1 "STREETS" OF THE CITY OF DODD CITY'S "SUBDIVISION ORDINANCE #070193" TO REQUIRE THE INSTALLATION OF CONCRETE STREETS; PROVIDING FOR A PENALTY CLAUSE, A SAVINGS CLAUSE, SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the City of Dodd City, Texas, is a Type A general law municipality located in Fannin County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 212, the City has the authority to adopt rules and regulations governing plats and subdivisions; and

**WHEREAS**, on July 1, 1993, the City adopted Ordinance Number 070193 adopting Subdivision Rules and Regulations for the subdivision of any tract of land into two or more tracts; and

**WHEREAS**, the City Council of the City of Dodd City, Texas ("City Council") has determined that the amendment set forth below amending Section 8.10 "Required Improvements", Subsection 8.10.1 "Streets" of the City of Dodd City's "Subdivision Ordinance #070193" promotes the health, safety, and general welfare of the community and the safe, orderly and healthful development of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DODD CITY, TEXAS, THAT:**

**SECTION 1.  
FINDINGS**

The recitals contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as a part of this ordinance.

**SECTION 2.  
AMENDMENT OF ORDINANCE**

Section 8.10 "Required Improvements", Subsection 8.10.1 "Streets" of the City of Dodd City's "Subdivision Ordinance #070193" is hereby amended as set forth below to read as follows:

**SUBSECTION 8.10.1 STREET IMPROVEMENTS, CURB AND GUTTER, PAVEMENT**

The subdivider of each tract of land will be required to construct, at his/her own expense, concrete streets according to City of Dodd City's standards and specifications, including all engineering costs covering design, layout construction supervision. Preliminary plans for all improvements required pursuant to subsection 8.10 shall be submitted to the City Planning and Zoning Commission for study by the Engineer and for tentative approval before any work is started in the subdivision. Detailed construction plans, including plan and profile for each street, shall be filed with the submission of the final plat in the same number of copies as required of the final subdivision plat. The City of Dodd City may participate in the cost of



street surfacing and construction of arterial streets or thoroughfares more than the standard width and thickness of pavement for residential or service streets required to be constructed by the subdivider. Each major street or thoroughfare installation project will be considered by the City upon the individual merits of each project prior to construction.

**SECTION 3. SAVINGS/REPEALING.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 4. PENALTY PROVISION.** Any person, firm, corporation or business entity violating the Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined a sum no less than \$10 and no more than \$200, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The City of Dodd City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 5. SEVERABILITY.** It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

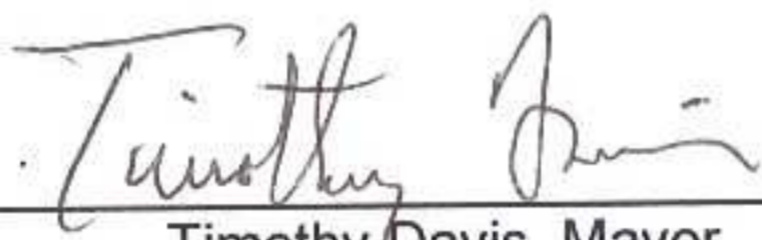
**SECTION 6. PUBLICATION CLAUSE.** The City Secretary of the City of Dodd City is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official City newspaper one time as required by Section 52.011 of the Texas Local Government Code.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective upon its passage and publication as provided by law.

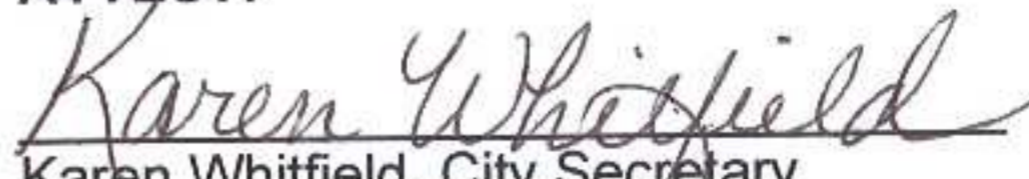
**SECTION 8. OPEN MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 15<sup>th</sup> day of June 2023.



  
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Timothy Davis, Mayor

**ATTEST:**

  
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Karen Whitfield, City Secretary