

ORDINANCE NO. 01-02-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1, ARTICLE 1.600 CLAIMS FOR DAMAGES AGAINST CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Sanger, Texas, be and the same is hereby amended by amending Chapter 1, Article 1.600, "Claims for Damages Against City" in part as follows:

ARTICLE 1.600 CLAIMS FOR DAMAGES AGAINST CITY

Sec. 1.601 Reporting of Damage or Injury

The City shall never be liable for any personal injury or death or for claims for damages or injury to real or personal property alleged to have been caused by the negligent act or omission of any officer, agent or employee of the City, unless the person who has been injured, the person who may have a cause of action under the law by reason of such death or injury, the person whose property has been injured or damaged, or someone acting on that person's behalf, shall file a claim in writing with the City Secretary within six (6) months after said injury, death, or damage has occurred, stating specifically when, where, and how the injury, death, or damage occurred, the full extent thereof, the amount of damages claimed or asserted, and the basis claimed for liability on the part of the City, including the following:

- (1) The date and time the injury 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 and 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 present.
- (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 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.

Sec. 1.602 Claim Shall Furnish Addresses

The person giving notice under this Article shall give the address of every place the claimant has resided during the last six (6) months prior to the injury, death, or damage and shall subscribe the claimant's name thereto. Neither the Mayor, Councilmember, City Manager, City Secretary, City Attorney, or any other officer or employee of the City shall have authority to waive any of the provisions of this Article, but the same may be waived only by resolution of the Council made and passed before the expiration of said six (6) months' period.

Sec. 1.603 Serving of Notice

All notices required by this article shall be effectuated by serving them upon the City Secretary at the following physical location: 502 Elm Street. All such notices shall be effective only when actually received in the office of the person named above.

SECTION 2. All ordinances of the City of Sanger in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. A claim for an injury, death, or damage occurring before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect at the time of such injury, death, or damage, and the former law is continued in effect for this purpose.

SECTION 5. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, ON THIS THE 17 DAY OF JANUARY 2017.



APPROVED:

Thomas E. Muir

MAYOR

ATTEST:

Cheryl Price

CITY SECRETARY