

Chapter 1 - GENERAL PROVISIONS

Revised 11/21/17

Sec. 1-1. - Designation and citation of Code.

The orders and resolutions embraced in this and the following chapters shall constitute and be designated the "Dallas County Code" and may be so cited.

Sec. 1-2. - Definitions and rules of construction.

- (a) In the construction of this Code and of all orders and resolutions adopted by the county commissioners court, the following definitions and rules of construction will be observed, unless such construction would be inconsistent with the manifest intent of the county commissioners court or the context requires otherwise:

Code. The term "Code" means this Dallas County Code.

Commissioners court. Whenever the term "commissioners court" is used in this Code, it shall mean and refer to the commissioners court of Dallas County, Texas.

Computation of time. In computing any period of time prescribed or allowed by this Code the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

County. Whenever the term "county" is used in this Code, it shall mean and refer to Dallas County, Texas.

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

May. The term "may" is to be construed as being permissive and not mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath. A solemn affirmation is the equivalent to an oath and a person shall be deemed to have sworn if such person makes such an affirmation. In such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Officers, departments, etc. Whenever reference is made to officers, departments, boards, commissions or employees, etc., it shall mean and refer to those of Dallas County, Texas.

Order and court order. The terms "order" and "court order" mean Dallas County Commissioners Court Order.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or part of such property.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, joint stock company, joint adventure, any receiver, executor, trustee, conservator, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term "personal property" means any property other than real property.

Property. The term "property" includes real property and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curblineline or lateral line of the roadway and the adjacent property line intended for use of pedestrians.

Signature and subscription by mark. The terms "signature" and "subscription by mark" include a mark when the signer or subscriber cannot write. In such situations, such person's name shall be written near the mark by a witness who writes his own name near such person's name.

State. The term "state" means the State of Texas.

Street and highway. The terms "street" and "highway" shall mean the entire width between the boundary lines of every publicly maintained way, any part of which is open to the use of the public for purposes of vehicular travel.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Vernon's Ann. Civ. St. The abbreviation "Vernon's Ann. Civ. St." shall mean the latest edition or supplement to Vernon's Annotated Civil Statutes.

V.T.C.A. The abbreviation "V.T.C.A." shall mean and refer to the latest edition or supplement of Vernon's Texas Code Annotated.

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

- (b) The provisions of V.T.C.A., Penal Code titles 1, 2 and 3 shall apply in the interpretation of all penal provisions of this Code to the extent that the Penal Code mandates that they shall apply.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

Sec. 1-4. - History notes.

The history or source notes appearing in parenthesis after sections in this Code have no legal effect but are merely intended to indicate the legislative history of that section.

Sec. 1-5. - References to chapters or sections.

All references to chapters or sections are to the chapters or sections of this Code unless otherwise specified.

Sec. 1-6. - References and editor's notes.

Editor's notes, cross references and state law references that appear in this Code after sections or subsections are provided for the convenience of the user of the Code and have no legal effect.

Sec. 1-7. - Effect of repeal of orders.

- (a) The repeal of an order shall not revive any order in force before or at the time the order repealed took effect.
- (b) The repeal of an order shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the order repealed.

Sec. 1-8. - Certain orders not affected by Code.

- (a) Nothing in this Code or the order adopting this Code affects the validity of any order or portion of an order which is not included in this Code:
 - (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
 - (2) Authorizing or approving any contract, deed, agreement or other legal document.
 - (3) Granting any right, permit or franchise.
 - (4) Making or approving any appropriation or adopting the annual budget.
 - (5) Providing for salaries or employee benefits not codified in this Code, or otherwise related to employees.
 - (6) Levying, imposing or otherwise relating to taxes not codified in this Code.
 - (7) Adopting or amending any administrative provisions or directives.
 - (8) Dedicating, establishing, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street.
 - (9) Establishing the grade of any street or sidewalk.
 - (10) Establishing any fee (in appendix A), fund, charge, rate, deposit or financial procedures.
 - (11) Providing traffic or parking regulations for specific locations.
 - (12) Relating to elections.
 - (13) Relating to the acquisition of lands by the county.
 - (14) Adopting by reference in any section of this Code any subject matter which is not included in this Code.
 - (15) That is temporary, although general in effect.
 - (16) That is special, although permanent in effect.
 - (17) The purpose of which has been accomplished.
- (b) The provisions designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code and are on file in the county clerk's office.

Sec. 1-9. - Amendments to Code; effect of new orders; amendatory language.

- (a) All orders adopted subsequent to this Code that amend, repeal or in any way affect the orders codified in this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent orders may be excluded from this Code by omission from affected reprinted pages. The subsequent orders as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent orders until such time that this Code and subsequent orders numbered or omitted are readopted as a new Code by the county commissioners court.
- (b) Amendments to provisions of this Code may be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Dallas County Code is hereby amended to read as follows: ... (set out the new provisions in full)."
- (c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Dallas County Code is hereby created to read as follows: ... (set out the new provisions in full)."
- (d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing order.

Sec. 1-10. - Supplementation of Code.

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the county. A supplement to this Code shall include all substantive permanent and general parts of orders adopted by the county commissioners court or adopted by initiative and referendum which amend the Code or are to be included in the Code during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest order included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission from reprinted pages.
- (c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in orders and parts of orders included in the supplement as necessary to embody them into a unified code. For example, the person may:
 - (1) Arrange the material into appropriate organizational units.
 - (2) Provide appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
 - (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
 - (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
 - (5) Change the words "this order" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the order incorporated in the Code).
 - (6) Make other nonsubstantive changes necessary to preserve the original meaning of the orders inserted in the Code. In no case shall the codifier make any change in the meaning or effect of order provisions included in the supplement or already embodied in the Code.

Sec. 1-11. - Severability.

The county commissioners court declares that it is its intent to enact this Code and all provisions adopted by reference in this Code without invalid or unconstitutional provisions. The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code, or of any provision adopted by reference in this Code, is declared unconstitutional or invalid by judgement of a court of competent jurisdiction, such judgement shall not affect the validity of any other remaining section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code.