

**TOWN OF LITTLE ELM, TEXAS
ORDINANCE NO. 1725**

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING ARTICLE III, "MUNICIPAL LIABILITY," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLE ELM, BY AMENDING SECTION 2-61, "SERVICE OF NOTICE OF CLAIM"; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 2, Article III, of the Town's Code of Ordinances ("Code") addresses municipal liability and the requirement that a written notice of any claim be provided to the Town; and

WHEREAS, Code Section 2-61 requires that such notice be provided to the Town Secretary at an address no longer utilized by the Town Secretary; and

WHEREAS, this ordinance seeks to amend Code Section 2-61 to update the current address for the Town Secretary.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LITTLE ELM, TEXAS:

SECTION 1

INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

AMENDMENT

That the Town of Little Elm Code of Ordinances, Chapter 2, "Administration, Article III, "Municipal Liability," Section 2-62, "Service of Notice of Claim," is hereby amended (with the added language indicated by underlining and the stricken language indicated by ~~strike-throughs~~) to read as follows:

Sec. 2-61. Service of notice of claim.

All notice required by this article shall be effectuated by serving them upon the town secretary at the following locations: ~~101 Hardwicke Lane~~, 100 W. Eldorado Parkway, Little Elm, Texas and all such notices shall be effective only when actually received in the office of the person named above.

SECTION 3

CUMULATIVE REPEALER

That this ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances or parts thereof in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such ordinance on the date of adoption of this ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the ordinance shall remain in full force and effect.

SECTION 4

SEVERABILITY CLAUSE

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or 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, and shall not affect the validity of the Code of Ordinances as a whole. Town Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, on this the 5th day of September, 2023.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary