

**CITY OF BRECKENRIDGE, TEXAS  
ORDINANCE NO. 21-12**

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS,  
AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE 2  
“ADMINISTRATION”, ESTABLISHING SECTION 1-30 ‘CLAIMS  
AGAINST CITY’; PROVIDING A SAVINGS CLAUSE; PROVIDING A  
REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge is authorized to regulate various aspects of administration within the City; and

**WHEREAS**, the City of Breckenridge desires to add the policy for notices to the city of possible claims to the Code of Ordinances; and

**WHEREAS**, the City of Breckenridge finds that the policy provides guidance to persons and staff so as to establish a process for claims to be filed to protect the public health, safety, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
CITY OF BRECKENRIDGE, TEXAS:**

**SECTION 1.** That Article 2, ‘Administration’, Section 1-30 through 1-34 “Claims Against City’ of the Breckenridge Code of Ordinances, is hereby amended by establishing guidelines for persons to submit a claim against the city, which shall herein read as follows:

**“ARTICLE 2 – ADMINISTRATION**

....

**SECTION 1-30 – CLAIMS AGAINST CITY**

**1-30. - Reporting requirements.**

The City shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his/her behalf, or, in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within 60 days or within six months for good cause shown from the date the damage or injury was received, give notice in writing to the mayor and City Commission of the following facts:

- a) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
- b) The nature of the damage or injury sustained.
- c) The apparent extent of the damage or injury sustained.
- d) A specific and detailed statement of how and under what circumstances the damage or injury occurred.
- e) The amount for which each claimant will settle.
- f) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented.
- g) 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.
- h) 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.

**1-31. - Commission to consider claim before lawsuit.**

No suit of any nature whatsoever shall be instituted or maintained against the City unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the City Commission for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by vote of the City Commission refused.

**1-32. - Service of notice.**

All notices required by this division shall be effectuated by serving them upon the City Secretary at the Breckenridge City Administration Building at 105 North Rose Avenue, and all such notices shall be effective only when actually received in the office of the person named above.

**1-33. - Waiver of provisions prohibited.**

Neither the mayor, a City Commission member, nor any other officer or employee of the City shall have the authority to waive any of the provisions of this division.

**1-34. – Notice to be sworn.**

The written notice required under this division shall be sworn to by the person claiming the damage or injuries or by someone authorized by him or her to do so on his/her behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Commission

as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

.....”

**SECTION 2.** That all provisions of the Code of Ordinances of the City of Breckenridge, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, 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 unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the Town Commission of the City of Breckenridge, Texas, this the 1st day of November, 2021.

APPROVED:

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Bob Sims, Mayor

ATTEST:

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Heather Caraway, City Secretary