

ORDINANCE NO. 7495

AN ORDINANCE AMENDING SECTION 2.52, "SPECIAL STANDARDS FOR CERTAIN USES," OF DIVISION 2, "LAND MATRIX," OF ARTICLE 5, "LAND USE MATRIX," OF CHAPTER 2, "ZONING REGULATIONS," AND SECTION 6.03, "DEFINITIONS," OF CHAPTER 6, "DEFINITIONS," OF THE GARLAND DEVELOPMENT CODE; AND SECTION 10.03, "RULES OF CONSTRUCTION," OF CHAPTER 10, "ADMINISTRATION," ARTICLE I, "ANIMAL SERVICES," OF CHAPTER 22, "HEALTH," AND "SECTION 26.10, "CURFEW HOURS FOR MINORS," OF CHAPTER 26, "POLICE-MISCELLANEOUS PROVISIONS AND OFFENSES," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code of the City of Garland, Texas, is hereby *amended in part* to delete subsection (38) in its entirety and to read as follows:

"Section 2.52 Special Standards for Certain Uses.

- (A) Specific Requirements. The City has established the following standards for certain land uses that apply to the uses regardless of the zoning district in which they are located, unless otherwise stated within other sections of this GDC. The definitions for each land use listed below are contained within Chapter 6 of this GDC.

...

(38) *Deleted in its entirety.*

"

Section 2

That Section 6.03, "Definitions," of the Garland Development Code of the City of Garland, Texas, is hereby *amended in part* to read as follows:

"Section 6.03 Definitions.

...

PET STORE: A retail establishment offering small animals for sale where all creatures are housed within the building, and the store sells pet foods and supplies. A Pet Store may include accessory use services such as a pet grooming salon, indoor Pet Care/Play Facility, pet boarding, and small animal veterinary services.

..."

Section 3

That Section 10.03, "Rules of Construction," of the Code of Ordinances of the City of Garland, Texas is hereby *amended* to read as follows:

"Section 10.03 Rules of Construction.

- (A) Construction of Code. In the construction of this Code, and the ordinances and resolutions passed by the City Council, the following rules shall be observed, unless the ordinance or context requires a different meaning:
- (1) Generally. Words shall be construed in their common and usual sense unless the contrary is clearly indicated. Words and phrases shall be read in context and construed according to the rules of grammar and common usage, provided, however, that words and phrases that have acquired a technical or particular meaning shall be construed accordingly. A grammatical error does not vitiate a law. If a sentence or clause is meaningless because of a grammatical error, words and clauses may be transposed to give the law meaning.
 - (2) City. The words "the City" or "this City" shall mean the City of Garland, in the County of Dallas and State of Texas.
 - (3) City Manager or other City officers. "City Manager" or other specified City officer or department shall be construed to mean the City Manager or such other municipal officers or departments, respectively, of the City of Garland, Texas.
 - (4) Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day

on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted. If the last day of any period is a Saturday, Sunday, or legal holiday, the period of days is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

- (5) Council. Whenever the words "Council" or "this Council" or "the Council" are used, they shall mean the City Council of the City of Garland, Texas.
- (6) County. The term "County" or "this County" shall mean the County of Dallas, Texas.
- (7) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.
- (8) Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels, underpasses, overpasses and causeways in the City, dedicated or devoted to public use.
- (9) Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
- (10) Month. The word "month" shall mean a calendar month.
- (11) Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.
- (12) Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (13) Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

- (14) Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, or the whole or of a part of such building or land.
- (15) Person. The word "person" shall extend and be applied to associations, corporations, organizations, firms, partnerships, estates, trusts, and business trusts and to a government or governmental subdivision or agency, other than the City of Garland, Texas.
- (16) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
- (17) Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.
- (18) Signature or subscription. The words "signature" or "subscription" shall include a mark when a person cannot write.
- (19) State. The words "the state" or "this state" shall be construed to mean the State of Texas.
- (20) Street. The term "street" shall include any highway, alley, street, avenue or public place or square, bridges, viaducts, underpasses, overpasses, tunnels and causeways in the City, dedicated or devoted to public use.
- (21) Tense. Words used in the past or present tense include the future as well as the past and present.
- (22) Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.
- (23) Year. The word "year" shall mean a calendar year.

(B) Preemption by State Law.

- (1) The purpose of this provision is to ensure that local regulations and ordinances are consistent with the laws of the state and to prevent the enactment or enforcement of provisions that attempt to regulate subject matters preempted by state law.
- (2) It is hereby recognized that certain subject matters are preempted by state law, and any local ordinance purporting to regulate such subject matters shall be considered null and void to the extent of the preemption.
- (3) Preemption under this ordinance refers to situations where state law expressly prohibits local jurisdictions from regulating specific activities, industries, or matters, or where state law expressly precludes municipalities from adopting or enforcing an ordinance, order, rule, or policy in a field expressly occupied by a provision under state law.
- (4) No provision within the Code of Ordinances of the City of Garland or the Garland Development Code shall be construed or interpreted in a manner that attempts to regulate an activity or subject matter preempted by state law.
- (5) In the event that a provision within the Code of Ordinances of the City of Garland or the Garland Development Code is found to conflict with or attempt to regulate a subject matter preempted by state law, such provision shall be considered invalid and unenforceable to the extent of the conflict or attempted regulation.
- (6) If any provision of the Code of Ordinances of the City of Garland or the Garland Development Code, or the application thereof to any person or circumstances, is held invalid or preempted by a court of competent jurisdiction, such invalidity or preemption shall not affect other provisions or applications of this ordinance that can be given effect without the invalid or preempted provision or application.

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Section 4

That Article I, "Animal Services," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas is hereby *amended in part* to read as follows:

"

Section 22.001 Applicability of this Chapter.

- (A) This Chapter's ordinances do not apply to and shall not be enforced against (1) an Agriculture Operation, as that term is amended and defined by the Texas Agriculture Code; (2) a person operating a business involving the breeding, care, treatment, or commercial sale of animals or animal products, including a veterinary practice, if the person operating the business holds a license for the business that is issued by the federal government or a state; and (3) a person involved in the retail sale of dogs or cats.
- (B) No provision within this Chapter shall be construed or interpreted in a manner that attempts to regulate an activity or subject matter preempted by state law.
- (C) In the event that a provision within this Chapter is found to conflict with or attempt to regulate a subject matter preempted by state law, such provision shall be considered invalid and unenforceable to the extent of the conflict or attempted regulation.

..."

Section 5

That Section 26.10, "Curfew hours for minors," of the Code of Ordinances of the City of Garland, Texas is hereby *amended* to read as follows:

"26.10 Repealed."

Section 6

That Chapters 2 and 6 of the Garland Development Code of the City of Garland, Texas, as amended, and Chapters 10 and 26 of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7

That the terms and provisions of this Ordinance are severable and are governed by Section 1.07 of the Garland Development Code and Section 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 8

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 9th day of January 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary