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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Alpine, Texas," and may be so cited. Such Code may also be cited as the "Alpine Code."

(Code 1978, § 1-1)

State Law reference— Authority of city to adopt Code of Ordinances, V.T.C.A., Local Government Code § 53.001.

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

In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following definitions and rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

City. The term "city" shall mean the City of Alpine, Brewster County, Texas, or any authorized person acting in its behalf.

Code. The term "this Code" shall mean the Code of Ordinances, City of Alpine, Texas, as designated in section 1-1.

Computation of time.

- (1) In computing a period of days, the first day is excluded and the last day is included.
- (2) If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday.
- (3) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from

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which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Council. Whenever the terms "council," "this council," "the council" or "city council" are used, they shall mean the City Council of the City of Alpine, Texas.

County. The term "county," "the county" or "this county" shall mean Brewster County, Texas.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.

Gender. The masculine gender includes the feminine and neuter genders.

Highway. The term "highway" shall mean the width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel.

Joint authority. Words purporting to give authority to three 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.

Month. The term "month" shall mean a calendar month.

Number. Any term purporting the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The term "oath" shall be construed to include an affirmation and the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, agencies. Whenever reference is made to any officer, employee, department, board, commission or agency, the same shall be construed as if followed by the words "of the City of Alpine."

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The term "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, of the whole or of a part of such building or land.

Person. The term "person" means any individual, firm, company, corporation, organization of any kind, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity as well as a natural person.

Roadway. The term "roadway" shall mean the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

Shall, may. The term "shall" is mandatory; the term "may" is permissive.

Sidewalk. The term "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.

Signature or subscription. The term "signature" or "subscription" shall include a mark when a person cannot write.

State. The term "the state" or "this state" shall be construed to mean the State of Texas.

Street. The term "street" shall mean the width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel.

Tense. Words used in the past or present tense include the future as well as the past and present.

Vernon's Ann. C.C.P. The term "Vernon's Ann. C.C.P." shall mean Vernon's Annotated Code of Criminal Procedure, as amended from time to time.

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Vernon's Ann. Civ. St. The term "Vernon's Ann. Civ. St." shall mean Vernon's Annotated Civil Statutes, as amended from time to time.

V.T.C.A. The term "V.T.C.A." shall mean Vernon's Texas Code Annotated, as amended from time to time.

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

Year. The term "year" shall mean a calendar year.

(Code 1978, § 1-2)

State Law reference— Similar provisions, V.T.C.A., Government Code chs. 311, 312.

Sec. 1-3. Section catchlines and other headings.

The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

(Code 1978, § 1-3)

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

Sec. 1-5. Editor's notes and references.

The editor's notes, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

Sec. 1-6. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for city officers and employees.
- (3) Any ordinance annexing territory to the city or discontinuing territory as a part of the city.
- (4) Any ordinance designating, or otherwise relating to, city depositories.
- (5) Any ordinance granting any franchise, permit or other right.

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- (6) Any ordinance approving, prescribing or otherwise relating to rates to be charged by utility companies.
- (7) Any ordinance approving, authorizing or otherwise relating to any contract or agreement.
- (8) Any ordinance accepting, dedicating, vacating or otherwise relating to any easement.
- (9) The zoning ordinance and amendments thereto, including ordinances zoning or rezoning specific property and including the airport hazard zoning ordinance.
- (10) The subdivision ordinance and amendments thereto.
- (11) Any ordinance accepting any plat or subdivision or any dedication to public use.
- (12) Any ordinance relating to any specific public improvement or assessments therefor.
- (13) Any ordinance establishing or otherwise affecting the compensation of any city officer or employee, not inconsistent herewith.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Code 1978, § 1-5)

Sec. 1-7. Code does not affect prior offenses, rights, etc.

Nothing in this Code, or the ordinance adopting this Code, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(Code 1978, § 1-6)

Sec. 1-8. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code, or its application to any persons or circumstances, shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code or their application, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

(Code 1978, § 1-7)

Sec. 1-9. Amendments or additions to Code.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.

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- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of Alpine, Texas, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- (c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Alpine, Texas, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:...." The new section shall then be set out in full as desired.
- (d) All sections, divisions, articles, chapters or other provisions desired to be repealed shall be specifically repealed by section, division, article or chapter number, as the case may be.

(Code 1978, § 1-4)

Sec. 1-10. Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the council during the period covered by the supplement and all changes made thereby in the Code. The pages of a 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, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.
- (b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated in the Code).
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

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Sec. 1-11. General penalty for violations of Code; continuing violations.

Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding \$500.00. However, a fine for the violation of a provision of this Code or an ordinance of the city that governs fire safety, zoning or public health and sanitation, including dumping of refuse, may not exceed \$2,000.00. Provided, further, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(Code 1978, § 1-8)

State Law reference— Penalties for violations of ordinances, V.T.C.A., Local Government Code § 54.001.