

CHAPTER 1

GENERAL PROVISIONS

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SEC. 1.100 CODE DESIGNATION AND CITATION

1.101 DESIGNATION

The ordinances embraced in this and the following chapters shall constitute and be designated "City Code of Olmos Park, Texas", and may be so cited.

SEC. 1.200 RULES OF CONSTRUCTION

1.201 CONSTRUCTION

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

1.201.1 GENERAL RULE

All words and phrases shall be construed and understood according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.201.2 CITY

The words "city", "the city", "this city" or the like shall be construed as if the words "of Olmos Park, Texas" followed the word city.

1.201.3 ALDERMAN

The words "alderman" and "aldermen" shall mean "councilman" or "councilmen"

and vice versa.

1.201.4 CITY COUNCIL

The words “city council” or “council” or “governing body” shall be construed to mean the city council of the City of Olmos Park.

1.201.5 COMPUTATION OF TIME

Except as otherwise provided in this Code, or in applicable statutes of the State, whenever notice is required to be given or an act to be done within a certain length of time before any proceedings 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 proceedings are to be had shall be counted, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

1.201.6 COUNTY

The words “the county” or “this county” shall mean and refer to Bexar County, Texas.

1.201.7 GENDER

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

1.201.8 INTERPRETATION

In the interpretation and application of any of the provisions of this Code, such provisions shall be deemed to be the minimum requirement necessary for the public health, safety, comfort, convenience and general welfare. Where any specific provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

1.201.9 JUDGE

The word “judge” or any like term shall be construed to mean a judge (or acting judge) of the corporation court of the City of Olmos Park.

1.201.10 NUMBER

Where the context requires, a word importing the singular shall be construed as the plural and a word importing the plural shall be construed as the singular.

1.201.11 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”.

1.201.12 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, of the whole or of a part of such building or land, or agent of such owner.

1.201.13 PERSON

The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals or groups of individuals.

1.201.14 PERSONAL PROPERTY

The word “personal property” includes every species of property except real property.

1.201.15 SIGNING

The words "signature" or "subscription" shall include the mark of a person unable to write, witnessed by two witnesses, unless otherwise expressly provided.

1.201.16 STATE

The words "the state" or "this state" shall refer to the State of Texas.

1.201.17 STREET

The word "street" shall be construed to embrace streets, avenues, boulevards, drives, roads, alleys, lanes, viaducts and all other public highways in the city.

1.201.18 TENSE

Words used in the present or past tense include the future as well as the present or past if the context so requires.

1.201.19 TITLES OF OFFICIALS, NAMES OF DEPARTMENTS

Titles of officials or employees, such as "city manager" or "mayor", and names of departments, such as "police department" shall be read as if the words "of Olmos Park, Texas" followed them.

1.202 EXPRESS PROVISIONS CONTROLLING

The rules of construction set forth in this ordinance shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

1.203 REFERENCES

All references to chapters, sections, or sub-sections are to the chapters, sections, and subsections of this Code unless otherwise specified.

1.204 CONFLICTS BETWEEN CHAPTERS

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out the subject matter of such chapter.

1.205 CONFLICTS WITHIN CHAPTER

If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.

1.206 SEVERABILITY OF PARTS OF CODE

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1.207 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 shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

SEC 1.300 GENERAL PENALTY

1.301 WHERE PENALTY UNSPECIFIED

Wherever in this Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful, where no specified penalty is provided therefore, the violation of any such provisions of this Code shall be punishable by a fine of not less than one dollar (\$1.00) or more than five hundred dollars (\$500.00), provided

however, if such violation is of a Code provision that governs fire, safety, zoning and public health and sanitation, such fine shall be not more than two thousand dollars (\$2,000.00). (Amended 1994-04, 06/21/94)

1.301.1 SEPARATE OFFENSE

Each separate act or omission which constitutes a violation and each day's violation of a continuing nature shall constitute a separate offense.

1.302 NONPAYMENT OF FINE

In all cases where a fine is imposed by or in the corporation court, in default of immediate payment thereof, the defendant shall be imprisoned in jail until the fine is paid, allowing credit at the rate specified in Article 45.048 of the Code of Criminal Procedure, or be required to work in the streets or on other public works in the City under the direction of the police until the fine is paid, allowing credit at the rate specified in Article 45.049(f) of the Code of Criminal Procedure; provided the defendant may pay the pecuniary fine assessed against him at any time while he is serving his jail sentence or is at work, and only shall be required to pay the balance of the pecuniary fine assessed against him, less credit for time served or time worked. (Amended 2000-01; 01/19/2000)

1.303 JUDGMENTS AND SENTENCES TO RUN CONSECUTIVELY

All judgments and sentences imposed and ordered by the corporation court shall run consecutively unless otherwise specifically provided by the judge of such court in such judgments and sentences.

SEC. 1.400 REPEAL OF CODE PROVISIONS

1.401 ACT OF REPEAL

The repeal of any part of this Code by any subsequent amendment shall not operate to revive the provisions of any part of this Code which may have been repealed by such repealed part, unless such revival shall be expressly provided for. Repeal of Ordinances or code provisions shall be applied prospectively only and shall not operate retroactively to affect any matter arising before such repeal.

1.402 MANNER OF REPEAL

No code provision shall be repealed by any general terms, such as coming in conflict with any subsequent provision, but in all cases the provision of this Code intended to be repealed shall be specifically mentioned and distinguished by the number of the chapter and section of this Code in the City Ordinance effecting such repeal.

SEC. 1.500 ALTERING CODE

1.501 PROHIBITION

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever (except pursuant to ordinance or other official act of the city council) which will cause the law of the City of Olmos Park to be misrepresented thereby. Any person convicted of violating this section shall be punished as provided in Section 1.300 hereof.

SEC. 1.600 AMENDING CODE

1.601 EFFECT OF AMENDMENT

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 herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances, as numbered and printed (or omitted, in the case of repeal) shall be prima facie evidence of such subsequent ordinances until such time as this Code and such subsequent ordinances are readopted as a new code or ordinances by the city council

1.602 MANNER

Amendments to any of the provisions of this Code may be made by amending such provisions by specific references to the section number of this Code In the following language: "Section (insert section number) of the City Code of Olmos Park, Texas, is hereby amended to read as follows". The new provisions may then be set out in full as amended.

SEC. 1.700 INCLUDED VIOLATIONS OF CODE

1.701 AIDING OR ABETTING

The prohibition of any act by this Code, or by any rule, or regulation adopted hereunder, shall include the causing, securing, aiding, or abetting of another person to do such act.

1.702 CONSPIRACY

The prohibition of any act by this Code, or by any rule or regulation adopted hereunder, shall include a conspiracy to do such prohibited act. A person commits a conspiracy if, with the intent that such prohibited act be done, he agrees with one or more persons that they or one or more of them do such prohibited act; and he or one or more of them performs, an overt act in pursuance of the agreement.

SEC. 1.800 EFFECTIVE DATE OF CODE PROVISIONS AND OTHER ORDINANCES

1.801 EFFECTIVE IMMEDIATELY

All ordinances, including amendments hereto, shall be effective immediately upon their passage and approval unless otherwise provided therein or by law.

SEC. 1.900 POSTING OF BONDS, TYPE OF SECURITY REQUIRED

1.901 SECURITY REQUIRED

Every person required by ordinance or by this Code to post bond shall post same with the City Manager and shall post such bond either in cash or by filing with the City Manager a bond executed by a surety company authorized to do business in the State, or in such other manner as prescribed by law. (Ord. No. 48, 4-24-58).

SEC. 1.1000 ARREST WITHOUT WARRANT (Ord. No. 48, 4-24-58)

1.1001 WHEN AUTHORIZED

Pursuant to Article 14.03 of the Texas Code of Criminal Procedure, officers or the City Police Department are authorized to arrest, without warrant, persons found in suspicious places, and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or about to commit some offense against the laws.

SEC. 1.1100 USE OF STREETS A PRIVILEGE

The use of the streets by any person for the purpose of operating or causing to be operated thereon any vehicle engaged in transporting passengers for hire over fixed routes is declared a public franchise or privilege in the nature of a franchise and each business or occupation is declared a public utility, the exercise of which are conditioned upon and subject to grant, authorization, license, inspection and regulation by the city council

SEC. 1.1200 WHEN MAYOR PRO TEM TO PRESIDE AT COUNCIL MEETINGS; TEMPORARY PRESIDING OFFICER

The absence or inability of the mayor, the mayor pro tern shall preside at city council meetings, and in the absence or inability of both, a quorum being present, a temporary presiding officer may be elected from among the councilmen upon nominations by a councilman for that purpose.

SEC. 1.1300 SAVINGS CLAUSE

If any portion of this Code shall be declared to be invalid under the Constitution or Laws of the United States, or of the State of Texas, such holding shall not affect the valid portions hereof.