

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS



CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Burkburnett, shall be designated as the Code of Burkburnett, and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and

phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CITY," "MUNICIPAL CORPORATION," "MUNICIPALITY," or "TOWN." The City of Burkburnett, Texas.

"CODE," "THIS CODE" or "THIS CODE OF ORDINANCES." This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

"COUNTY." Wichita County, Texas.

"MAY." The act referred to is permissive.

"MONTH." A calendar month.

"OATH." 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".

"OFFICER," "OFFICE," "EMPLOYEE," "COMMISSION," or "DEPARTMENT". An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

"PERSON." Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms "PERSON" or "WHOEVER" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

"PRECEDING" or "FOLLOWING." Next before or next after, respectively.

"SHALL." The act referred to is mandatory.

"SIGNATURE" or "SUBSCRIPTION." Includes a mark when the person cannot write.

"STATE." The State of Texas.

"SUBCHAPTER." A division of a chapter, designated in this code by an underlined heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

"WRITTEN." Any representation of words, letters, or figures, whether by printing or otherwise.

"YEAR." A calendar year, unless otherwise expressed; equivalent to the words "YEAR OF OUR LORD."

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) "AND" or "OR." Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling

of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state and federal law, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anywise be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (Art. 4477-6a, V.T.C.S.) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 31.10 CHARITABLE SOLICITATIONS.

No more than one permit shall be granted to any applicant during each calendar year.  
(Ord. 10, passed 1-1-80)

Statutory reference:

For authority to regulate, see Art. 1175, Secs. 19 and 20, V.T.C.S.

§ 10.98 FINE SCHEDULE.

(A) The new fine schedule for the City Municipal Court shall be as follows:

Code, Ordinance or Statute	Offense	Range of Punishment	Fine	Court Costs	Total
Transport. Code and Other Vehicular Traffic/ Equip. Violations	Alcohol - Consuming while driving	0 - 200 for Adults	100	35	135
	Crossing center not passing	0 - 100 for Juveniles	100	35	135
	Cross parking lot to avoid traffic device		100	35	135
	Defective exhaust		50	35	85
	Drivers license - out of state suspension		100	35	135
	Drivers license - expired		50	35	85
	Drivers license - false		100	35	135
	Drivers license - incorrect address		50	35	85
	Drivers license - mutilated		50	35	85
	Drivers license - none		100	35	135
	Drivers license - restriction		50	35	85
	Drove over fire hose	100	35	135	
	Excessive acceleration	75	40	115	
	F.T.M.F.R.	175	107	282	
	Fail to comply after accident	75	35	110	
Fail to control speed	75	40	115		

Code Ordinance or Statute	Offense	Range of Punishment	Fine	Court Costs	Total
Transport. Code and Other Vehicular Traffic/ Equip. Violations	Fail to dim headlights	0 - 200 for Adults	50	35	85
	Fail to drive in single lane		50	35	85
	Following emergency vehicle	0 - 100 for Juveniles	100	35	135
	Following too closely		75	35	110
	Illegal window tint		50	35	85
	Improper lights		50	35	85
	Insp. sticker - expired		50	35	85
	Insp. sticker - incorrect		75	35	110
	Insp. sticker - mutilated		75	35	110
	Insp. sticker - none		75	35	110
	Lights inoperative		50	35	85
	Lights - broken lens		50	35	85
	M/C - No D.L.		100	35	135
	M/C - No headgear - driver		75	35	110
	M/C - No headgear - passenger		50	35	85
	Negligent collision		100	32	132
	No lights when required		75	35	110
	No seat belt - driver		75	35	110
	No seat belt - passenger		50	35	85
	Negligent collision		100	32	132
	No lights when required		75	35	110
No seat belt - driver	75	35	110		

Code, Ordinance or Statute Transport. Code and Other Vehicular Traffic/ Equip. Violations	Offense	Range of Punishment	Fine	Court Costs	Total
	No seat belt - passenger	0 - 200 for Adults	50	35	85
	Obstruct window screen		35	35	70
	Permit unlicensed driver to drive	0 - 100 for Juveniles	100	35	135
	Racing		100	40	140
	Ran red light		100	35	135
	Ran stop sign		100	35	135
	Tags - expired		50	35	85
	Tags - improper		50	35	85
	Tags - no front tags		35	35	70
	Tags - none		50	35	85
	Tags - wrong tags on vehicle		50	35	85
	Uncovered load		100	35	135
	Unsafe speed		100	40	140
	Wrong way on 1 way		50	35	85
	Illegal parking		50	35	85
	Speeding [**\$7.00 per each m.p.h. over posted limit]	0 - 200	**	40	
	Reckless driving - juvenile		100	35	135
	Reckless driving - adult		170	35	205
Penal Code	§ 22.01 Assault	0 - 500	200	32	232
	§ 28.03 Criminal mischief	0 - 500	200	32	232
	§ 42.01 Disorderly conduct	0 - 500	200	32	232
	§ Reckless damage	0 - 500	200	32	232
	§ Theft	0 - 500	200	32	232
	§ Poss. of drug paraphernalia		200	32	232
	§ Public intoxication		100	32	132

Code, Ordinance or Statute	Offense	Range of Punish- ment	Fine	Court Costs	Total
Code of Criminal Procedure	Failure to appear	0 - 500	200	27	227
	Violate promise to appear	0 - 500	200	27	227
City Ordinance Violations	Animal - mistreating	0 - 200	200	32	232
	Animal - no shots	0 - 200	75	32	107
	Animal - not cleaning pens	0 - 200	75	32	107
	Animal - unregistered	0 - 200	75	32	107
	Animals - public nuisance	0 - 200	75	32	107
	Curfew violation	0 - 200	100	32	132
	Dog at large	0 - 200	100	32	132
	Firing/throwing missiles	0 - 200	100	32	132
	Public nuisance - property	0 - 200	100	32	132
	Public nuisance - barking dog	0 - 200	100	32	132
	Scavenging	0 - 200	75	32	107
Parking Violations	Parking - block entry/ exit	0 - 200	35	8	43
	Parking - block lane/ road	0 - 200	35	8	43
	Parking - by fire zone	0 - 200	35	8	43
	Parking - by fire hydrant	0 - 200	35	8	43
	Parking - double	0 - 200	35	8	43
	Parking - no parking zone	0 - 200	20	8	28
	Parking - handicap	100 - 200	150	8	158
	2nd offense	200 - 300	250	8	258
	3rd offense	300 - 400	350	8	358
	4th offense	400 - 500	450	8	458

Code, Ordinance or Statute	Offense	Range of Punishment	Fine	Court Costs	Total
Educational Code Violations	§ 25.094 - Failure to attend school	0 - 500	100	32	132
	§ 37.102 - Rules (Enacted by School Board)	0 - 500	100	32	132
	§ 37.107 - Trespass on school ground	0 - 500	200	32	232
	§ 37.122 - Possession of intoxicants on school grounds	0 - 500	200	32	232
	§ 37.124 - Disruption of classes	0 - 500	200	32	232
	§ 37.126 - Disruption of transportation	0 - 500	200	32	232
Alcoholic Beverage Code Violations	§ 106.02 - Purchase of alcohol by minor	25 - 200	100	32	132
	Subsequent offense	250 - 1,000	500	32	532
	§ 106.025 - Attempt to purchase alcohol by a minor	25 - 200	50	32	82
	Subsequent offense	250 - 1,000	500	32	532
	§ 106.04 - Consumption of alcohol by a minor	25 - 200	100	32	132
	Subsequent offense	500 - 1,000	600	32	632
	§ 106.05 - Possession of alcohol by a minor	25 - 200	50	32	82
	Subsequent offense	250 - 1,000	500	32	532
	§ 106.06 - Purchase for or furnish to a minor	100 - 500	200	32	532
	Subsequent offense	500 - 1,000	600	32	632
	§ 106.07 - Misrepresentation of age by a minor	25 - 2,000	50	32	82
	Subsequent offense	100 - 500	250	32	282
	Alcohol - poss. after hours	0 - 200	100	32	132
	Alcohol - poss. on school grounds	0 - 500	200	32	232

(Ord. 550, passed 3-17-97)

(B) Each person convicted of a misdemeanor in the Burkburnett Municipal Court shall pay:

(1) A fee of three dollars which shall go into a fund to be used to purchase security devices for the municipal court; and

(2) A technology fee of not more than four dollars, set by the municipal court judge, to be paid into a technology fund for the municipal court, which fund shall be used to purchase technology equipment for the court.

(Ord. 572, passed 8-16-99)

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$200. However, if the maximum penalty provided by this Code for any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this Code. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Statutory reference:

Maximum fine for general violations, see Sec. 54.001, Local Government Code

