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§ 1-1 Code - Designation and Citation

The ordinances embraced in the following chapters and sections shall constitute and be designated and cited as the "Code of Ordinances for the City of Fayette, Alabama." Such Code may also be cited as the "Code of Fayette, Alabama," or the "Fayette Code." (For authority of cities and towns to codify and revise ordinances and to adopt a code, see: Code of Alabama, tit. 37 § 461.)

§ 1-2 Code - Definitions and Rules

In the construction of this Code, and of all ordinances and resolutions adopted by the city council of Fayette, Alabama, the following definitions and rules shall be observed, unless the context clearly indicates otherwise:

Alabama Code or Code of Alabama - Shall refer to the Code of Alabama of 1940, as recompiled 1958, or the latest subsequent code of the state.

Bond - When a bond is required, an undertaking in writing shall be sufficient.

City - The word "city" shall mean the City of Fayette, in the County of Fayette, in the State of Alabama.

City Council - The words "city council," "the council," or "council" shall mean the city council of the City of Fayette, Alabama.

Code - The words "this Code" or "the Code" shall mean the "Code of Ordinances for the City of Fayette, Alabama."

Computation of Time - The time in which an act is to be done shall be computed by excluding the first day and including the last day, and, if the last day be a Sunday or legal holiday, that shall be excluded. (For legal holidays, see: Code of Alabama, tit. 39 § 184.)

County - The words "the county" or "this county" shall mean the County of Fayette, Alabama.

Gender - Words used in the masculine gender include the feminine and neuter.

May - The word "may" is permissive.

Month - The word "month" shall mean a calendar month.

Number - The singular includes the plural, and the plural includes the singular number.

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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" or "affirmed."

Person - The word "person" includes a corporation, a firm or partnership, as well as a natural person.

Personal Property - Includes every species of property except real property.

Property - The word "property," includes real and personal property.

Real Property - Includes lands, tenements and hereditaments.

Police Jurisdiction - Shall mean the territorial jurisdiction of the city outside its corporate limits. (For definition of police jurisdiction, see: Code of Alabama, tit. 37, § 9.)

Signature or Subscription - The words "signature" or "subscription" includes a mark when the person cannot write.

Shall - The word "shall" is mandatory.

State - The words "the state" or "this state" shall be construed to mean the State of Alabama.

Tense - Words used in this Code in the past or present tense, include the future as well as the past and present.

Year - The word "year" means a calendar year.

Writing or Written - The words "writing" or "written" includes printing on paper, typewriting and any other means of representing words and letters.

§ 1-3 Code - Catchlines of Sections

The catchlines of the sections of this Code are intended as catchwords to indicate the contents of the section and shall not be deemed or taken to be the 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 re-enacted.

§ 1-4 Code - Severability of Parts

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, unenforceable or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

§ 1-5 Code Altering

It shall be unlawful to change or amend by addition or deletion, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code in any manner which will cause the law of the city to be misrepresented thereby.

§ 1-6 Code - Amending Procedure

The procedure for amending this Code shall be as follows:

- a. All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code, shall 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

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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 the Code and subsequent ordinances omitted are readopted as a new Code by the city council.

- b. Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of Fayette, Alabama, is hereby amended to read as follows:" The new provisions may 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: "The Code of Ordinances for the City of Fayette, Alabama, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section reads as follows:" The new provision shall then be set out in full as desired.
- d. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter or provision number, as the case may be.

§ 1-7 Ordinances - Effect of Repeal

The repeal of an ordinance shall not revive any repealed ordinance. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

§ 1-8 General Penalty - 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, where no specific penalty is provided for, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment or hard labor not exceeding six (6) months, one or both. Each day's violation of this Code or of any ordinance shall constitute a separate offense. (For authority of a city to enforce obedience to ordinances, see: Code of Alabama, § 11-45-1.)