

Chapter 1.05
GENERAL PROVISIONS

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1.05.010 Definitions. The following words and phrases, whenever used in the ordinances of the city of Mosier, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. “City” and “town” each mean the city of Mosier, or the area within the territorial limits of the city of Mosier, and such territory outside Mosier over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. “Council” means the city council of the city of Mosier. “All its members” or “all councilors” means the total number of council members holding office.
- C. “County” means the county of Wasco.
- D. “Law” denotes applicable federal law, the Constitution and statutes of the state of Oregon, the charter and ordinances of the city of Mosier, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. “May” is permissive.
- F. “Month” means a calendar month.
- G. “Must” and “shall” are each mandatory.
- H. “Oath” includes an affirmation or declaration 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.”

- I. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. “Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. “Personal property” includes money, goods, chattels, things in action and evidences of debt.
- L. “Preceding” and “following” means next before and next after, respectively.
- M. “Property” includes real and personal property.
- N. “Real property” includes lands, tenements and hereditaments.
- O. “Sidewalk” means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians, or where there are no curbs, the concrete pathway intended for pedestrian use between the edge of the vehicle roadway and the property line.
- P. “State” means the state of Oregon.
- Q. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- R. “Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. “Written” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. “Year” means a 12 consecutive months or a calendar year as indicated by the context.

1.05.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. Any officer, employee, department, board, commission or the council of the City acting within its official and authorized capacity shall be deemed to be acting on behalf of the City and not on behalf of themselves or as an individual.

1.05.030 Interpretation of language. All words and phrases in this Code shall be construed according to the common and approved 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. The city council shall be the final interpreter of any ambiguous terms, provisions or requirements of this code. When interpreting ambiguous terms, provisions or requirements, the city council shall endeavor to the maximum extent practicable to harmonize this code with any applicable provisions of state or federal law and the City's Charter.

1.05.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neutral genders.
- B. Singular and plural. The singular includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.05.050 Acts by agents. When a particular action is required of the City by ordinance or a provision of this Code, that action may be taken by any person, agent, city official authorized to act on behalf of the City and all such authorized actions shall be deemed to be taken by the City. The City's officers, officials and agents are not authorized to take any action beyond the scope of their authority.

1.05.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. For example when there is a violation of this code or a permit issued by the City committed by someone on property owned by another, the property owner shall be jointly and severally liable for the unlawful action.

1.05.070 Computation of time. Except when otherwise provided, the time within which something is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a state or federal holiday, in which case that day shall also be excluded from the computation of time.

1.05.080 Construction. The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their stated objectives, purposes and policies, to promote justice and to protect the public health, safety and general welfare.

1.05.090 Severability. The sections and subsections of the City’s ordinances are declared to be severable. Should any provision of any ordinance or this Code be declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the remaining provisions of the ordinance or this Code as a whole or any part thereof except that specific provision which was the subject of the declaration.

1.05.100 Repeal shall not revive ordinances. The repeal of any ordinance shall not repeal any repealing clause which the ordinance might contain nor shall repeal of an ordinance that contains a repealing clause revive any ordinance that has been repealed thereby.