

# TITLE 1. GENERAL PROVISIONS

## CHAPTER 1.04

### GENERAL PROVISIONS

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#### 1.04.210 DEFINITIONS: RULES OF CONSTRUCTION

1. The following words and phrases, whenever used in this code, shall be construed as defined in this section unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:
  - A. **CITY or TOWN:** Means the City of Stayton, Oregon, or the area within the territorial limits of the City of Stayton, Oregon, and such territory outside the Stayton city limits over which the City of Stayton has jurisdiction or control by virtue of any constitutional or statutory provision.
  - B. **COMPUTATION OF TIME:** The time within which an act is to be done is computed by excluding the first day and including the last, unless the last day falls upon a legal holiday as defined in this code.
  - C. **COUNCIL:** Means the city council of the City of Stayton. "All its members" or "all councilors" means the total number of councilors holding office.
  - D. **COUNTY:** Means the county of Marion.
  - E. **DAY:** Means the period of time between any midnight and the midnight following.
  - F. **DAYTIME:** is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
  - G. **LAW:** Denotes applicable federal law, the constitution and statutes of the State of Oregon, the ordinances of the City of Stayton, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
  - H. **MAY:** Is permissive.

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- J. **MINOR:** Means a person under the age of twenty-one (21) years, unless otherwise stated.
- K. **MONTH:** Means a calendar month.
- L. **MUST** and **SHALL:** Are each mandatory.
- M. **OATH:** Means 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" are equivalent to the words "affirm" and "affirmed."
- N. **OFFICIAL TIME:** Whenever certain hours are named in this code, they mean the standard time as set out in ORS 187.110.
- O. **OR, AND:** Each word may be substituted for the other if the sense requires it.
- P. **ORDINANCE:** Means a law of the city, provided that a temporary or special law, administrative action, order, or directive may be in the form of a resolution.
- Q. **ORS:** Means Oregon Revised Statutes.
- R. **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.
- S. **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.
- T. **PERSONAL PROPERTY:** Includes money, goods, chattels, things in action, and evidences of debt.
- U. **PRECEDING** and **FOLLOWING:** Means next before and next after, respectively.
- V. **PROPERTY:** Includes real and personal property.
- W. **REAL PROPERTY:** Includes lands, tenements, and hereditaments.
- X. **SHALL** and **MUST:** Each mandatory.
- Y. **SIDEWALK:** Means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.
- Z. **STATE:** Means the State of Oregon.

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- AA. **STREET:** Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this 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 stated.
  - AB. **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.
  - AC. **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.
  - AD. **TO:** Means "to and including" when used in reference to a series of sections of this code or when reference is made to ORS.
  - AE. **WEEK:** Means seven (7) consecutive days.
  - AF. **WRITING:** Includes printed, typewritten, mimeographed, or multigraphed material, or any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language, unless it is expressly provided otherwise.
  - AG. **YEAR:** Means a calendar year.
- 2. All words and phrases shall be construed and understood 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.
  - 3. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by principal, such requirement shall be construed as to include such acts as performed by an authorized agent. (Ord. 654, section 1, 1988: prior code section 1.010)

### 1.04.220 GRAMMATICAL INTERPRETATION

The following grammatical rules apply in this code and the ordinances of the city:

- 1. **GENDER:** The masculine gender includes the feminine and neuter.
- 2. **NUMBER:** The singular includes the plural and the plural includes the singular.
- 3. **TENSE:** Words used in the present tense include the past and future tenses, unless manifestly inapplicable.
- 4. **USE OF WORDS AND PHRASES:** Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (prior code section 1.011)

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### 1.04.230 CONSTRUCTION OF PROVISIONS

The provisions of the city ordinances and of this code and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 654, section 2, 1988: prior code section 1.012)

### 1.04.240 APPLICABILITY OF STATE LAW

It is unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law, insofar as such laws are applicable to municipal government. (prior code section 1.013)

### 1.04.250 PROHIBITED ACTS INCLUDE CAUSING OR PERMITTING

Whenever in the ordinances of this city or this code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (prior code section 1.014)