

Chapter 12 -- Construction of Ordinances

12.010. Construction, generally. All general provisions, terms phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Aldermen may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import.

12.020. Headings. The headings of the chapters and sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

12.030. Continuation of prior ordinances. The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

12.040. Repeal of ordinances not to affect liabilities. Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine 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 such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

12.050. Repeal not to revive former ordinance. When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length.

12.060. Severability. It is hereby declared to be the intention of the Board of Aldermen that the chapters, sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, and chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

12.070. Tense. Except as otherwise specifically provided or indicated by the content, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein either as a power, immunity, requirement, or prohibition.

12.080. Notice. Whenever notice may be required under the provisions of this Code or other city ordinance, the same shall be served in the following manner:

1. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
2. By mailing said notice by certified or registered mail to such owner at his last known address, or
3. If the owner is unknown, or may not be notified under the requirements of Section 12.080 (1) or (2), then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

12.090. Same, exceptions. The provisions of the section shall not apply to those chapters of this Code wherein there is a separate definition of notice.

12.100. Computation of time. In computing any period of time prescribed or allowed by this Code or by any notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a legal holiday.

12.110. Gender. When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

12.120. Joint authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

12.130. Number. When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and, when words importing the plural number are used, the singular shall be deemed to be included.

Adopted by Ordinance 6/14/93.