

ORDINANCE NUMBER 1591

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, PROVIDING DEFINITIONS AND GENERAL RULES OF CONSTRUCTION FOR THE CITY CODE.

WHEREAS, the City is preparing a City Code incorporating all general ordinances of the City, and

WHEREAS, it is necessary to adopt general provisions for interpretation of the Code,

NOW, THEREFORE, the City of Milwaukie does ordain as follows:

Section 1. Definitions. The following words and phrases, whenever used in the ordinances of the City of Milwaukie, Oregon, 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 Milwaukie, Oregon, or the area within the territorial limits of the City of Milwaukie, Oregon, and such territory outside Milwaukie over which the City has jurisdiction or control by virtue of any constitutional or statutory provisions.
- B. "Council" means the City Council of the City of Milwaukie. "All its members" or "all councilors" means the total number of councilors holding office.
- C. "County" means the county of Clackamas.
- D. "Day" means a calendar day.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the State of Oregon, the ordinances of the City of Milwaukie, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means a calendar months.
- H. "Must" and "shall" are each mandatory.

I. "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."

J. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenants, tenant by the entirety, of the whole or a part of such building or land.

K. "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.

L. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

M. "Preceding" and "following" means next before and next after, respectively.

N. "Property" includes real and personal property.

O. "Real property" includes lands, tenements and hereditaments.

P. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

Q. "State" means the state of Oregon.

R. "Street" includes all street, 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 state.

S. "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.

T. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

U. "Year" means a calendar year.

Section 2. 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.

Section 3. Interpretation of language. All words and phrases 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.

Section 4. Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the City of Milwaukie, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number 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.

Section 5. Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. Prohibited acts include causing and permitting. Whenever in the ordinances of the City of Milwaukie 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.

Section 7. Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Section 8. Construction. The provisions of the ordinances of the City of Milwaukie and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 9. Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.


Section 10. General Penalty. A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the City of Milwaukie, except in cases where a different punishment is prescribed by any ordinance of the City, shall be punished by a fine not to exceed \$500.00.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Milwaukie is committed, continued or permitted by any such person.

Read the first time on MARCH 18, 1986, and moved to second reading by UNANIMOUS vote of the City Council.

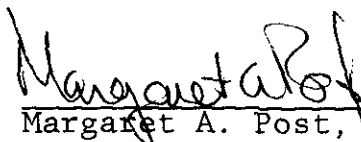
Read the second time and adopted by the City Council on MARCH 18, 1986.

Signed by the Mayor on MARCH 18, 1986.



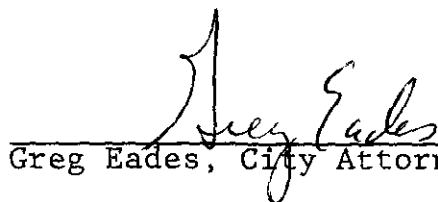
Ronald D. Kinsella, Mayor

ATTEST:



Margaret A. Post, Finance Director

Approved as to form:



Greg Eades, City Attorney