**TITLE I: GENERAL PROVISIONS**

 **CHAPTER 10. GENERAL PROVISIONS**

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Section

10.01 Title of Code

10.02 Interpretation

10.03 Application to future ordinances

10.04 Captions

10.05 Definitions

10.06 Rules of interpretation

10.07 Severability

10.08 Reference to other sections

10.09 Reference to offices

10.10 Errors and omissions

10.11 Reasonable time

10.12 Ordinances repealed

10.13 Ordinances unaffected

10.14 Effective date of ordinances

10.15 Repeal or modification of ordinance

10.16 Ordinances which amend or supplement Code

10.17 Section histories; statutory references

10.99 General penalty

**10.01 TITLE OF CODE**

All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered and consolidated into component Codes, titles, chapters and sections, shall be known and designated as the Weston City Code, for which designation “Code of Ordinances,” “codified ordinances,” or “Code” may be substituted.

**10.02 INTERPRETATION**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of state law.

**10.03 APPLICATION TO FUTURE ORDINANCES**

All future legislation shall apply to ordinances hereafter adopted, amending or supplementing this Code unless otherwise specifically provided.

**10.04 CAPTIONS**

Headings, captions, title, chapter and section numbers used in the Code are for reference purposes only and do not constitute any part of the law.

 **10.05 DEFINITIONS**

(A) *General rule*. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* **City** The municipality of the City of Weston, and the area within the corporate boundaries of the City as currently established or as amended by ordinance, annexation or other legal actions at a future time. May also be used to refer to the City Council and its authorized representatives.
* **City Fee Schedule**   The City’s schedule of various fees and charges, available for public inspection in the city offices.
* **Code,** **this Code,** or **this Code of Ordinances** This municipal Code as modified by amendment, revision, or adoption of new titles, chapters or sections.
* **Council**  The City Council of the City of Weston.
* **County**  Umatilla County, Oregon.
* **Global Definitions Section**  The definitions contained in this Section 10.05.
* **Governing Body**  The Weston City Council.
* **Law Enforcement**  May include City police, the County Sheriff, any agency with which the City contracts to obtain law enforcement services, state or federal law enforcement personnel, and any City employee or contractor authorized to enforce this Code.
* **May**  The act referred to is permissive.
* **Month**  A calendar month.
* **Oath**  A promise. In all cases in which, by law, an affirmation may be substituted for an oath, the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”
* **O.R.S. or ORS**  Oregon Revised Statutes.
* **Police, or Police Officer**  See “Law Enforcement.”
* **Officer, Office, Employee, Commission** or **Department** An officer, office, employee, commission or department of the City of Weston unless the context clearly requires otherwise.
* **Person** Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms “person” or “whoever” as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.
* **Shall** The act referred to is mandatory.
* **State**  The State of Oregon.
* **Year** A calendar year, unless otherwise expressed.

**10.06 RULES OF INTERPRETATION**

The construction of all ordinances of this City shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *“And” or “Or.”* Either conjunction shall include the other as if written and/or, if the context requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy may do as well as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

 **10.07 SEVERABILITY**

If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**10.08 REFERENCE TO OTHER SECTIONS**

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, remodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**10.09 REFERENCE TO OFFICES**

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of this City exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

 **10.10 ERRORS AND OMISSIONS**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, the spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

**10.11 REASONABLE TIME**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

**10.12 ORDINANCES REPEALED**

This Code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

**10.13 ORDINANCES UNAFFECTED**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Code at the time of its adoption shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**10.14 EFFECTIVE DATE OF ORDINANCES**

All ordinances passed by the legislative body shall take effect as provided in the City Charter.

**10.15 REPEAL OR MODIFICATION OF ORDINANCE**

Unless otherwise expressly provided:

(A) Whenever any ordinance or part of an ordinance is repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it.

(B) No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force.

(C) Any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

**10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE**

(A) Amendments to the Code shall specifically repeal the chapter or section to be amended and a new chapter or section containing the desired amendment substituted in its place.

(B) Any new ordinance added to the Code shall indicate the proper chapter or section number to which the new ordinance will be added, both in the text of the proposed ordinance and in the caption or title.

 **10.17 SECTION HISTORIES; STATUTORY REFERENCES**

(A) The specific number and passage date of the original ordinance and any amending ordinances are listed following the text of the Code section, if these dates and ordinances are available.

Example: (Ord. 161, passed 5‑13‑1960; Ord. 170, passed 1‑1‑1970; Ord. 180, passed 1‑1‑1980; Ord. 185, passed 1‑1‑1985)

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute.

Example: (ORS 192.410)

(2) A statutory cite set forth as a statutory reference following the text of the section indicates that the reader should refer to that statute for further information.

Example:

**39.01 PUBLIC RECORDS AVAILABLE**

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*Inspection of public records, see ORS 192.420*

 **10.99 GENERAL PENALTY**

(A) Any person violating any provision of this Code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed $500, subject to division (B) of this section.

(B) Any person violating any provision of this Code which is identical to a state statute containing a penalty shall, upon conviction, be punished by the penalty prescribed by state statute.

(C) Any person violating any provision of this Code for which a fee or fine is provided under the city fee schedule shall be subject to the provisions of the city fee schedule.

(D) Each calendar date on which a violation occurs constitutes a separate violation.