

ORDINANCE NO. 94-04

AN ORDINANCE OF THE CITY OF AMERICAN CANYON
AMENDING PROVISIONS OF THE MUNICIPAL CODE
CONTAINING DEFINITIONS AND RULES OF CONSTRUCTION

The City Council of the City of American Canyon does ordain as follows:

Section 1: The first paragraph of Section 1.01.010, entitled "Interpretation of Code and Other Ordinances," shall be amended to read as follows:

The provisions of **the ordinances of the City** and all proceedings under **them** are to be construed to effect its objects and to promote justice.

Section 2: The first sentence of Section 1.01.030, entitled "Partial Invalidity," shall be amended to read as follows:

If any chapter, section, subsection, sentence, clause, phrase or portion of **any ordinance of the City** is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision as such holding shall not affect the validity of the remaining portions thereof.

Section 3: Section 1.01.040, entitled "Territorial Limitation," shall be amended to read as follows:

The ordinances of the City shall refer only to the omission or commission of acts within the territorial limits of the City of American Canyon and that territory outside of the City over which the City has jurisdiction or control by virtue of the constitution, or any law, or by reason of ownership or control of property.

Section 4: Section 1.01.050, entitled "Local Signification," shall be amended to read as follows:

All references in **ordinances of the City** to places, acts, persons or things and all else in relation to **such ordinances** shall be construed to mean that the same are applicable to this City, whether the City is mentioned in each particular section or not. **Ordinances of the City** have been adopted from or relate to the same subject as is set forth in the Napa County Code. To the extent that any section, subsection, sentence, clause or phrase of **any such ordinance** is in conflict with the Napa County Code provisions that are adopted, the later adopted portion of **the ordinances** shall control and shall take precedence over the inconsistent portions of the Napa County Code.

Section 5: Section 1.010.100, entitled "Rules of Construction," shall be amended to read as follows:

Unless the provisions of the **ordinances of the City** otherwise specifically provide, or the context of **the ordinances** indicate to the contrary, the general provisions, rules of construction, and definitions set forth in the following sections of this Chapter shall govern the construction of **the ordinances of the City**. The provisions of **the ordinances of the City**, and all proceedings under **them**, are to be construed with a view to effect their objects and to promote justice.

Section 6: Section 1.010.110, entitled "Effect of Headings," shall be amended to read as follows:

The title, chapter, article and section headings contained in this Code and in **the ordinances of the City**, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent or the provisions of any of title, chapter, article, or section of this Code or **the ordinances of the City**.

Section 7: Section 1.010.120, entitled "Meaning of "Section" and "Subsection"," is hereby repealed in its entirety and replaced by the following which shall be numbered as Section 1.010.120:

Section 1.101.120. 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 be acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 8: Section 1.010.121 is added to the Municipal Code to read as follows:

Section 1.010.121. 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 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 future tenses and *visa versa*, unless manifestly inapplicable.

Section 9: Section 1.010.130, entitled "Acts by Deputies," shall be amended to read as follows:

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless the ordinances of the City expressly provide otherwise.

Section 10: Section 1.010.131 is added to the Municipal Code to read as follows:

Section 1.010.131. Acts by Agents. When an act is required by this Code or 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 11: Section 1.010.140, entitled "Writing," is hereby repealed in its entirety and replaced with the following:

Section 1.010.104. Computation of Time. Except when otherwise provided, the time with which an action 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 12: Section 1.010.170, entitled "Definitions," is amended in its entirety to read as follows:

Section 1.010.170. Definitions. The following words and phrases, whenever used in the ordinances of the City, 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) "Calendar Year" shall mean the period from January 1 through December 31 of any given year.

(b) "City" means the City of American Canyon, or the area within the territorial limits of the City, and such territory outside the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

(c) "City Manager" means the appointed official of the City who occupies the position as Chief Administrative Officer of the City.

(d) "Council" shall mean the City Council of the City of American Canyon. **"All its members" or "all Council members" means the total number of Council members holding office.**

(e) "Council Member" shall mean a person duly elected to the Council.

(f) "County" shall mean the County of Napa, California or the area within the limits of Napa County, and such territory outside the Napa County over which the County has jurisdiction or control by virtue of any constitutional or statutory provisions.

(g) "Fiscal Year" shall mean from July 1 of any given year through June 30 of the following year.

(h) "Goods" shall mean and include wares and merchandise.

(i) **"Law" denotes applicable federal law, the constitution and statutes of the State of California, the ordinances of the City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.**

(j) "May" shall be permissive.

(k) "Months" shall mean the calendar months, unless otherwise expressed.

(l) **"Must" and "shall are each mandatory.**

(m) **"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".**

(n) "Operate" shall mean and include carrying on, keeping, conducting, or maintaining.

(o) "Owner", applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.

(p) "Person" shall include any natural person, firm, company, corporation, club, trust, or similar organization, partnership, association, public corporation, political subdivision, city (except the City of American Canyon), the County of Napa, any district in the County of Napa, the State of California, or the United States of America, or any department or agency or any employee, manager, officer, agent, lessee or servant of any thereof, unless this Code expressly provides otherwise.

(q) "Personal Property" shall include money, goods, chattels, things and actions, any evidences of debt.

(r) "Police," "Police Chief," or "Chief of Police" shall mean the agency which performs the appropriate law enforcement functions of the City, and the head of the agency or division thereof which at the time involved has responsibility for performing the police function for, or within, the City.

(s) "Preceding" and "following" mean next before and next after, respectively.

(t) "Property" shall include real and personal property.

(u) "Quarterly" where used to designate a period of time, shall mean the first three calendar months of any given year or any succeeding period of three calendar months.

(v) "Real Property" shall include land, tenements, and hereditaments.

(w) "Sale" shall include any sale, exchange, barter, or offer for sale.

(x) "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(y) "State" shall mean the State of California.

(z) "Street" shall include all streets, highways, avenues, boulevards, alleys, courts, places, squares, curbs, or other publicways 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 the State.

(aa) "Tenant" or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(bb) "Written" or "writing" includes materials which are printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in a permanent visible form.

(cc) "Year" means a calendar year.

Section 13: Section 1.010.210, entitled "Aiding and Abetting," shall be amended to read as follows:

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.

APPROVED AND ADOPTED this 3rd day of February, 1994 by the following votes:

- AYES:** Councilmembers Bennett, Winters, Mayor Pro Tem Anderson, Mayor Mahanay
- NOES:**
- ABSTAIN:**
- ABSENT:** Councilmember Orlando



 RICHARD J. MAHANAY
 MAYOR

ATTEST:

APPROVED AS TO FORM:



 SHELLEY RANDALL
 DEPUTY CITY CLERK



 NELLIE ANCEL
 ASSISTANT CITY ATTORNEY