

CHAPTER 1 GENERAL PROVISIONS

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1-1-1 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 different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground.

(ECIA Model Code Amended in 2011)

2. "City" shall mean the City of Maquoketa, Iowa, or the areas within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of a constitutional or statutory provision.

3. "Computation of Time" shall mean the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

4. "Council" shall mean the City Council of the City. All its members or all Council Members mean the total number of Council Members provided by the City charter under the general laws of the state;

5. "County" means the county of Jackson, Iowa.

6. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(ECIA Model Code Amended in 2010)

7. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

8. "May" is permissive;

9. "Month" means a calendar month;

10. "Must" and "Shall." Each is mandatory;
11. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
12. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
13. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
14. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land;
15. "Person" means 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;
16. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
17. "Preceding" and "following" mean next before and next after, respectively;
18. "Property" includes real and personal property;
19. "Real property" includes lands, tenements, and hereditament;
20. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
21. "State" means the State of Iowa;
22. "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 state;
23. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
24. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;
25. "Written" includes printed, typewritten, mimeographed or multigraphed;
26. "Year" means a calendar year;
27. 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;

28. 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 as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the ordinance of the City:

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
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.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in 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.

1-1-4 CONSTRUCTION. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

1-1-5 AMENDMENT. All ordinances of the Council passed hereafter shall be the form of an addition or amendment to the Maquoketa Revised Ordinances of 1992, constituting this municipal code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

1-1-6 SEVERABILITY. If any section, provision or part of the City code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(ECIA Model Code Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by

omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: “That section _____ of the Code of Ordinances, City of Maquoketa, Iowa is hereby amended to read as follows:...” The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: “That the Code of ordinances, City of Maquoketa, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ...” The new section shall then be set out in full as desired.

(ECIA Model Code Amended in 2010)