

## Chapter 1.04

### GENERAL PROVISIONS

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#### **1.04.010**     **Definitions.**

The following words and phrases, whenever used in the ordinances of the city of North Sioux 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:

"City" means the city of North Sioux City, 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.

"Council" means the city council of the city of North Sioux City. "All its members" or "all council members" means the total number of council members holding office.

"County" means the county of Union, in South Dakota.

"Law" denotes the applicable federal law, the Constitution and statutes of the state of South Dakota, the ordinances of the city, and when appropriate, any and all rules and regulations that may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"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."

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

"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.

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

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

"Property" includes real and personal property.

"Real property" includes land, tenements and hereditaments.

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

"State" means the state of South Dakota.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city that 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.

"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.

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

"Year" means calendar year. (Ord. 354 § 1, 2002)

#### **1.04.020 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. (Ord. 354 § 2, 2002)

#### **1.04.030 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 the future tenses and vice versa, unless manifestly inapplicable. (Ord. 354 § 3, 2002)

#### **1.04.040 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. (Ord. 354 § 4, 2002)

#### **1.04.050 Prohibited acts include causing and permitting.**

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. (Ord. 354 § 5, 2002)

#### **1.04.060 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 include the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 354 § 6, 2002)

#### **1.04.070 Construction.**

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. (Ord. 354 § 7, 2002)

#### **1.04.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance that has been repealed thereby. (Ord. 354 § 8, 2002)