

CODE

Chapter 1

GENERAL PROVISIONS♣

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ARTICLE 1-1. CODE DESIGNATED AND CITED

Sec. 1-1-1. Title.

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Show Low City Code."

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-2. CONSTRUCTION OF ORDINANCES

Sec. 1-2-1. Generally.

The rules and the definitions set forth in this chapter shall be observed in the construction of this Code and the ordinances of the city unless such construction would be inconsistent with either the manifest intent of the council or the context of this Code or the ordinances of the city.

♣ **Editor's note**—Sections 1 and 2 of Ord. No. 2003-15, adopted Nov. 4, 2003, amended and replaced Chapter 1 in its entirety. The following articles and sections were not revised, although some were renumbered: Article 1-2, Section 1-3-1, Article 1-4, Article 1-5 and Article 1-6. The former Article 1-4, "References to chapters, etc.; conflicting provisions," was deleted in its entirety. Article 1-10, "Effective date of code," was also deleted in its entirety.

ARTICLE 1-3. DEFINITIONS ♦ ♣ ♣

Sec. 1-3-1. General rule regarding definitions.

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.

Sec. 1-3-2. Definitions.

City shall be construed to mean the City of Show Low, Arizona.

The Code or this Code shall mean the Show Low City Code unless the context indicates otherwise.

Council or city council shall be construed to mean the common council of the City of Show Low, Arizona.

Day is the period of time between any midnight and the midnight following.

Daytime, nighttime. *Daytime* is the period of time between sunrise and sunset. *Nighttime* is the period of time between sunset and sunrise.

Department, board, commission, office, officer or employee shall mean a department, board, commission, office, officer or employee of the city unless the context clearly indicates otherwise.

Gender; singular and plural. Words of the masculine gender include the feminine; words in the singular number include the plural and words in the plural number include the singular.

In the city or within the city shall mean and include all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. All words purporting to give a joint authority to three (3) or more city officers or other persons shall be construed as giving such authority to a majority of

♣ ♣ **State law reference**—General rules of statutory construction and definitions, A.R.S. §§ 1-211 – 1-215.

such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

Month shall mean a calendar month.

Oath includes affirmation or declaration.

Or, and. *Or* may be read "and," and *and* may be read "or," if the sense requires it.

Person shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

Personal property includes every species of property, except real property as defined in this article.

Preceding and *following* mean next before and next after, respectively.

Property shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Shall, may. *Shall* is mandatory and *may* is permissive.

Shall have been includes past and future cases.

Signature or subscription by mark. *Signature* or *subscription* includes a mark when the signer cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.

The state shall mean the state of Arizona.

Tenant or occupant. The word "*tenant*" or "*occupant*" applied to a building or land shall include any person holding a written or an oral lease of or who occupies the whole or part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Time, reasonable. In all cases where any section of this Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Time, computation. The time within which an act is to be done as provided in this Code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight to midnight, shall be excluded.

Week. A week consists of seven (7) consecutive days.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

Year shall mean a calendar year, except where otherwise provided.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-4. SECTION HEADINGS

Sec. 1-4-1. Construction.

Headings of the several sections of this Code are intended as a convenience to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the headings, is amended or reenacted.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-5. EFFECT OF REPEAL

Sec. 1-5-1. Former ordinances and provisions not revived.

When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-6. SEVERABILITY OF PARTS OF CODE

Sec. 1-6-1. Provisions to be severable.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code shall be severable, and if any provision of this Code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the Code.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-7. RESERVED

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 1-8. PENALTY ♦

Sec. 1-8-1. Violation of Code provisions.

- (a) *Civil Violations.* Except for those acts or omissions to act specifically declared to be a misdemeanor, whenever in this Code, any act or omission to act is declared to be prohibited, unlawful, an infraction, a violation or an offense, such act or omission to act shall constitute a civil violation. Civil violation prosecution shall be as provided in Chapter 5 of this Code. In the alternative to civil violation prosecution, the city may elect to enforce the provisions of this Code by any action available at law or equity.
- (b) *Criminal Violations.* Any person found guilty of violating any provision of this Code that is declared to be a misdemeanor shall be guilty of a class one misdemeanor and upon conviction thereof shall be punished by a fine not to exceed the limits authorized by the Arizona Revised Statutes or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described. Criminal violation prosecution shall be as provided in Chapter 5 of this Code.

- (c) *Civil Traffic Violations.* Any violation of or failure or refusal to do or perform any act required by Chapter 13 of this Code shall constitute a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Arizona Revised Statutes, any amendments thereto, and the Rules of Procedure for Civil Traffic Offenses.

(Ord. No. 156, § 2, 5-19-82; Ord. No. 190, § 1, 1-11-84; Ord. No. 348, 2-4-92; Ord. No. 378, 6-21-94; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2004-14, § 1, 7-6-04)

ARTICLE 1-9. EFFECTIVE DATE OF CODE

Sec. 1-9-1. Effective date.

All ordinances of the City of Show Low except those specifically exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on the eighth day of April, 1976, but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this Code had not been adopted and enacted. Each and every section of this Code as herein contained and hereby enacted shall take effect and be in force on and after the eighth day of April, 1976, except that where a later effective date is provided it shall prevail.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 1-9-2. Ordinances exempt from repeal.

The adoption and enactment of this Code shall not be construed to repeal or in any way to affect or modify:

- (a) Any special ordinance or ordinances regarding franchises, annexations, dedications, or zoning.
- (b) Any ordinance making an appropriation.
- (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this Code becomes effective.
- (e) The continued existence and operation of any department, agency, commission or office heretofore legally established or held.

- (f) Any bond of any public officer.
- (g) Any taxes, fees, assessments or other charges incurred or imposed.
- (h) Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona, or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)