

ORDINANCE NO. 762

AN ORDINANCE CONTAINING DEFINITIONS AND RULES OF CONSTRUCTION APPLICABLE TO ORDINANCES OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Definitions. The following words and phrases, wherever used in the ordinances of the City of Canby, Oregon, 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. "City" and "town" each mean the City of Canby, Oregon, or the area within the corporate limits of the City of Canby, Oregon, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the City Council of the City of Canby. "all its members" or "all Councilors" means the total number of Councilors holding office.
- C. "County" means the county of Clackamas.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Oregon, the ordinances of the City of Canby, and, when appropriate, any and all rules and regulations which may be promulgated thereunder..
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "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."
- I. "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.

- J. "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.
- K. "Personal property" includes money, goods, chattels, things in action and evidence of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of Oregon.
- Q. "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.
- R. "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.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year.

Section 2. Title of Office. Use of the title of any officer, employee, department, board of commission means that officer, employee, department, board or commission of the City.

Section 3. 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.

Section 4. Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the City of Canby, 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.

Section 5. 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.

Section 6. Prohibited Acts Include Causing and Permitting. Whenever in the ordinances of the City of Canby, any act or omission is made unlawful, it shall include causing, allowing, permitting, siding, abetting, suffering, or concealing the fact of such act or omission.

Section 7. 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 including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

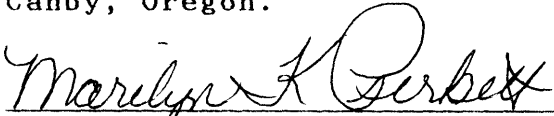
Section 8. Construction. The provisions of the ordinances of the City of Canby, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 9. Repeal Shall not Revive any Ordinance. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

Section 10. Emergency. In view of the necessity to prescribe definitions and rules of constructions applicable to ordinances of the City of Canby, to promote the health, safety and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its final rereading and passage by the Canby City Council.

Submitted to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 19, 1984;

ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on Wednesday, January 2, 1985, after the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

  
Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 2nd day of January, 1985, by the following vote:  
YEAS 6 NAYS 0

  
William F. Pulver, Mayor

ATTEST;

  
Marilyn K. Perkett, City Recorder