

CHAPTER 1

GENERAL PROVISIONS

- 1-1 How Code designated and cited.
- 1-2 Definitions and rules of construction
- 1-3 Provisions considered as continuations of existing ordinances.
- 1-4 Effect of repeal of ordinances.
- 1-5 Catchlines of sections.
- 1-6 Severability of parts of Code.
- 1-7 General penalty; continuing violations.
- 1-8 Datum plane and official bench mark established.
- 1-9 City seal.
- 1-10 Date of General Municipal Election.

1-1 How Code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated “The Code of the City of Imperial, California”, and may be so cited. Such code may also be cited as the “Imperial City Code”.

1.2 Definitions and rules of construction. In the construction of this Code and of all ordinances, regulations and resolutions of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

City. The words “the City” or “this City” shall be construed as if followed by the words “of Imperial.”

Code. The words “the Code” or “this Code” shall mean “The Code of the City of Imperial, California.”

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

(For similar state law, see Gov. C., S. 6800)

Council. Whenever the words “city council” or “council” are used in this Code, they shall be construed to mean the city council of the City of Imperial.

County. The words “the county” or “this county” shall mean the County of Imperial.

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

(For similar state law, see Gov. C., S. 6806)

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

(For similar state law, see Gov. C., S 6807)

Gender. The masculine gender includes the feminine and neuter.

(For similar state law, see Gov. C., S. 12)

In the City. The words “in 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 giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The word “month” shall mean a calendar month.

(For similar state law, see Gov. C., S. 6804)

Number. The singular number includes the plural, and the plural the singular.

(For similar state law, see Gov., C., and S. 13)

Oath. “Oath” includes an affirmation.

(For similar state law, see Gov. C., S. 15)

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the City of Imperial, unless the context clearly indicates otherwise.

Official time. Whenever certain hours are named in this Code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the city.

Owner. The word “owner” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. “Person” includes any person, firm, association, organization, partnership, business trust, corporation or company.

(For similar state law, see Gov. C., S. 17; C.C.P., S 17)

Personal property. Includes every species of property, except real property, as defined in this section.

(See C.C., SS 14, 663)

Preceding, following. The words “preceding” and “following” mean next before and next after, respectively.

Process. Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.
(For similar state law, see Gov. C., S. 22)

Property. The word “property” shall include real and personal property.
(See C.C., S 14; C.C.P., S 17)

Real property. Lands, tenements and hereditament.
(See C.C. SS 14, 658)

Shall, may. “Shall” is mandatory and “may” is permissive.
(For similar state law, see Gov. C., S 14)

Signature of subscription by mark. “Signature” or “subscription” includes a mark when the signer or subscriber 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 witnesses so sign their own names thereto.
(For similar state law, see Gov. C., S 16)

State. The words “the state” or “this state” shall be construed to mean the State of California.

Tenant or occupant. The words “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 a 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.
(For similar state law, see Gov. C., S 11)

Week. A week consists of seven consecutive days.
(For similar state law, see Gov. C., S 6805)

Writing. 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.
(For similar state law, see Gov. C., S 18)

Year. The word “year” shall mean a calendar year, except where otherwise provided.

(For state law definition of year, see Gov. C., S 6803)

1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

1-4. Effect of repeal of ordinance.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

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.

1-5. Catchline of Section.

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

1-6. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code or amendments thereto are severable, and if any phrase, clause, sentence paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1-7. General penalty; continuing violations.

Whenever in this Code or in any other ordinance of the city of in any rule or regulation promulgated pursuant thereto any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided, therefore, the violation of any such provision of this Code or any other ordinance of the city or any such rule or regulation shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such violation may also be redressed by civil action.

Every day any violation of this Code or any other ordinance of the city or any such rule or regulation shall continue shall constitute a separate offense.

(For state law authorizing cities to impose fines or imprisonment, or both, for violation of ordinances, see Gov. C., S 36901. As to violation of ordinance being a misdemeanor, see Gov. C., S 36900)

1-8. Datum plane and official bench mark established.

A plane one thousand feet below sea level is hereby declared to be the datum plane or base line of the city for the purpose of establishing and designating the official grades of the streets, alleys, avenues and sewers and for any other public work within the city, and for the measuring all elevations or surface points therein.

The official bench mark or datum plane monument within the city shall be top of that certain one-half inch brass plug placed in the top of a pipe in the center of a concrete monument eighteen inches square, situated 1.5 feet north of the southwest corner of Imperial Avenue and Seventh Street in the city, and on top of which concrete monument the words “City Datum” are imprinted in the concrete, and the elevation of the bench mark or datum monument is 934.90 feet above the city datum plane.

(Ord. 203, SS 1, 2)

1-9. City seal.

The seal of the city shall be circular, one and seven-eighths inches in diameter, and having in the center a palm tree, and the following inscription surrounding the same: “City of Imperial Incorporated 1904.”

(Ord. 29, S 1)

1-10. Date of General Municipal Election.

Pursuant to Government Code § 36503.5, the general municipal election for the City of Imperial shall be held on the same date as the statewide general election which is currently the first Tuesday after the first Monday in November in each even-numbered year.

(Elections Code § 2550)