

ORDINANCE NO. 346**AN ORDINANCE OF THE CITY OF MADRAS, OREGON, PROVIDING FOR THE DEFINITIONS APPLICABLE GENERALLY TO ORDINANCES OF THE CITY OF MADRAS, OREGON, AND PROVIDING FOR RULES OF CONSTRUCTION FOR THE ORDINANCES OF THE CITY OF MADRAS, OREGON, AND DECLARING AN EMERGENCY.****The city of Madras ordains as follows:**

Section 1. Definitions. The following words and phrases whenever used in the ordinances of the city of Madras, 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:

(1) "City" means the city of Madras, Oregon, or the areas within the territorial limits of the city of Madras, Oregon, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

(2) "Computation of time" means 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 be Sunday or a legal holiday, that day shall be excluded.

(3) "Council" means the city council of the city of Madras, Oregon. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the State of Oregon.

(4) "County" means the county of Jefferson, Oregon.

(5) "Law" denotes applicable federal law, the constitution and statutes of the state of Oregon, the ordinances of the city of Madras, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

(6) "May" is permissive.

(7) "Month" means a calendar month.

(8) "Must" and "shall." Each is mandatory.

(9) "Oath" shall be construed to include 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."

(10) "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(11) "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.

(12) "Person" means 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.

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

(14) "Preceding" and "following" mean next before and next after, respectively.

(15) "Property" includes real and personal property.

(16) "Real property" includes lands, tenements and hereditaments.

(17) "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(18) "State" means the State of Oregon.

(19) "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.

(20) "Tenant" and "occupant," applied to a building or land, include any person who occupies whole or a part of such building or land, whether alone or with others.

(21) "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.

(22) "Written" includes printed, typewritten, mimeographed or multigraphed.

(23) "Year" means a calendar year.

(24) 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.

(25) 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.

Section 2. Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the city of Madras, Oregon:

(1) Gender. The masculine gender includes the feminine and neuter genders.

(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 tenses and vice versa, unless manifestly inapplicable.

(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.

Section 3. Prohibited Acts Include Causing, Permitting, Etc. Whenever in the ordinances of the city of Madras, 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.

Section 4. Construction. The provisions of the ordinances of the city of Madras, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 5. Repeal Shall Not Revive Any Ordinance. The repeal of an ordinance shall not repeal the repealing clause of such ordinances or revive any ordinance which has been repealed thereby.

Section 6. Emergency. The city of Madras being in the process of reviewing all their ordinance procedures and these changes being necessary to conclude said work, the city council hereby finds that this ordinance is necessary for the health and welfare of the citizens of the city of Madras, and that an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and signing by the mayor.

Section 7. Severability. The sections, sub-sections, paragraphs, sentences, clauses and phrases of ordinances are severable; and if any phrase, clause, sentence, paragraph, sub-section or section of an ordinance is declared by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of any said ordinance. [Section 7 added by Ordinance No. 480, passed January 22, 1991, and amended by Ordinance No. 496, passed September 24, 1991.]

Section 8. Citation for Infractions. The city administrator may authorize a city employee to issue and serve a citation to appear in court on a person who the city employee has probable cause to believe has committed an offense defined in an ordinance as an infraction.

Each copy of a citation issued under this section shall contain:

(a) The name of the person cited;

(b) A brief description of the civil infraction with which the person is charged; the date, time and place at which the civil infraction occurred; the date on which the citation was issued; and the name of the person who issued the citation;

(c) The time, date and place at which the person cited is to appear in Municipal Court;

(d) Whether a complaint has been filed at the time that the citation was issued;

(e) If the complaint was made by a private party, the name of the complainant;

(f) The following: **READ CAREFULLY!** This citation is not a complaint or an information. One may be filed and you will be provided a copy at the time of your first appearance. You must appear in court at the time set in this citation. If you fail to appear and a complaint or information has been filed, the court will immediately issue a warrant for your arrest.

If a citation is issued, the person issuing the citation shall serve one copy to the person cited, and shall as soon as practical, file a duplicate copy with the Municipal Court together with proof of service.

If a person fails to appear in Municipal Court at the time fixed in the citation and a complaint has been filed, a warrant for the person's arrest may be issued. [Section 8 added by Ordinance No. 480, passed January 22, 1991, and amended by Ordinance No. 496, passed September 24, 1991.]

Section 9. General Penalty. If any ordinance of the city of Madras does not provide for a specific penalty, for violation of the ordinance and that penalty is not set forth in the ordinance of the city then an offense that is not classified as to nature of penalty, shall be punishable by a fine not to exceed \$2,500.00. [Section 9 added by Ordinance No. 480, passed January 22, 1991, and amended by Ordinance No. 496, passed September 24, 1991.]

Passed by the council and approved by the mayor July 8, 1975.