

ORDINANCE NO. 353

AN ORDINANCE ESTABLISHING GENERAL PROVISIONS APPLICABLE TO ALL BAY CITY ORDINANCES.

The City of Bay City ordains as follows:

Section 1. General Applicability. The provisions of this ordinance apply to all the ordinances of the City of Bay City.

Section 2. Definitions. The following words and phrases shall be construed as defined in this section unless a different meaning is specified:

(a) "City" and "town" each mean the City of Bay City, Oregon, or the area within its territorial limits, and such territory outside the City limits over which the City has jurisdiction or control.

(b) "Council" means the City Council of Bay City.

(c) "County" means the County of Tillamook, Oregon.

(d) "Law" denotes applicable federal law, the Constitution and statutes of the State of Oregon, the ordinances of Bay City, and, when appropriate, any rules and regulations which may be promulgated thereunder.

(e) "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.

(f) "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, trust, corporation, business, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

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

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 according to that meaning.

Section 4. Grammatical Interpretations. The following grammatical rules apply 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) Singulars and plurals. The singular number includes the plural, and the plural includes the singular.

(c) Tense. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

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Section 5. Acts by Agents. When an act is required by an ordinance and is of such a nature that it may be done as well by an agent as by the principal, the requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. Prohibited Acts Include Causing and Permitting. Whenever in these ordinances 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 7. Penalties. Unless otherwise specified, the misdemeanor statutes of the State of Oregon shall determine the penalties for violations of these ordinances.

Section 8. Conflict. In cases of conflict between: (a) Two ordinances provisions - the more recently adopted provision controls.

(b) An ordinance and a resolution - the ordinance controls.

(c) Two resolutions - the more recently passed controls. Amendments to or changes in rules or codes occurring after such rules or codes have been adopted by reference shall be deemed to be part of the adopting ordinance.

Section 9. Repeal Shall Not Revive Ordinances. The repeal of an ordinance shall not repeal the repealing clause of that ordinance nor revive any ordinance which has been repealed thereby.

Section 10. Notice to Specified Persons.

(a) A notice which, under these ordinances, is required to be given to specified persons may, unless otherwise specified, be given by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his or her last known business or residence address as it appears in the public records or other records pertaining to the matter to which the notice is directed.

(b) Service of notice by mail shall be deemed to have been completed at the time of deposit at the post office.

Section 11. Separability. If any clause, sentence, paragraph, section, article, or portion of any ordinance is for any reason adjudged invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the ordinance in question.

[Revised July 2, 1977]

Section 12. Codification. The Council shall have the authority to compile and codify periodically the ordinances of Bay City. Such codification shall be known as the Bay City Ordinances and may be cited as BCO.

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