Chapter 1.04 General Provisions

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1.04.020 Definitions. The following words and phrases, whenever used in this Code or the ordinances of the City of Homer, Alaska, 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" means the City of Homer, Alaska, or the area within the territorial limits of the City of Homer, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
b. "City Attorney" means the City Attorney of Homer.
c. "City Council" or "Council" means the City Council of Homer.
d. "City Clerk" means the City Clerk of Homer.
e. "City Manager" means the City Manager of Homer.
f. "Computation of time" means whenever a notice is required to be given or an act to be done a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceedings are to be had shall not be counted.
g. "Law" denotes applicable federal law, the Constitution and statutes of the State of Alaska, this Code and the ordinances of the City and, when applicable, any and all rules and regulations which may be promulgated thereunder.
h. "Mayor" means the Mayor of Homer.
i. "Municipal Judge" or "Municipal Magistrate" means the Municipal Judge or Municipal Magistrate of Homer.
j. "Oath" includes affirmation 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".
k. "Or" may be read "and", and "and" may be read "or" if the sense requires it.
l. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant of the entirety, or agent in charge for any of the foregoing, of the whole or a part of such building or land.
m. "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.
n. "Personal property" includes every species of property except real property.
o. "Preceding" and "following" mean next before and next after, respectively.
p. "Real property" includes lands, tenements and hereditaments.
q. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
r. "State" means the State of Alaska.
s. "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.
t. "Year" means a calendar year. (Ord. 80-3 2, 1980; prior code 1-100.2)

1.04.030 Grammatical interpretation. The following grammatical rules shall apply in the City Code and the ordinances of the city:
a. Any gender includes the other genders;
b. The singular number includes the plural and the plural includes the singular;

c. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
d. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
e. 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. (Ord. 80-3 3, 1980; prior code 1-100.3)

1.04.040 Section catchlines. The words printed at the beginning of the several sections of this Code are intended as mere catchlines or catchwords to indicate the general content of the particular section, and shall not be deemed or taken to be the titles of such section nor as any part of the section, nor shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted unless expressly so provided. (Ord. 80-3 3(part), 1980; prior code 1-100.4)

1.04.050 Effect of repeal of ordinances. The repeal of any prior ordinance of the City by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may be repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force and for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceedings, right, contract or event, already affected by them. (Ord. 80-3 3(part), 1980; prior code 1-100.5)

1.04.055 Amendments to code. a. All ordinances enacted by the City council that add to, amend, or repeal provisions of the Homer City Code shall be deemed to be incorporated in such code as of the effective date of each ordinance so that reference to this code shall be understood and intended to include such ordinances.
b. All ordinances enacted subsequent to adoption of this code that all to, amend, or repeal provisions of this code may be numbered in accordance with the numbering system of this code and printed in supplemental form for inclusion herein. In the case of repealed titles, chapters, articles, sections, subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby. (Ord. 92-24 2, 1992; Ord. 82-2, 1982).

1.04.060 Severability of parts of code. The sections, subsections, sentences, clauses, phrases and words of this Code are severable, and if any part of this Code is declared unconstitutional, invalid, or ineffective for any reason by a valid judgement or decree or any court of competent jurisdiction, such unconstitutionality, invalidity or ineffectiveness shall not affect any of the remaining parts of the sections, subsections, sentences, clauses, phrases and words of this Code. (Ord. 89-12 1, 1989; Ord. 82-2 5, 1982; Ord. 80-3 3(part), 1980; prior code 1-100.6)

1.04.065 Altering code. No person shall change or amend by additions or deletions, any part of portion of this Code or insert or delete pages, or portions thereof, or alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the City Council, which will cause the law of the City to be misrepresented thereby. A person violating this section shall be subject to the penalty provisions of 1.16.010. (Ord. 90-21 1, 1990)

1.04.070 Laws of the State of Alaska applicable--Violation of state law. No person shall violate any law of the state of Alaska nor any rule or regulation adopted by duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of this Code except where jurisdiction of the offense is reserved to the State of Alaska. (Ord. 80-3 3(part), 1980; prior code 1-100.8)

(Homer 07/92)

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