

## **Chapter 1.04 GENERAL PROVISIONS**

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### **1.04.010 Scope.**

Unless the provisions of this code otherwise specifically provide or the context of this code indicates to the contrary, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this code. The provisions of this code and all proceedings under it are to be constructed with a view to effect its objects and to promote justice.

(Prior code § 1-3.01)

### **1.04.020 Provisions construed as restatements and continuations.**

The provisions of this code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

(Prior code § 1-3.02)

### **1.04.030 Tenure of officers preserved.**

All persons who, at the time this code takes effect, hold office under any of the ordinances repealed by this code, which offices are continued by this code, shall continue to hold such offices in accordance with the tenure originally granted such persons.

(Prior code § 1-3.03)

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#### **1.04.040 Effect of headings.**

The title, chapter, article and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, article or section of this code.

(Prior code § 1-3.04)

#### **1.04.050 Meaning of section and subsection.**

"Section" means a section of this code, unless some other source is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

(Prior code § 1-3.05)

#### **1.04.060 References to acts or omissions within the city.**

The provisions of this code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside the city over which the city has jurisdiction or control by virtue of the Constitution of the state or any law or by reason of ownership or control of property.

(Prior code § 1-3.06)

#### **1.04.070 Acts by deputies.**

Whenever a power is granted to or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise.

(Prior code § 1-3.07)

#### **1.04.080 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, such notice, report, statement or record shall be made in writing in the English language, unless this code expressly provides otherwise.

(Prior code § 1-3.08)

#### **1.04.090 References to ordinances—Application to amendments.**

Whenever any reference in this code is made to an ordinance, the reference shall apply to such ordinance of the city unless this code expressly provides otherwise. Whenever any reference is made to any portion of this code or to any ordinance of the city, the reference shall apply to all amendments and additions made to this code.

(Prior code § 1-3.09)

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#### **1.04.100 Notices required—Service.**

Whenever a notice is required to be given pursuant to the provisions of this code, unless different provisions are otherwise specifically set forth in the text of the code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his or her last known business or residence address as such address appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the post office.

(Prior code § 1-3.10)

#### **1.04.110 Notices required—Service—Proof.**

Proof of giving any notice required to be given pursuant to the provisions of this code may be made by the certificate of any officer or employee of the city or by the affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with the provisions of this code or other provisions of law applicable to the subject matter concerned.

(Prior code § 1-3.11)

#### **1.04.120 Statute of limitations.**

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy or for any other purpose, has begun to run before this code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

(Prior code § 1-3.12)

#### **1.04.130 Definitions.**

For the purposes of this code, unless otherwise apparent from the context, certain words and phrases used in this code are defined as follows:

"Calendar year" means from January 1st through December 31st of any given year.

"City" means the city of Colfax.

"C.M.C." means the Colfax Municipal Code (1954 Edition), adopted February 23, 1954.

"Council" means the city council of the city of Colfax.

"County" means the county of Placer.

"Fiscal year" means from July 1st of any given year through June 30th of the following year.

Gender. The masculine gender includes the feminine and neuter genders.

"Goods" means and includes wares and merchandise.

"May" is permissive.

"Month" means a calendar month, unless otherwise expressed.

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

"Oath" includes affirmation.

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**Office.** The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance of the city, unless otherwise specified.

**Official Time Standard.** Wherever certain hours are named in this code, they mean standard time or daylight saving time as may be in current use in the city.

"Operate" means and includes carrying on, keeping, conducting or maintaining.

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant, tenant in common or joint tenant of the whole or a part of such building or land.

"Person" means and includes any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the city), the county of Placer, any district in the county of Placer, the state of California or the United States of America or any department or agency of any thereof, unless this code expressly provides otherwise.

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

"Property" means and includes real and personal property.

"Quarterly," where used to designate a period of time, means the first three calendar months of any given year or any succeeding period of three calendar months.

"Real property" means and includes lands, tenements and hereditaments.

"Sale" means and includes any sale, exchange, barter or offer for sale.

"Shall" is mandatory.

"State" means the state of California.

"Street" means and includes all streets, highways, avenues, boulevards, alleys, courts, places, squares or other public ways in the 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 the state.

"Tenant or occupant," applied to a building or land, means and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

**Tense.** The present tense includes the past and future tenses and the future tense includes the present tense.

(Prior code § 1-3.13)