

GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

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SEC. 1-1. CITING THE CODE

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Code of Ordinances of Scott County, Iowa, 1990" and may be so cited. The Code may also be cited as "Scott County Code, 1990".

SEC. 1-2. DEFINITIONS AND RULES

In the construction of this Code and of all ordinances of the County, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the Board of Supervisors or the context clearly requires otherwise:

- A. Board of Health. The words "Board of Health" shall mean the Board of Health of the County as established pursuant to Chapter 137 of the 1989 Code of Iowa.
- B. Code. The word "Code" shall mean the Scott County Code, 1983 and all amendments thereto.
- C. County. The words "County" or "The County" mean Scott County in the State of Iowa.
- D. County Board. The words "County Board" or "Board" mean the Board of Supervisors of Scott County.
- E. Gender. Whenever the masculine gender is used, females as well as males shall be deemed to be included
- F. In the County. The words "In the County" or "within the

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County" mean and include all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

- G. Joint Authority. Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.
- H. Month. The word "month" means a calendar month.
- I. Number. Whenever any words in any section of this Code import the plural number, the singular shall be deemed to be included and whenever the singular number shall be used it shall be deemed to include the plural.
- J. Oath. The word "oath" shall be deemed to include an affirmation, and the word "sworn" shall be construed to include the word "affirmed".
- K. Occupant or Tenant. The word "occupant" or "tenant", applied to a building or land, mean any person who holds a written or oral lease of or actually occupies the whole or part of such building or land, either alone or with others.
- L. Or, And. "Or" may be read "and" and "and" may be read "or", if the sense requires it.
- M. 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 of the whole or a part of such building or land, either alone or with others.
- N. Person. The word "person" shall mean a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of them.
- O. Personal Property. The words "personal property" includes every species of property except real property as defined by this section.
- P. Preceding, Following. The words "preceding" and "following" mean next before and next after, respectively. Q. Property. The word "property" shall include real and personal property.
- R. Real Property. The words "real property" shall include lands, tenements and hereditaments and shall embrace all chattels real.
- S. Shall. The word "shall" is mandatory.
- T. Sidewalk. The word "sidewalk" means that portion of a

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street between the curb lines, or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

- U. State. The words "The State" or "This State" mean the State of Iowa.
- V. Street. The word "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right and purposes of vehicular traffic, including public highways and subdivision roads.
- W. Tense. Words in the present tense include the future.
- X. Written, in Writing. The words "written" and "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.
- Y. Year. The word "year" means a calendar year unless otherwise expressed.

SEC. 1-3. EXISTING ORDINANCES CONTINUED

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

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SEC. 1-4. AMENDMENTS

Any additions or amendments to this Code, when passed as ordinances amending this Code, and which indicate the intention of the County Board to make the same a part hereof, shall be deemed to be incorporated in this Code so that a reference to the Code shall be understood as including them.

SEC. 1-5. NUMBERING SECTIONS

Each Section number of this Code shall consist of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter.

No officer or employee of the County shall issue any book or pamphlet containing a section or sections of this Code numbered differently than as numbered herein. No section number shall be changed by an officer or employee of the County in drafting any ordinance amending any section of the Code.

SEC. 1-6. NUMBERING ADDITIONS, APPROVAL

The decimal system shall be used for all additions to this Code.

When a chapter is to be added, such chapter shall be given a decimal character, all such decimal characters shall run consecutively to the right of the respective decimal beginning with the figure zero one (.01).

Additions to the Code introduced in the County Board shall be submitted to the County Attorney for approval as to form and for numbering before passage. This section shall be liberally construed for the purpose of avoiding confusion in the numbering of the sections of this Code and shall not be deemed a limitation upon the powers of the County Board.

SEC. 1-7. CATCHLINES, TITLES AND HEADINGS

The catchlines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, historical references, cross references, and State law references, unless set out in the body of the section itself, contained in this Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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SEC. 1-8. AMENDMENT OF PENAL SECTION

In case of the amendment of any section of this Code containing provisions for which a penalty is provided in another section of this Code, the penalty so provided in such other section shall be held to relate to the section so amended whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

SEC. 1-9. GENERAL PENALTY

If any person shall, within the County, perform any act which is forbidden to be performed by any ordinance of the County or shall omit to perform any act, the performance of which is commanded by any such ordinance, or shall in any other manner violate any such ordinance and the penalty with respect to such ordinance shall not be specifically provided said person, shall be punished by a fine of not to exceed one hundred dollars and costs of prosecution or shall be punished by imprisonment not to exceed thirty days.

SEC. 1-10. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Code, for any reason, is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Code. The County Board hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SEC. 1-11. COUNTY SEAL

The seal heretofore provided and used by and for the County (the impression of which is a representation of a bald eagle perched proudly to a plow handle in the heart of freshly plowed section of top grade farmland) is hereby established and declared to have been and now shall be, the seal of the County. A representation of said seal appears below.

SEC. 1-12. SEAL - RESTRICTIONS ON USE

No person shall fraudulently forge, deface, corrupt or counterfeit the seal of the County, nor shall any person other than a duly authorized public official make use of such seal.