

## Chapter 1.04

### GENERAL PROVISIONS

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**1.04.010**     **Definitions.** The following words and phrases whenever used in the ordinances of the City shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "City" means the City of Benton City, Washington, or the area within the territorial limits of the City of Benton City, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the City of Benton City, Washington. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the State of Washington.
- C. "County" means the County of Benton.
- D. "Law" denotes applicable federal law, the constitution and statutes of the State of Washington, the ordinances of the City of Benton City, Washington, and when appropriate any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "Oath" includes 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."

- I. "Office." The use of the title of any officer, employee, or any office, or ordinance, means such officer, employee, office, or ordinance of Benton City unless otherwise specifically designated.
- J. "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.
- K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or in part of such building or land.
- L. "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.
- M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements, and hereditament.
- 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 Washington.
- S. "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.
- T. "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.
- U. "Written" includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form.
- V. "Year" means a calendar year. (Ord. 399 S1(part), 1981.)

**1.04.020** **Grammatical interpretation.** The following grammatical rules shall apply in the ordinances of the City:

- A. Gender. Any gender includes the other genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 399 S1 (part), 1981.)

**1.04.030** **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 and understood according to such peculiar and appropriate meaning. (Ord. 399 S1 (part), 1981.)

**1.04.040** **Title of office.** Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 399 S1 (part), 1981.)

**1.04.050** **Prohibited acts include causing and permitting.** Whenever in the ordinances of the city, 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. (Ord. 399 S1 (part), 1981.)

**1.04.060** **Computation of time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 399 S1 (part), 1981.)

**1.04.070** **Construction.** The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 399 S1 (part), 1981.)

**1.04.080** **Constitutionality.** Neither the adoption of this code nor the repeal or amendments of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to March 1, 1981, nor be construed as waiver of any license, fee, or penalty on March 1, 1981, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license, fee, or penalty, on the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 399 S1 (part), 1981.)

**1.04.090** **Repeal shall not revive any ordinances.** The repeal of any ordinance shall not repeal the repealing clause of the ordinance or revive any ordinance which has been repealed thereby. (Ord. 399 S1 (part), 1981.)

**1.04.100** **Right of inspection.** Whenever necessary to make an inspection to enforce any provision of this code, or whenever there is a reasonable cause to believe that there exists a violation of this code in any building or upon any premises within the jurisdiction of the city, any authorized official

of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by this code, provided, that, except in emergency situations, he shall first give the owner and/or occupant, if they be located after reasonable effort, seventy-two hours' written notice of the authorized officials intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 399 S1 (part), 1981.)