Title 1

GENERAL PROVISIONS

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CODE ADOPTION

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1.01.010 Adoption.

Pursuant to the provisions of sections 50022.1 through 50022.8 and 50022.10 of the Government Code, there is adopted the "Lindsay Municipal Code" as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the Lindsay Municipal Code. (Ord. 386 § 1, 1983)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Lindsay Municipal Code" and it shall be sufficient to refer to said code as the "Lindsay Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Lindsay Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the mu-

nicipal code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 386 § 2, 1983)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. (Ord. 386 § 3, 1983)

1.01.040 Ordinances passed prior to adoption of Code.

The last ordinance included in this code was Ordinance 381 passed December 20, 1982. The following ordinances, passed subsequent to Ordinance 381, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 382, 383, 384 and 385. (Ord. 386 § 4, 1983)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "Lindsay Municipal Code," or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 386 § 5, 1983)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein 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 or section hereof. (Ord. 386 § 6, 1983)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 386 § 7, 1983)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby 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 the effective date hereof, nor be construed as a waiver of any license, fee, or penalty or the penal 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. 386 § 8, 1983)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Lindsay Municipal Code" shall become effective. (Ord. 386 § 9, 1983)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity for the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, then the original ordinance or ordinance shall be in full force and effect. (Ord. 386 § 10, 1983)

GENERAL PROVISIONS

Sections:

1.04.010	Definitions.
1.04.020	Title of office.
1.04.030	Interpretation of language.
1.04.040	Grammatical interpretation.
1.04.050	Acts by agents.
1.04.060	Prohibited acts include causing
	and permitting.
1.04.070	Computation of time.
1.04.080	Construction of provisions.
1.04.090	Repeal not to revive any
	ordinance.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Lindsay 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" and "town" each mean the city of Lindsay, or the area within the territorial limits of the city of Lindsay, and such territory outside of the city of Lindsay 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 Lindsay. "All its members" or "all councilmen" means the total number of councilmen holding office.
 - C. "County" means the county of Tulare.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Lindsay, 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. "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 a part of the building or land.
- J. "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.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.
 - P. "State" means the state of California.
- Q. "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.
- R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of the building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year. (Ord. 381 § 1, 1982)

1.04.020 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. 381 § 2, 1982)

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. 381 § 3, 1982)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city, 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. 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, unless manifestly inapplicable. (Ord. 381 § 4, 1982)

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 381 § 5, 1982)

1.04.060 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 the act or omission. (Ord. 381 § 6, 1982)

1.04.070 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 one of the days is Saturday, Sunday or a holiday, in which case it shall also be excluded. (Ord. 381 § 7, 1982)

1.04.080 Construction of provisions.

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. 381 § 8, 1982)

1.04.090 Repeal not to revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 381 § 9, 1982)

DATUM PLANE

Sections:

1.08.010 Established.

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The official city datum shall be 100.000, which is the assumed elevation of the monument existing at the corner of East Honolulu Street and North Gale Hill Avenue located nine and five-tenths feet northwest of the northernmost curb of East Honolulu Street, and five and five-tenths feet southwest of the westernmost curb of North Gale Hill Avenue, the actual elevation of which being 382.939 feet above sea level and as established by the United States Coast and Geodetic Survey. (Prior code § 1-8)

CITY SEAL

Sections:

1.12.010 Adopted.

1.12.010 Adopted.

A common seal for the city is adopted, to be described and made as follows:

A seal press, or stamp, circular in form, with the words "City of Lindsay, incorporated February 28th, 1910," on the outer edge, and a cluster of oranges in the center. (Prior code § 1-9)

GENERAL PENALTY

Sections:

1.16.010

Penalty for code violations.

1.16.020 H

Failure to appear after release on bond or own recognizance— Penalty—Presumption.

1.16.010 Penalty for code violations.

A. Except where specifically provided otherwise in the Lindsay Municipal Code, violation of any of the provisions of this code shall be unlawful and constitute an infraction. Any person convicted of violating any provision of the Lindsay Municipal Code shall be punished by:

- 1. A fine not exceeding fifty dollars for a first violation;
- 2. A fine not exceeding one hundred dollars for a second violation of the same section within one year;
- 3. A fine not exceeding two hundred fifty dollars for each additional violation of the same section within one year.
- B. The phrase "violation of the same section," as used in this section, means and refers to a violation of the same numbered section of the Lindsay Municipal Code. (Ord. 413 § 1, 1987: Ord. 361, 1979)

1.16.020 Failure to appear after release on bond or own recognizance— Penalty—Presumption.

Every person who is charged with the commission of an infraction who is released from custody on an appearance bond or on his or her own recognizance and who, in order to evade the process of the court, wilfully fails to appear as required, is guilty of an infraction. It shall be presumed that a defendant who is cited to appear or who has been released upon his or her promise to appear and who fails to appear within fourteen days of the date assigned for his or her appearance, in so doing, intended to evade the process of the court. Any con-

viction of an infraction under this section shall be punishable by a fine not to exceed two hundred, fifty dollars. (Ord. 485 § 1, 1997)

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