

## Chapter 1

### GENERAL PROVISIONS

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## General Provisions

### **Section 1.1 How Code designated and cited**

The ordinances embraced in the following chapters and sections as adopted herein shall constitute the Code of Ordinances, City of Crescent City; and may be cited by reference to the name of the Code and individual sections.  
(Code 1958, Section 1-1)

### **Section 1.2 Rules of construction**

In the construction of this Code and of all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the City Commission:

**Charter** shall mean the Charter of Crescent City as printed in Part I, Subpart A of this volume.

**City** - The words “the City” or “this City” shall be construed to mean the City of Crescent City; Florida. The word “City” shall also be construed to mean and include the various offices and employees of the City charged with the duty of enforcing the laws and, regulations of the city, whether the officers and employees are referred to by position, or not in this Code.

**City Commission or Commission** - Whenever the words “City Commission” or “Commission” are used in this Code, they shall be construed to mean the City Commission of the City of Crescent City, Florida.

**Computation of time** - In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time beginning to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven [7] days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. State law reference: Similar provisions, *Florida Rules of Civil Procedure*, Section 1.090(a).

**County** - The words “the county” or “this county” shall mean Putnam County; Florida. State law reference: *Boundaries of Putnam County*; P.S. Section 7.54.

**Delegation of authority** - Whenever a provision appears requiring the head of a department or officer of the City to do some act or make certain inspections, it is to be construed to authorize the head of the department or officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

**F.S.** - The abbreviation *F.S.* shall mean the latest edition or supplement of the Florida Statutes.



**Gender** - A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

**Joint authority** - All words giving a joint authority to three [3] or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Keeper and proprietor** - The words “keeper” and “proprietor” shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

**Month** - The word “month” shall mean a calendar month.

**Non-technical and technical words** - 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 law shall be construed and understood according to such meaning.

**Number** - A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

**Oath** shall be construed to include an 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.

**Or / and** - “Or” may be read and “and;” “and” may be read “or,” if the sense requires it.

**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, or tenant-by-the-entirety, of the whole or of a part of such building or land.

**Person** - The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

**Personal property** - “Personal property” includes every species of property except real property, as herein defined.

**Preceding, following** - The words “preceding” and “following” mean next before and next after, respectively.

**Property** - The word “property” shall include real and personal property.

**Public place** - The term “public place” shall mean any park, cemetery school yard or open space adjacent thereto, all beaches, canals or other waterways.

**Real property** - “Real property” shall include lands, tenements and hereditaments.



**Residence** - The term “residence” shall be construed to mean the place adopted by a person as his place of habitation and, to which, whenever he is absent, he has the intention of returning.

**Sidewalk** - The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

**Signature or subscription** - The words “signature” or “subscription” include a mark when the person cannot write.

**State** - The words “the State” or “this State” shall be construed to mean the State of Florida.

**Street** - The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the City.

**Tenant / Occupant** - The words “tenant” or “occupant,” applied to a building or land shall include any person holding a written or oral lease, or who occupies the whole or part of such buildings or land, either alone or with others.

**Tense** - Words used in the past or present tense include the future as well as the past and present.

**Week** - The word “week” shall be construed to mean seven [7] days.

**Written or in writing** shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**Year** - The word " year shall mean a calendar year.  
(Code 1958, Section 1-2)

### **Section 1.3 Catch-lines of sections**

The catch lines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed, or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch-lines, are amended or re-enacted.  
(Code 1958, Section 1-3)

### **Section 1.4 History notes**

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.



## **Section 1.5 References**

All references and explanatory notes contained in this Code were supplied by the editors. They are merely guides and have no legal affect.

## **Section 1.6 Code does not affect prior offenses, rights, etc.**

Nothing in this Code, or the ordinance adopting this Code, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

## **Section 1.7 Certain ordinances not affected by Code**

Nothing in this Code, or the ordinance adopting this Code, shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (a) Any ordinance promising or guaranteeing the payment of money by the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract agreement, lease, deed or other instrument or obligation assumed by the City;
- (b) Any right or franchise, permit, or other right granted by any ordinance;
- (c) Any personnel regulations, rights or benefits;
- (d) Any ordinance establishing positions, classifying positions or setting salaries of City officers and employees;
- (e) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street, alley or other public way in the City;
- (f) Any ordinance establishing and prescribing the street grades in the City;
- (g) Any appropriation ordinance or any ordinance levying or imposing taxes or fees;
- (h) Any ordinance providing for local improvements and assessing taxes therefore;
- (i) Any ordinance dedicating or accepting any plat or subdivision in the City;
- (j) Any ordinance establishing the official plat of the City; the zoning map or any amendments thereto;
- (k) Any zoning, rezoning or land use ordinance;
- (l) Any ordinance prescribing traffic and parking regulations for specific streets and locations;
- (m) Any ordinance annexing territory or excluding territory from the City;



- (n) Any temporary or special ordinance;
- (o) Any administrative ordinance;
- (p) Any subdivision ordinance or regulations.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Ordinance 85-10)

### **Section 1.8 Supplementation of Code**

(a) By contract or by City personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City Commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Commission or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary; replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement in this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words “this ordinance” or words of the same meaning to “this chapter” “this article” “this division,” etc., as the case may be, or to “Sections \_\_\_\_ to \_\_\_\_” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and



- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code but, in no case, shall the codifier make any change in the meaning or affect of ordinance material included in the supplement or already embodied in the Code.

(Ordinance 85-10)

### **Section 1.9 Amendments to Code; effect of new ordinances; amendatory language**

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from said Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be *prima facie* evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the city council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

“That section \_\_\_\_ of the Code of Ordinances of Crescent City, Florida, is hereby amended to read as follows: ... The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: “That the Code of Ordinances of Crescent City, Florida is hereby amended by adding a section to be numbered \_\_\_\_, which said section reads as follows: ....” The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.  
(Code 1958, Section 1-6)

### **Section 1.10 Additions and amendments deemed incorporated in Code**

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the City to make the same a part hereof, shall be deemed to be incorporated herein so that reference to the Code shall be understood and intended to include such additions and amendments.

(Ordinance 85-10)

### **Section 1.11 Provisions considered as continuation of existing ordinances**

The provisions appearing in this and the following chapters and sections, so far as they are the same as those of *The Code of Ordinances City of Crescent City, Florida*, adopted by ordinance on June 11, 1958, or of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.



(Ordinance 85-10)

### **Section 1.12 Effect of repeal of ordinances**

(a) The repeal of an ordinance shall not revive any ordinances in force before, or at the time, the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1958, Section 1-4)

**State constitutional law reference:** No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed, *Florida Constitution*, Article I, Section 10.

### **Section 1.13 Severability of parts of Code**

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1958, Section 1-5)

### **Section 1.14 Altering Code**

It shall be unlawful for any person, firm or corporation in the City to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code 1958, Section 1-7)

### **Section 1.15 General penalty; continuing violations**

(a) Whenever in this Code, or any ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such code or ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding \$500.00, or imprisonment for a term not exceeding sixty [60] days, or by both such fine and imprisonment in the discretion of the judge.

(b) Each day any violation of any provision of this Code shall continue, shall constitute a separate offense.

(c) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by the City abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.



(Code 1958, Section 1-8)

**Section 1.16 Judicial notice of code given by state courts**

The courts of this State shall take judicial notice of the Code and Ordinances of the City. The printed copy of the Code and Ordinances, officially printed by the City shall be taken as evidence in any trial, in which the same may be competent evidence without proof of the due passage, and approval of the Code and Ordinances.

