

Chapter 1.12

GENERAL PENALTY

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1.12.010 General Penalty; Continuing Violations.

(a) Whenever an ordinance of the City of Port Orford prohibits an act, declares an act or failure to perform an act is unlawful, and no specific penalty is provided, the violation of

the provision is punishable by a fine not to exceed \$750, except as otherwise provided in this ordinance.

(b) Whenever a state statute and an ordinance provide penalties for the same violations, the penalty imposed by the ordinance shall not exceed that imposed by the statute.

(c) Every day a violation continues shall constitute a separate offense. (Ord. 2001-03 § 1, 2001)

1.12.020 Liability of Officers

No provision of an ordinance designating the duties of an officer or employee shall be construed to make the officer or employee liable for a fine or penalty for a failure to perform the duty, unless intent to impose the fine or penalty is specifically and clearly expresses in the section designating the duty. (Ord. 2001-03 § 2, 2001)

1.12.030 Severability of Parts of Ordinances.

Unless otherwise stated in the ordinance, sections, subsections, paragraphs, provision, clauses, phrases and words of an ordinance are severable. If any section, subsection, paragraph, provision, clause, phrase, or word of an ordinance is adjudged or declared by any court or competent jurisdiction to be unconstitutional or invalid, the judgement shall not affect the validity of the remaining portions of the ordinance. (Ord. 2001-03 § 3, 2001)

Ordinances.

1.12.040 Effect of Repeal of

1.12.010

The repeal of an ordinance, either expressly or by implication, shall not revive an ordinance in force before or at the time the repealed ordinance takes effect. The repeal of an ordinance shall not effect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution or proceeding pending at the time of the repeal for a violation committed under the repealed ordinance. (*Ord. 2001-03 § 4, 2001*)

1.12.050 Interpretation of Language.

(a) 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.

(b) The following grammatical rules shall apply in the ordinance of the City, unless it is apparent from the context that a different construction is intended:

(1) Each mention of gender included the masculine, feminine, and neuter genders;

(2) The singular number includes the plural and the plural includes the singular;

(3) Words used in the present tense included the past and the future tenses and vice versa, unless manifestly inapplicable;

(4) The words “shall” and “must” are mandatory; the

1.12.100 Liability.

(a) A person is guilty of a violation if

word “may” is permissive. (*Ord. 2001-03 § 5, 2001*)

1.12.060 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 a Sunday or a holiday, in which case it shall also be excluded. (*Ord. 2001-03 § 6, 2001*)

1.12.070 Construction.

The provision 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. 2001-03 § 7, 2001*)

1.12.080 Prohibited Acts Included Causing and Permitting.

Whenever in the ordinances of the City, an act or omission is made unlawful, it will include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (*Ord. 2001-03 § 8, 2001*)

1.12.090 Violations Outside City Limits.

Where permitted by *Oregon* law, an act made unlawful by this or any other ordinance of the City shall constitute an offense when committed on any property owned or controlled by the City, even though outside the corporate limits of the City. (*Ord. 2001-03 § 9, 2001*)

the act or omission is committed by his or her own conduct or by the conduct of another person for which

the person is liable, or both.

(b) A person is liable for the conduct of another person if:

(i) He or she is made liable by the ordinance defining the offense; or

(ii) With the intent to promote or facilitate the commission of the offense, he or she solicits or commands such other person to commit the offense, or aids or abets or agrees or attempts to aid or abet such other person in planning or committing the offense, or having a legal duty to prevent the commission of the offense fails to make an effort he or she is legally required to make.

(c) In any prosecution for an offense in which liability is based upon the conduct of another person, it is no defense that such other person has not been prosecuted for or convicted of any offense based upon the conduct in question or has been convicted of a different offense.

(d) When an act is required, such that it may be done as well by an agent as the principal, such requirement shall be construed to include all such acts performed by an authorized agent, acting under either authorized or apparent authority.

(e) In addition to the liability of a corporation, firm partnership, association, or joint stock company otherwise imposed by the ordinances fo the City, such an organization os guilty of an offense if:

(i) The conduct constituting the offense is engaged in by an officer, employee or agent of the organization acting within the scope of their office, employment or agency; or

(ii) The conduct constituting the offense is knowingly tolerated by the officers, employees or agents of the organization; or

(iii) A person is liable for conduct constituting an offense which she or he performs or causes to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct where performed in his or her own individual capacity. (*Ord. 2001-03 § 10, 2001*)