

## CHAPTER 3

**DEFINITIONS; INTERPRETATION**

## SECTION:

- 1-3-1: General Rules Of Interpretation
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: **GENERAL RULES OF INTERPRETATION:**

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and city council may be fully carried out.
- B. Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- C. Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.
- D. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
- E. 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.

- F. **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.
- G. **May; Shall:** The word "may" is permissive; the word "shall" is mandatory.
- H. **Nontechnical 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.
- I. **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.
- J. **Officers And Employees Generally:** Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the city of Driggs".
- K. **Tense:** Words used in the past or present tense include the future as well as the past and present.
- L. **Ordinance:** The word "ordinance" contained in the ordinances of the city has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the city's ordinances is not meant to amend passage and effective dates of such original ordinances. (2010 Code)

1-3-2: **GENERAL DEFINITIONS:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them unless the context makes such meanings repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**CITY:** The city of Driggs, county of Teton, state of Idaho.

**CODE:** The city code of the city of Driggs.

COUNCIL:	Unless otherwise indicated, the city council of the city of Driggs.
COUNTY:	The county of Teton, state of Idaho.
FISCAL YEAR:	The fiscal year of the city shall commence on October 1 of each year <sup>1</sup> .
INFRACTION:	A civil public offense, not constituting a crime, punishable by a penalty not exceeding one hundred dollars (\$100.00) and for which no incarceration may be imposed <sup>2</sup> .
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MISDEMEANOR:	Any offense not defined as a "felony" or "infraction" under state law <sup>3</sup> .
NUISANCE:	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OPERATOR:	The person who is in charge of any operation, business or profession.

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1. IC § 50-1001.

2. IC §§ 18-111, 18-113A.

3. IC §§ 18-111, 18-113.

OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, limited liability partnership, trust, association, limited liability company, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The state of Idaho.
STREET:	Shall include highways or roads, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
WHOLESALE DEALER AND WHOLESALE DEALER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

**WRITTEN, 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, it shall be in the proper handwriting of such person or, in case he is unable to write, by his proper mark. (2010 Code)

1-3-3: **CATCHLINES:** The catchlines of the several sections of the city code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2010 Code)

