

CHAPTER 1

GENERAL PROVISIONS.

- 1-101. How Code designated and cited.
- 1-102. Definitions and rules of construction.
- 1-103. References to chapters, sections, etc.
- 1-104. Severability of parts of Code.
- 1-105. Catchlines of sections.
- 1-106. Effects of repeal of ordinances.
- 1-107. Procedure for amending or repealing provisions of Code.
- 1-108. Corporate Seal--Use.
- 1-109. General penalty; continuing violations.
- 1-110. Payment of cost of prosecution and fine.
- 1-111. Fees.

1-101. How Code designated and cited.

All ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the City of Hastings, Nebraska," and may be so cited. Such Code may also be cited as the "Hastings City Code."
(Code 1973, 1-1)

Reference: Neb. Rev. Stat. Sections 16-247, 16-403, and 16-404.

1-102. Definitions and rules of construction.

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

(1) Generally. All words and phrases shall be construed and understood 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.

(2) City. The words "the city" or "this city" shall be construed as if followed by the words "of Hastings, Nebraska."

(3) Code. The words "the Code" or "this Code" shall mean "The Code of the City of Hastings, Nebraska."

(4) Computation of time. The time within which an act is to be done shall be computed as provided in the state civil procedure statutes, by excluding the first day and including the last, unless it is a Saturday or Sunday or a day City Hall is closed, in which event the period runs until the end of the next day on which City Hall is open.

Reference: Neb. Rev. Stat. Section 25-2221.

(5) Council, city council. Whenever the words "council" or "city council" are used, they shall be construed to mean the council of the City of Hastings, Nebraska.

(6) County. The words "the county" or "this county" shall mean Adams County, Nebraska.

(7) Day. A day is the period of time between any midnight and the midnight following.

(8) Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

(9) Gender. Every word importing the masculine gender shall extend to and be applied to females as well as males.

(10) In the city. The words "in the city" shall mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

(11) Joint authority. All words purporting to give a joint authority to three or more city officers or other

Hastings City Code

persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

(12) Month. The word "month" shall mean a calendar month.

(13) Number. Every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

(14) Oath. "Oath" includes affirmation.

(15) Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or of a part of such building or land or vendee in possession under a land sale contract.

(16) Person. The word "person" shall extend and be applied to firms, corporations, voluntary associations, partnerships and joint stock companies, as well as to individuals, unless plainly inapplicable.

(17) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

(18) Property. The word "property" shall include real and personal property.

(19) Real property. The words "real property" shall include lands, tenements and hereditaments.

(20) Reasonable time. In all cases where any provision of this Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

(21) Shall, may. "Shall" is mandatory and "may" is permissive.

(22) Signature or subscription by mark. "Signature" or "subscription by mark" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when one witness shall sign his own name thereto.

(23) State. The words "the state" or "this state" shall be construed to mean the State of Nebraska.

(24) Tenant or occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or an oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

(25) Tense. The use of any verb in the present tense shall include the future when applicable.

(26) To. "To" means "to and including" when used in reference to a series of sections of this Code or when reference is made to the Reissue Revised Statutes of Nebraska, 1943.

(27) Week. The word "week" shall mean seven consecutive days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

(28) Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing, in the English language, unless it is expressly provided otherwise.

(29) Year. The word "year" shall mean a calendar year, except where otherwise provided.

The rules of construction set forth in this section shall not be applied to any provision of this Code which shall contain any express provision excluding such construction, or when the subject matter or context of such provision may be repugnant thereto. (Code 1973, 1-2)

General Provisions

1-103. References to chapters, sections, etc.

All references in this Code to chapters, articles or sections are to the chapters, articles and sections of this Code, unless otherwise specified.

(Code 1973, 1-3)

1-104. Severability of parts of Code.

It is hereby declared to be the intention of the city council 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 invalid by the judgment or decree of a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

(Code 1973, 1-4)

1-105. Catchlines of sections.

The catchlines of the several sections of this Code 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 catchlines, are amended or reenacted.

(Code 1973, 1-5)

1-106. Effects of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

(Code 1973, 1-6)

1-107. Procedure for amending or repealing provisions of Code.

Whenever any part of this code is amended or repealed, the ordinance amending or repealing shall refer to the full number of the section so amended or repealed.

All future regulatory ordinances shall contain in the ordinance, the section number indicating the chapter, article and section assigned to each part of the new regulation.

(Code 1973, 1-7)

1-108. Corporate Seal--Use.

The city clerk shall affix an impression of the corporate seal to all warrants, licenses, permits, ordinances and all papers issued by the order of the mayor and countersigned by the clerk.

(Code 1952, 6-302; Code 1973, 1-9)

1-109. General penalty; continuing violations.

Any person who shall violate, neglect or refuse to comply or who resists or opposes the enforcement of, any of the provisions of this Code shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined any sum not more than one hundred dollars for each offense. Every day on which such violation, neglect or refusal shall continue, shall be deemed as a separate and distinct offense.

(Code 1973, 1-10)

Reference: Neb. Rev. Stat. Section 16-246.

1-110. Payment of cost of prosecution and fine.

In all cases of violation of each of the chapters, articles or sections of this Code or of any other ordinance of this city where a fine is imposed upon any persons found guilty of the violation thereof, such person so found guilty shall pay the costs of prosecution, and, in default of payment thereof, shall be adjudged to stand committed to the county jail until such fine and costs are paid. Each judgment finding a person guilty under

Hastings City Code

any chapter, article or section of this Code or of any ordinance of this city shall specify in terms that the person found guilty stand committed until such fine and costs are paid, secured or satisfied, or unless the prisoner is sooner discharged by the due process of law.

(Code 1952, 11-701; Code 1973, 1-11)

1-111. Fees.

Commencing with the effective date of this ordinance, the amount of all fees, rentals, admission charges and other charges, hereinafter collectively referred to as "fees" which are charged for use of the city's services or facilities or for permits to conduct certain regulated activities shall be established by resolution of the Hastings City Council. To the extent that any fee established in such resolution is in conflict with any fee currently imposed by ordinance, the fee provisions of such ordinance are hereby repealed. Any fees established by ordinance, but not affected by the fee resolution, shall remain in full force and effect until incorporated in the fee resolution.

(Ord. No. 3026-7/87)