

Chapter 1 GENERAL PROVISIONS

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Sections:

- 1.010 Adoption of Code**
- 1.015 Title--Citation--Reference**
- 1.020 Definitions and rules of interpretation**
- 1.025 Reference applies to all amendments**
- 1.030 Title, chapter and section headings**
- 1.035 Reference to specific ordinances**
- 1.040 Provisions considered as continuations of existing ordinances**
- 1.043 Ordinances passed prior to adoption of the Code**
- 1.047 Effect of Code on past actions and obligations**
- 1.050 Constitutionality**
- 1.055 References to prior code**
- 1.060 Repeal--Generally**
- 1.070 Same--Revival of provision previously repealed**
- 1.080 Precinct boundaries and polling places.**

Section 1.010 Adoption of Code

There is hereby adopted by the board of city commissioners that certain code entitled "The Code of the City of Dickinson, North Dakota," as compiled, edited and published by Book Publishing Company, Seattle, Washington, containing certain ordinances of a general and permanent nature as compiled, consolidated and indexed in Chapters 1 to 39, both inclusive. (Ord. No. 1098, § 1.)

Section 1.015 Title--Citation--Reference

This code shall be known as "The Code of the City of Dickinson, North Dakota" and it shall be sufficient to refer to said Code as the "Dickinson City 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 Code of the City of Dickinson, North Dakota." Further reference may be had to the titles, chapters, sections and subsections of "The Code of the City of Dickinson, North Dakota" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. No. 1098, § 2.)

Section 1.020 Definitions and rules of interpretation

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 board of city commissioners:

Board of City Commissioners. The words "board of city commissioners" shall be construed as if followed by the words "of Dickinson."

Boulevard. That strip of land abutting on either side of the streets of the city lying between the outside edge of the sidewalks and the curb along such streets or that area between the inside edge of sidewalks and the lot lines in areas having curb sidewalks.

City. The words "the city" or "this city" shall be construed as if followed by the words "of Dickinson."

Code. "The Code of the City of Dickinson, North Dakota."

Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

For state law as to computation of time, see NDCC, § 1-02-15.

County. Stark County, North Dakota.

Day. The period of time between any midnight and the midnight following.

Daytime, Nighttime. Daytime is the period between sunrise and sunset. Nighttime is the period of time between sunset and sunrise.

Gender. Words used importing masculine gender include the feminine and neuter.

For state law as to gender, see NDCC, § 101-34.

In the City. All territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons.

Month. A calendar month.

For similar state law, see NDCC, § 1-01-33.

Number. The singular number includes the plural, and the plural the singular.

For similar state law, see NDCC, § 1-01-35.

Oath. The word "oath" shall include affirmation.

For similar state law, see NDCC, § 1-01-49.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the city, unless the context clearly indicates otherwise.

Or, And. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner. Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or a part of such building or land.

Person. A corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

For state law definition of person, see NDCC, § 1-01-28.

Personal Property. Money, goods, chattels, things in action and evidences of debt.

For similar state law, see NDCC, § 1-01-49.

Preceding, Following. The words "preceding" and "following" mean next before and next after respectively.

For similar state law, see NDCC, § 1-01-49.

Property. Property, real and personal.

For similar state law, see NDCC, § 1-01-49.

Real Property. Real property shall be coextensive with lands, tenements and hereditaments.

For similar state law, see NDCC, § 1-01-49.

Several. In relation to number, two or more.

For similar state law, see NDCC, § 1-01-29.

Shall, May. Shall is mandatory, and may is permissive.

Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Signature or Subscription. The words "signature" or "subscription" include a mark when the name of a person who cannot write is written near it by a person who writes his own name as a witness.

For similar state law, see NDCC, § 1-01-49.

State. The State of North Dakota.

Street. The entire width between property lines of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right of way for purposes of vehicular traffic.

Tense. Words in the present tense include the future.

For similar state law, see NDCC, § 1-01-35.1.

Usual and customary. "According to usage."

For similar state law, see NDCC, § 1-01-32.

Written and printed. The words "writing" and "written" shall include typewriting and typewritten and printing and printed, except in the case of signatures and when the words are used by way of contrast to typewriting and printing. Writing may be made in any manner; except, that when a person entitled to require the execution of a writing demands that it be made with ink, it must be so made.

For similar state law, see NDCC, § 1-01-37.

Year. A calendar year, except where otherwise provided. (Code 1958, § 1-2.)

For state law as to definition of year, see NDCC, § 1-01-33.

For state law definitions, see NDCC, § 1-01-01 et seq. As to rules of interpretation, see NDCC, § 1-02-01 et seq. 1-2.)

Section 1.025 Reference applies to all amendments

Whenever a reference is made to this code as the "Dickinson City Code" or to any portion thereof, or to any ordinance of the City of Dickinson, North Dakota, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. No. 1098, § 3.)

Section 1.030 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. No. 1098, § 4.)

Section 1.035 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. No. 1098, § 5.)

Section 1.040 Provisions considered as continuations of existing ordinances

The provisions appearing in this Code, so far as they are substantially the same as those of the Code of the City of Dickinson, North Dakota, 1958 and other ordinances existing at the time of the adoption of this Code, shall be construed as a continuation thereof and not as new enactments. (Code 1958, § 1-4.)

Section 1.043 Ordinances passed prior to adoption of the Code

The last ordinance included in this Code was Ordinance 1086, passed December 7, 1992. The following Ordinances, passed subsequent to Ordinance 1086, but prior to adoption of this Code, are hereby adopted and made a part of this Code: Ordinances 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, and 1097. (Ord. No. 1098, § 6.)

Section 1.047 Effect of Code on past actions and obligations

The adoption of this Code does not affect prosecutions for ordinance violations committed prior to the effective date of this Code, does not waive any fee or penalty due and unpaid on the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. No. 1098 § 7.)

Section 1.050 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 of the remaining portions of this Code. (Ord. No. 1098 § 8.)

Section 1.055 References to prior code

References in city forms, documents and regulations to the chapters and sections of the former City Code shall be construed to apply to the corresponding provisions contained within this Code. (Ord. No. 1098 § 9.)

Section 1.060 Repeal--Generally

The repeal of any provision of this Code or other ordinance of the city by the board of city commissioners shall not have the effect of releasing or extinguishing any penalty, fine, liability or forfeiture incurred under such provision, but as to cases tried before or subsequent to the repeal of such provision, it shall have the effect of extinguishing any jail or prison sentence that may be or has been imposed by reason of such law, unless the repealing ordinance shall provide expressly that the penalties of imprisonment shall remain in force as to crimes committed in violation of such law prior to its repeal. In other respects, such provision shall remain in force only for the purpose of the enforcement of such fine, penalty or forfeiture. (Code 1958, § 1-7.)

For similar state law as to statutes, etc., see NDCC, § 1-02-17.

Section 1.070 Same--Revival of provision previously repealed

Whenever any ordinance of the board of city commissioners which repealed a former provision of this Code or other ordinance of the city is repealed, such former provision shall not be revived by such repeal, unless there is express intent to the contrary. (Code 1958, § 1-6.)

For similar state law as to statutes, etc., see NDCC, § 1-02-19.

Section 1.080 Precinct boundaries and polling places.

There shall be two precincts within the city, to be known and designated as Precinct No. 1 and Precinct No. 2. Each precincts shall consist of all that part of the city which lies within boundaries hereinafter set forth for each of such precincts. Polling places shall be located at-such location as is determined by resolution of the Board of City Commissioners.

Precinct No. 1. All that area within the city limits of the City of Dickinson which lies within the State of North Dakota 37th Legislative District, as may be amended from time to time.

Precinct No. 2. All that area within the city limits of the City of Dickinson which lies within the State of North Dakota 36th Legislative District, as may be amended from time to time.

All property within the Corporate limits which is not contained in Precincts 1, 2, 3, 4, 5, 6, or 7 shall be a part of Range 96.

(Code 1958, § 1-10; Ord. No. 581; Ord. No. 587; Ord. No. 595; Ord. No. 639, § 1; Ord. No. 787, § 1; Ord. No. 848, § 1; Ord. No. 904, § 1; Ord. No. 906, § 1; Ord. No. 953, § 1; Ord. No. 985, § 1; Ord. No. 1037, § 1.; Ord. No. 1066, § 1; Ord. No. 1128 § 1; Ord. No. 1167 § 1; Ord. No. 1216, § 1; Ord. 1241 § 1; Ord. No. 1275 §1; Ord. No. 1310 §1; Ord. No. 1435 §1.)

For authority of the city to redistrict the city into precincts and to prescribe the boundaries thereof, see NDCC, § 40-05-02(12).