

CHAPTER 1 – GENERAL PROVISIONS

Sec. 1-2. Rules of construction and definitions.

The rules of construction and the definitions set forth in this section apply to this Code and the ordinances of the city unless inconsistent with either the manifest intent of the council, the city charter, the context of this Code or the ordinances of the city.

Acts by agents. A requirement that an act be done which may by law also be done by an agent include all the acts performed by an authorized agent.

Charter. “Charter” or “city charter” means the Charter of the City of Peoria, Maricopa County, Arizona.

City. “City” means the City of Peoria, Maricopa County, Arizona.

Code. “Code” means the Peoria City Code, as designated in section 1-1.

Computation of time. Except as otherwise provided, the time in which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is a holiday, and then it is also excluded. In cases in which notice of a decision by the city must be given to a petitioner and in which the petitioner must file a notice of appeal of such decision within a time certain of less than ten (10) days, the time is computed starting with the day after the day during which the notice of decision is received by the petitioner by personal service or registered or certified mail.

Council. “Council” or “city council” means the council of the City of Peoria.

County. “County” means Maricopa County, Arizona.

Day. “Day” means the period of time between any midnight and the midnight following.

Daytime. “Daytime” means the period of time between sunrise and sunset.
State law reference(s)--Similar provisions, A.R.S. § 1-215(6).

Delegation of authority. Any provision requiring an officer of the city to do some act is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act.

Departments, boards, officers, etc. References to a department, board, commission, office, officer, or employee refer to a department, board, commission, office, officer, or employee of the city.

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In the city. “In the city” or “within the city” includes all territory over which the city now has, or hereafter acquires, jurisdiction for the exercise of its police powers or other regulatory powers.

State law reference(s)--Extraterritorial jurisdiction, A.R.S. §§9-240(B)(21), 9-276(A)(18), 9-402; application of municipal ordinances to municipally owned, leased, etc., property, A.R.S. § 9-401.

Joint authority. Words purporting to give a joint authority to three (3) or more city officers or other persons give such authority to a majority of such officers or other persons.

May. “May” is to be construed as being permissive.

May not. “May not” states a prohibition.

Month. “Month” means a calendar month.

State law reference(s)--Similar provisions, A.R.S. § 1-215(19).

Must. “Must” is to be construed as being mandatory.

Nighttime. “Nighttime” means the period of time between sunset and sunrise.

State law reference(s)--Similar provisions, A.R.S. § 1-215(21).

Number. Words used in the singular include the plural. Words in the plural include the singular.

State law reference(s)--Similar provisions, A.R.S. § 1-214.

Oath. “Oath” includes an affirmation in cases in which, by law, an affirmation may be substituted for an oath. In such cases “swear” and “sworn” are equivalent to “affirm” and “affirmed.”

State law reference(s)--Similar provisions, A.R.S. § 1-215(22).

Occupant. “Occupant” includes tenant.

Or, and. “Or” may be read “and” and “and” may be read “or.”

Owner. “Owner,” as applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. “Person” includes the state, the county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. “Person” also includes a trustee, receiver, an assignee, or similar representative.

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Personal property. “Personal property” means anything other than real property.
State law reference(s)--Similar provisions, A.R.S. § 1-215(25).

Preceding; following. “Preceding” and “following” mean next before and next after, respectively.

Property. “Property” includes real and personal property.
State law reference(s)--Similar provisions, A.R.S. §1-215(28).

Real property. “Real property” includes lands, tenements, and hereditaments.

Reasonable time. Any provision that requires any act to be done in a reasonable time or reasonable notice to be given, refers to such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Shall. “Shall” is to be construed as being mandatory.

Shall have been. “Shall have been” includes past and future cases.

Signature or subscription. “Signature” or “subscription” includes a mark, when a person cannot write, with his name written near it and witnessed by a person who writes his own name as witness.

State law reference(s)--Similar provisions, A.R.S. § 1-215(31).

State. “State” means the State of Arizona.

Street. “Street” includes any public way, road, highway, street, avenue, boulevard, parkway, alley, land, viaduct, bridge and the approaches thereto within the city.

Technical and nontechnical words. Words and phrases are to 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 are to be construed and understood according to such peculiar and appropriate meaning.

State law reference(s)--Similar provisions, A.R.S. § 1-213.

Tenant or occupant. “Tenant” or “occupant,” as applied to a building or land, includes any person who occupies the whole or a part of such building or land whether alone or with others.

Tense. The present tense includes the past and future tenses, and the future includes the present.

State law reference(s)--Similar provisions, A.R.S. § 1-214.

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Week. “Week” consists of seven (7) consecutive days.

Writing or written. “Writing” and “written” includes printing and any other mode of representing words and letters, including any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by ordinance, it shall be made in writing in the English language.

Year. “Year” means a calendar year.
(Code 1977, arts. 1-2, 1-3)