

TITLE I: GENERAL PROVISIONS

CHAPTER

10. GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE

This codification of ordinances by and for the City of Merrill shall be designated as the Code of the City of Merrill and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

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§ 10.03 APPLICATION TO FUTURE ORDINANCES

All provisions of Title I compatible with the future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS

A. General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

B. Definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION, or MUNICIPLITY. The City of Merrill.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Klamath County, Oregon

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all case in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

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PRECEDING or **FOLLOWING**. Next before or next after, respectively

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write.

STATE. The State of Oregon.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart as group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND** or **OR**. Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall in the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General Term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

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§ 10.07 SEVERABILITY

If any provision of this code as now or later or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall be extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS

If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, that spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as through the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.11 OFFICIAL TIME

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

§ 10.12 REASONABLE TIME

(A) In all cases where a radiance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed

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to mean the time which is necessary for a prompt performance of that act or giving of that notice.

(B) the time within an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OR ORDINANCES.

All ordinances passed by the legislative body shall take effect as provided in City Charter, § 35.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force, unless it is otherwise expressly provided.

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(C) When any ordinances repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: *(Ord. 161, passed 5-13-1960; Am. Ord. 170, passed 1-1-1970; Am. Ord. 180, passed 1-1-1980; Am Ord. 185, passed 1-1-1985)*

(B)(1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: *(O.R.S. 192.410) (Ord. 180, passed 1-17-1980; Am. Ord. 185, passed 1-1-1985).*

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see O.R.S. 192.420

(1) Every resident of the City of Merrill is allowed two public records research requests per year or up to 20 pages of reproduced documents at no charge.

(2) Fees for staff time required to fulfill a Public Records Request shall not exceed:

(a) \$25.00 per hour for Clerical (administrative, office specialists, other support staff)

(b) \$40.00 per hour for Managerial (Program managers, PIOs)

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- (c) \$75.00 per hour Professional (IT, HR, High-level Analyst)
 - (d) DOJ, special attorney, and other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described on ORS 192.440(4)(b)
- (3) Fees generated by providing paper or electronic copies to requesters:
- (a) Copies: Based on current state printing and distribution price list.
 - (b) Media: Based on statewide price agreement with OfficeMax.
 - (c) Postage: Based on current postal rates.
- (4) Miscellaneous fees related to production and release of responsive records:
- (a) Expedited Archive retrieval
 - (b) Costs of software companies/contracts (as needed to manage the volume of request)
 - (c) Other 3rd party costs (in extreme circumstances)
(Ord. 2017-1010 passed 6-12-2018; Am. Ord. 2022 passed 9-10- 2019)

§ 10.99 GENERAL PENALTY.

- (A) Any person violating any provision of this code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed \$500. Subject to division (B) of this section.
- (B) Any person violating any provision of this code which is identical to a state statute containing a lesser penalty shall, upon conviction, be punished by the penalty prescribed by state statute.
- (C) Each calendar date on which a violation occurs constitutes a separate violation.