

CHAPTER 1 - GENERAL

Article 1-1 RULES, DEFINITIONS, CODE DESIGNATION

- Section 1-1-1 How Code Designated, Cited, and Acceptance
- Section 1-1-2 Rules of Construction and Definitions
- Section 1-1-3 General Rule Regarding Definitions

Section 1-1-1 How Code Designated, Cited and Acceptance

- A. The ordinances embraced in the following Chapters, Articles and Sections shall constitute the "Globe City Code" and shall be so designated, and may be so cited. A specific Section may be cited by stating the Chapter number first, followed by the Article number, followed by the Section number. Example: This Section may be cited as Globe City Code Section 1-1-1.
- B. This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of Globe, which may be amended from time to time.

Section 1-1-2 Rules of Construction and Definitions

- A. The rules and the definitions set forth in this Chapter shall be observed in the construction of this Code unless such construction would be inconsistent with the manifest intent of the Mayor and Council.¹
- B. Code provisions shall be liberally construed to effect their objects and to promote justice.²

Section 1-1-3 General Rule Regarding Definitions

- A. Unless otherwise provided in this Code, all words and phrases shall be construed and understood according to the common and approved usage of the language, and 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.
- B. In all provisions of this Code, unless the context clearly indicates otherwise, the following rules and/or definitions shall apply:

¹ **Editor's Notes:** Throughout this Code these notes will appear as research aids and historical references where appropriate. These notes are not part of the Globe City Code. They are only a convenient location for research aids, cross references of similar or associated statutes, and historical or drafting notes. This is a practice embodied in the former City Code as originally adopted by Ordinance 509 (1974) based upon the draft prepared or assisted in preparation by General Counsel for the Arizona League of Cities and Towns. This Code was adopted by Ordinance No. 761, February 23, 2009.

² State law reference—General rules of statutory construction and definitions, A.R.S. §§ 1-211 – 1-215.

1. Acts of Agents: When the provisions of any Section of this Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or aiding or abetting the said person shall be guilty of the offense described and liable for any penalty established for said act.
2. City: Whenever the word "City" is used, it shall be construed to mean the City of Globe, Arizona.
3. Code: The words "the Code" or "this Code" shall mean the "Globe City Code".
4. Council: Whenever the word "Council" is used, it shall be construed to mean the Mayor and Council of the City of Globe, Arizona.
5. Day: A "day" is the period of time between any midnight to the midnight following.
6. Daytime, Nighttime: "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
7. Department, Board, Commission, Office, Officer, or Employee: Whenever any "department, board, commission, office, officer, or employee" is referred to, it shall mean a department, board commission, office, officer, or employee of the City unless the context clearly indicates otherwise.
8. Gender; Singular and Plural: Words of the masculine gender include the feminine and words of the feminine gender shall include the masculine; and words in the singular number include the plural and words in the plural number include the singular.
9. In the City: The words "in the City" or "within 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.
10. Joint Authority/Majority Vote: All words purporting to give a joint authority to three or more persons shall be construed as giving such authority to a majority of such persons, at a meeting where a quorum is present, unless it shall be otherwise expressly declared.
11. Month: The word "month" shall mean a calendar month.
12. Oath: "Oath" includes affirmation or declaration.

13. Or, And: "Or" may be read "and," and "and" may be read "or," if the sense requires it.
14. Person: The word "person" shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.
15. Personal Property: "Personal property" includes every species of property, except real property, as defined in this article.
16. Preceding, Following: The words "preceding" and "following" mean next before and next after, respectively.
17. Property: The word "property" shall include real and personal property.
18. Real Property: Real property shall include lands, easements, rights of way, tenements and hereditaments, unless expressly otherwise provided.
19. Shall, May: "Shall" is mandatory and "may" is permissive.
20. Shall Have Been: The words "shall have been" include past and future cases.
21. Signature or Subscription by Mark: "signature" or "subscription" includes a mark when the signer cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his/her 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 two witnesses so sign their own names thereto. State and federal law regarding electronic signatures shall apply.
22. State: The words "the State" shall be construed to mean the State of Arizona.
23. 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 part of such building or land, either alone or with others.
24. Tenses: The present tense includes the past and future tenses, and the future includes the present.
25. Time--Computation: The time within which an act is to be done as provided in this Code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Sunday or holiday it shall

be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight to midnight, shall be excluded.

26. Time --Reasonable: In all cases where any Section 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 be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.
27. Week: A "week" consists of seven (7) consecutive days.
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. Work Day: means each day, Monday through Friday, except holidays observed by the City.
30. Year: The word "year" shall mean a calendar year, except where otherwise provided.

Article 1-2 RULES OF CONSTRUCTION

- Section 1-2-1 Additional Rules of Construction
- Section 1-2-2 References to this Code
- Section 1-2-3 Conflicting Provisions—Different Chapters
- Section 1-2-4 Conflicting Provisions—Same Chapter
- Section 1-2-5 Section Headings

Section 1-2-1 Additional Rules of Construction

In addition to the rules of construction specified in Article 1-1, the rules set forth in this Article shall be observed in the construction of this Code.

Section 1-2-2 References to this Code

All references to Chapters, Articles, or Sections are to the Chapters, Articles, and Sections of this Code unless otherwise specified.

Section 1-2-3 Conflicting Provisions--Different Chapters

If the provisions of different Chapters of this Code conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions arising out of the subject matter of such Chapter.

Section 1-2-4 Conflicting Provisions--Same Chapter

If conflicting provisions are found in different Sections of the same Chapter, the provisions of the Section which is the most stringent shall prevail unless such construction is inconsistent with the meaning of such Chapter, or otherwise expressly provided.

Section 1-2-5 Section Headings

Headings of the several Sections of this Code are intended as convenience to indicate the contents of the Section and do not constitute part of the law, except to the extent necessary for construction or interpretation of the Section, nor unless expressly so provided, shall they be so deemed when any of such Section, including the heading, is amended or reenacted.

Article 1-3 EFFECT OF REPEAL OR CHANGE IN CODE

- Section 1-3-1 Effect of Repeal
- Section 1-3-2 Subsequent Ordinance as Superseding Former Law
- Section 1-3-3 Penalty Altered by Subsequent Ordinance; Effect
- Section 1-3-4 Repeal of Code Provision and Substitution of Penalty; Effect
- Section 1-3-5 Repealing Ordinance; Effect on Pending Action or Accrued Right

Section 1-3-1 Effect of Repeal

When any ordinance repealing a former ordinance, clause or Code provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty already imposed or any action to enforce this Code for a violation which occurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Section 1-3-2 Subsequent Ordinance as Superseding Former Law

When an ordinance has been adopted and has become law, no other Code, ordinance, resolution or other provision is continued in force simply because it is consistent with the provision enacted. In all cases, in which a repeal is provided for by a subsequent ordinance, the ordinance, laws and rules theretofore in force, whether consistent or not with the provisions of the subsequent ordinance, shall be deemed repealed and abrogated.

Section 1-3-3 Penalty Altered by Subsequent Ordinance; Effect

When the penalty for an offense is prescribed by one Code provision and altered by a subsequent Code provision, the penalty of such second provision shall not be inflicted for a breach of the law committed before the second took effect, but the offender shall be punished under the law in force when the offense was committed.

Section 1-3-4 Repeal of Code Provision and Substitution of Penalty; Effect

When by the provisions of a repealing ordinance a new penalty is substituted for an offense punishable under the Code provision repealed, such repealing ordinance shall not exempt any person from punishment who has offended against the repealed law while it was in force, but in such case the rule prescribed in Section 1-3-3 shall govern.

Section 1-3-5 Repealing Ordinance; Effect on Pending Action or Accrued Right

No action or proceeding commenced before a repealing ordinance takes effect, and no right accrued is affected by such repealing ordinance, but proceedings therein shall conform to the new ordinance so far as applicable.

Article 1-4 SEVERABILITY OF PART OF CODE

Section 1-4-1 Severability

Section 1-4-1 Severability

It is hereby declared to be the intention of the Council that the Sections, paragraphs, sentences, clauses and phrases of this Code shall be severable, and if any provision of this Code is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining provisions of the Code.

Article 1-5 PENALTIES

Section 1-5-1 Violation of Code Provisions

Section 1-5-2 Authority to Require Reimbursement of Costs Incurred

Section 1-5-1. Violation of Code provisions

- (A) **Civil Violations**. Except for those acts or omissions to act declared to be a misdemeanor, whenever in this Code, any act or omission to act is declared to be prohibited, unlawful, an infraction, a violation or an offense, such act or omission to act shall constitute a civil violation. Civil violation prosecution shall be as provided in Chapter 6 of this Code. In the alternative to civil violation proceedings, the City may elect to enforce the provisions of this Code by any action available at law or equity.
- (B) **Criminal Violations**. Any person found guilty of violating any provision of this Code that is declared to be a misdemeanor shall be guilty of a class one misdemeanor and upon conviction thereof shall be punished by a fine not to exceed the limits authorized by A.R.S. 9-240, as amended from time to time, or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described. The court may place a violator on probation for up to six (6) months. Criminal violation prosecution shall be as provided in Chapter 6 of this Code.³
- (C) **Civil Traffic Violations**. Any violation of or failure or refusal to do or perform any act required by Chapter 15 of this Code shall constitute a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Arizona Revised Statutes, any amendments thereto, and the Rules of Procedure for Civil Traffic Offenses.

Section 1-5-2 Authority to Require Reimbursement of Costs Incurred

- A. In addition to any penalty authorized by state law or this Code, the City Magistrate is also authorized to require restitution as a part of sentencing for violations of this Code or state statute, including, but not limited to, imposing a requirement that costs of prosecution be reimbursed as a condition of probation or otherwise. Reimbursement of costs of prosecution shall be required as part of sentencing if a defendant is found guilty after trial and when said reimbursement is included as part of a plea agreement between the defendant and the prosecutor's office.
- B. The Court shall adopt guidelines to establish minimum reimbursement of costs to be imposed on convictions for civil offenses, traffic offenses, and misdemeanors.

³ **Editor's Notes:** State law reference A.R.S. 9-240

- C. Payment of costs of prosecution fees may be enforced as any other fine or penalty may be enforced under Arizona State law. Late fees may be charged to the defendant as well as fees for proceedings to enforce penalties including order to show cause or contempt proceedings required for said enforcement. The Magistrate is authorized to prepare and enforce a schedule of such fees.

Article 1-6 REPEAL OF EXISTING ORDINANCES

- Section 1-6-1 Effective Date of Repeal
- Section 1-6-2 Ordinances Exempt from Repeal
- Section 1-6-3 Effective Date of Code

Section 1-6-1 Effective Date of Repeal

All ordinances of the City of Globe except those specially exempted in this Article, in force and effect prior to the adoption of this Code, are hereby repealed effective at 11:59 PM on the day preceding the effective date of this Code, but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this Code had not been adopted and enacted.

Section 1-6-2 Ordinances Exempt from Repeal

The adoption and enactment of this Code shall not be construed to repeal or in any way to affect or modify:

- A. Any special ordinance or ordinances regarding franchises, annexations, dedications, or zoning.
- B. Any ordinance making an appropriation.
- C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- D. The running of any statute of limitations in force at the time this Code becomes effective.
- E. Any bond of any public officer.
- F. Any taxes, fees, assessments or other charges incurred or imposed.
- G. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona, or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.
- H. Ordinances establishing, naming, or vacating streets, alleys, or other public places.

Section 1-6-3 Effective Date of Code

Each and every Section of this Code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock midnight on the 25th day of March, 2009.