

**CHAPTER 1
GENERAL PROVISIONS**

Table of Contents

Sec. 1-1.	How Code designated and cited	2
Sec. 1-2.	Rules of construction	2
Sec. 1-3.	Definitions	3
Sec. 1-4.	Amendments to Code; effect of new ordinances; amendatory language	4
Sec. 1-5.	Supplementation of Code	5
Sec. 1-6.	Altering Code	6
Sec. 1-7.	Severability of parts of Code	6
Sec. 1-8.	General penalty; continuing violations	6
Sec. 1-9.	Ordinances not affected by Code	7

CHAPTER 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections as adopted herein shall constitute the Code of Ordinances, City of Waldo, Florida, and may be cited as the "Waldo Code."

Sec. 1-2. Rules of construction.

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 City Council:

- (a) In computing any period of time prescribed or allowed by ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- (b) A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.
- (c) A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- (d) Words used in the past or present tense include the future as well as the past and present.
- (e) Words and phrases shall be construed 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 law shall be construed and understood according to such meaning.
- (f) Whenever reference is made to an officer, department, employee, board, committee, commission, etc., it shall be deemed to refer to an officer, department, employee, board, committee, commission, etc., of the City of Waldo, Florida; and in reference to such office or officer, it may include any person delegated or authorized to perform the duties of such office or officer.

- (g) The titles of the several sections of this Code printed in boldface type 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 titles, are amended or reenacted.
- (h) All references to chapter, article, divisions, or sections are to the chapters, article, divisions, or sections of this Code unless otherwise specified.
- (I) The history notes appearing in brackets after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Where the language in this Code differs from the language in the ordinance as originally adopted, the language in this Code shall be the law of Waldo.
- (j) References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.
- (k) The provisions appearing in this and the following chapter and sections, so far as they are the same as those of ordinances or resolutions existing at the time of the adoption of this Code, shall be considered as a continuation and not as new enactments.
- (l) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

Sec. 1-3. Definitions.

- (a) "Charter" means the Charter of the Waldo, Florida, printed in Part I of this volume.
- (b) "Code" means and refers to the Code of Ordinances, City of Waldo, Florida.
- (c) "Month" means a calendar month.
- (d) "Oath" shall be construed to include an affirmation in all cases 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."
- (e) "Owner," when applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.
- (f) "Person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

- (g) "Personal property" includes every species of property except real property, as herein defined.
- (h) Property. The term "property" includes real and personal property.
- (i) "Public place" means any park, cemetery, school yard, or open space adjacent thereto, all beaches, canals, or other waterways.
- (j) "Real property" includes lands, tenements, and hereditaments.
- (k) "Sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (l) "State" shall be construed to mean the State of Florida.
- (m) "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the city.
- (n) "Tenant" and "occupant," applied to a building or land, includes any person holding a written or oral lease of or who occupies, the whole or part of such buildings or land, either alone or with others.
- (o) "City" means the City of Waldo, Florida. The term "City" shall also be construed to mean and include the various offices and employees of the city charged with the duty of enforcing the laws and regulations of the city, whether in this Code, the officers and employees are referred to by position, or not.
- (p) "City Council" means the elected governing body of the city designated as the official legislative body of the City of Waldo, Florida.
- (q) "Written" and "in writing" mean any representation of words, letters or figures, whether by printing or otherwise.

Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section, subsection, or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of

Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the City Council.

- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section of the Code of Ordinances of Waldo, Florida, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.
- (c) In the event a new section not heretofore existing in the Code is to be added, substantially the following language shall be used: "That the Code of Ordinances of Waldo, Florida is hereby amended by adding a section to be numbered, which section reads as follows:" The new section shall then be set out in full as desired.
- (d) All sections, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-5. Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinances included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such headings, and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-6. Altering Code.

It shall be unlawful for any person, firm, or corporation in the city to change or amend by additions or deletions any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

Sec. 1-7. 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 unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-8. General penalty; continuing violations.

- (a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
- (b) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 1-9. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

- (a) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city, or any evidence of the city's indebtedness, or any contract or obligations assumed by the city.
- (b) Establishing positions, classifying employees and setting salaries, or regarding personnel policies or pensions or retirement benefits, not inconsistent with this Code.
- (c) Granting any right of franchise to any person.
- (d) Except as specifically provided in this code, dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city.
- (e) Adopting the budget or making any appropriations.
- (f) Levying or imposing taxes.
- (g) Adopting or amending a land development regulation, adopting or amending the zoning map, adopting or amending the comprehensive plan, or adopting or amending the future land use map or other land use map of any kind.
- (h) Adopting or amending the Charter for the City of Waldo.
- (I) Providing for local improvements and assessing taxes for such improvements.
- (j) Dedicating or accepting any plat or subdivision in the city.
- (k) Extending or contracting or otherwise relating to the boundaries of the city.
- (l) Adopted for purposes which have been consummated.
- (m) Which is temporary, although general in effect.
- (n) Which is special, although permanent in effect.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.