

## Chapter 1.00

### OFFICIAL CODE

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1.00.010 Official Code of Superior. This compilation, revision and codification of the general ordinances of the Town of Superior is hereby declared to be and shall hereinafter constitute the official code of general ordinances of the Town of Superior, Montana. In addition, beginning January 1, 1996, all ordinances that do not comply with, or are in conflict with the Charter for the Town of Superior, shall be superseded by the Charter for the Town of Superior.

1.00.020 Title of Code. This code shall hereafter be known and referred to as the Official Code of the Town of Superior, Montana, and a copy or copies of such code in printed form shall be received without further proof as the ordinances of permanent and general effect in the town, in all courts and administrative tribunals of this state.

1.00.030 Amending this Code. Any ordinance amending this code shall set forth in full the section or sections of the code being amended, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

1.00.040 Effect of Repealing Ordinances. The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding as commenced under or by virtue of the ordinance repealed, or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

1.00.050 Rules for Construction. In the construction of the official code and all ordinances amendatory thereof or supplementary thereto, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context:

A.    **INTENT TO DEFRAUD:** Whenever, by any of the provisions of the official code an intent to defraud is required in order to constitute an offense, the standards for conviction shall be those as provided by the laws of the State of Montana.

B.    **LIABILITY OF EMPLOYERS AND AGENTS:** When the provisions herein contained prohibit the commission or omission of an act, not only the person actually doing the prohibited thing, or omitting the directed act, but also the employer and all other persons concerned, who knowingly aid or abet the person, shall be guilty upon conviction of the offense described and liable to the penalty set forth.

C. TITLE OF SECTIONS AND SUBSECTIONS: The title of any section or subsection of this official code shall be deemed to in no ways restrict, qualify, or limit the effect of the provisions set forth and contained in such section or subsection.

D. EFFECT OF CONSTITUTIONALITY: Should any portion of this official code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portions of this official code.

E. DEFINITIONS:

The singular number includes the plural. Words used in the present include the future.

Words used in the masculine gender include, as well, the feminine and neuter.

The word "person" includes bodies politic and corporate, partnerships, associations and corporations, except that: the words "person" and "people" referred to by the Charter of the Town of Superior refers to citizens or individuals; and not to bodies politic or corporate, partnerships, associations or corporations.

The word "signature" includes any name, mark, or sign written with the intent to authenticate any instrument of writing.

The word "oath" includes "affirmation" and the word "swear" includes the word "affirm". Every mode of oral statement under oath or affirmation is embraced in the term "depose".

The word "official time" whenever used shall mean standard time in the Town of Superior.

The word "day" shall mean any twenty-four (24) hour period from midnight to midnight; and the word "month" shall mean a calendar month unless otherwise expressed; and the word "quarter" shall mean any three (3) month period, ending with the last day of March, June, September, and December; and the word "year" shall mean any one calendar year unless otherwise expressed.

The word "shall" is mandatory; "may" is discretionary.

The word "property" includes both real and personal property.

The terms "land", "real estate" and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

The term "personal property" includes every description of money, goods, chattels, effects, evidence of rights of action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished, and every right or interest therein.

The word "public thoroughfare" includes streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land.

The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

Words prohibiting anything being done, except in accordance with a license or permit or authority from a board of officers, shall be construed as giving such board of officers power to license or permit or authorize such thing to be done.

Whenever the word "council" is used it shall be construed to mean the town council of this town.

The word "officer" shall include officers and boards in charge of departments and the members of such boards, and such reference as the use of the word "city" or "town" shall mean this municipality. "Clerk" or "Treasurer" and others shall mean the town clerk, town treasurer, or town clerk-treasurer as the case may be applicable.

The term "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make intent to violate law or to injure another or to acquire an advantage.

The terms "neglect", "negligence", "negligent" and "negligently" impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

The term "knowingly" imparts a knowledge that the fact exists which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

The term "law enforcement" shall include the concepts and references to sheriff, police, marshal, law enforcement officer and related terms; and the term shall be inclusive, no matter if hired, appointed, volunteered or contracted for providing the service of law enforcement. The term and references to "local law enforcement" shall be limited to the ordinances of the Town of Superior, and thereby the Official Code of the Town of Superior, Montana.

References to city judge, police judge, municipal judge, town judge and similar terms shall be the same as and changed to city judge. References to city court, police court, municipal court, town court, and similar terms shall be the same as and changed to city court.