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DIVISION I

GENERAL PROVISIONS

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TITLE I - GENERAL PROVISIONS

DIVISION I

GENERAL PROVISIONS

Chapter 1

DEFINITIONS

111-1. APPLICABILITY.

For the purposes of this Code the following words and phrases shall have the meanings respectively ascribed to them.

111-2. BOARD OF SUPERVISORS.

Whenever the words "Board of Supervisors" or "Board" are used, they shall be construed to mean the Board of Supervisors of Humboldt County.

111-3. CODE.

The words "the Code" or "this Code" shall mean "The Code of Humboldt County, California," and any secondary Code adopted by reference the same as though such secondary Code had been set forth in full in this Code.

111-4. COMPUTATION OF TIME.

The time in which any act provided by law is 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.

111-5. COUNTY.

The words "the County" or "this County" shall mean the County of Humboldt.

111-6. DAY.

A "day" is a period of time between any midnight and the midnight following.

111-7. DAYTIME, NIGHTTIME.

"Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

111-8. GENDER.

The masculine gender includes the feminine and neuter.

111-9. HIGHWAYS.

Highways shall include the whole of all highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways over which this Country has jurisdiction which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

111-10. IN THE COUNTY.

The words "in the County" shall mean and include all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its powers or other regulatory powers.

111-11. MONTH.

The word "month" shall mean a calendar month.

111-12. NUMBER.

The singular number includes the plural, and the plural, the singular.

111-13. OATH.

"Oath" includes affirmation.

111-14. OFFICERS, DEPARTMENTS, ETC.

Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the County of Humboldt unless the context clearly indicates otherwise.

111-15. OFFICIAL TIME.

Whenever certain hours are named herein they shall mean Pacific Standard Time or Daylight Saving Time as may be in current use in the County.

111-16. OWNER.

The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant.

111-17. PERSON.

"Person" includes any person, firm, association, organization, partnership, joint venture, business trust, corporation or company.

111-18. PERSONAL PROPERTY.

"Personal Property" includes every species of property except "real property" as herein defined.

111-19. PRECEDING, FOLLOWING.

The words "preceding" and "following" mean next before and next after, respectively.

111-20. PROCESS.

Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

111-21. PROPERTY.

The word "property" shall include real and personal property.

111-22. REAL PROPERTY.

"Real property" shall include lands, tenements and hereditament.

111-23. SHALL, MAY.

"Shall" is mandatory, and "may" is permissive.

111-24. SIGNATURE OR SUBSCRIPTION BY MARK.

"Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his 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.

111-25. STATE.

The words "the State" or "this State" shall be construed to mean the State of California.

111-26. TENANT OR OCCUPANT.

The words "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 a part of such building or land either alone or with others.

111-27. TENSES.

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

111-28. WEEK.

A "week" consists of seven consecutive days.

111-29. 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.

Chapter 2

RULES OF CONSTRUCTION

112-1. PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

112-2. EFFECT OF REPEAL OF ORDINANCES.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred 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.

112-3. SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Board of Supervisors 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.

112-4. CATCHLINES OF SECTIONS.

The catchlines of the several sections of this code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections including the catchlines are amended or re-enacted.

112-5. GENERAL PENALTY; CONTINUING VIOLATIONS.

Whenever in this Code or in any other ordinance of the County or in any rule or regulation promulgated pursuant thereto any act is prohibited or made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided, the violation of any such provision of this code or any other ordinance, rule or regulation of the County shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 2331, § 1, 11/02/2004)

Every day any violation of this Code or any other ordinance, rule or regulation of the County shall continue, such violation shall constitute a separate offense.

112-6. APPLICABILITY OF ORDINANCES; USE OF CODE.

The first printing of the Humboldt County Code included ordinances of the County of Humboldt numbered 1 through 1165. A moratorium was placed on the inclusion of ordinances adopted after Ordinance No. 1165 in order to facilitate the final compilation and printing of the Code. One exception to this moratorium is Ordinance No. 1180 dealing with bingo games for charitable purposes which has been codified in Title IX, Division 1. (Ord. 2351, § 1, 12/06/2005)

All ordinances passed by the Board of Supervisors during the interim period between the imposition of the moratorium and the adoption of the Code were codified and thus included in the body of the Code in the first quarterly revision. (Ord. 2351, § 1, 12/06/2005)

Each ordinance passed after the adoption of the Code shall thereafter be incorporated into it through the process of the next quarterly revision which follows its passage. (Ord. 2351, § 1, 12/06/2005)

Certain ordinances will remain in effect but will not be included in the format of the Code. These include ordinances dealing with franchises granted by the County to public utilities; ordinances which designate and describe zoned areas; ordinances which denote interim zones; ordinances dealing with elections; and ordinances which operate only as repealers of prior ordinances. (Ord. 2351, § 1, 12/06/2005)