

Chapter 1

GENERAL PROVISIONS

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Livingston, Montana," and may be so cited.

Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

City: The words "the city" or "this city" shall be construed as if the words "of Livingston, Montana" followed it and shall extend to and include its several officers, agents and employees.

Whenever the words "city council" or "council" are used, they shall be construed to mean the city commission of the city of Livingston, Montana. (Ord. 1583, 2/1/88)

Computation of time: Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

County: The words "the county" or "this county" shall mean the County of Park, in the State of Montana.

Gender: 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.

Number: 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.

Oath: The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Or, and: "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner: The word "owner", 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 a part of such building or land.

Person: The word "person" shall include and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property.

State: The words "the state" shall be construed to mean the State of Montana.

Street: Except as otherwise limited herein, the word "street" shall include the entire area between the right-of-way lines of public thoroughfares.

Tense: Words used in the present or past tense include the future as well as the present and past.

All words, matters and phrases contained in this section shall, except as herein otherwise provided, be interpreted in the manner provided by the laws of the State of Montana for the interpretation of like words, matters and phrases occurring therein, and as far as applicable the provisions contained in such laws for the construction of the provisions thereof, shall apply to the provisions of this Code.

Sec. 1-3. Catchlines of sections.

The catchlines 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 the 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 catchlines, are amended or reenacted.

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinance 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 an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-5. Severability of parts of code.

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 the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. Altering code.

It shall be unlawful for any person 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. Amendments to code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to the 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 herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. 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.

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 the following language: "That section ____ of the Code of Ordinances, City of Livingston, Montana, is hereby amended to read as follows:"

The new provisions shall then be set out in full as desired.

In the event a new section not heretofore existing in the Code, is to be added, the following language shall be used: "That the Code of Ordinances, City of Livingston, Montana, 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.

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. 1-8. General penalty; continuing violations; adjudging fines and imprisonments.

It shall be unlawful for any person to violate or fail to comply with any provision of this Code and where no specific penalty is provided therefore, the violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six months or by both such fine and imprisonment. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

Whenever, under the ordinances of the City, any fine may be imposed upon any person on conviction for any offense, the City Judge may by his judgment order such person to be imprisoned in the county jail in lieu of such fine for a period of one day for each fifteen dollars (\$15.00) of such fine unpaid.

Whenever the sentence shall be one of both fine and imprisonment, a person may also serve jail time in lieu of paying the fine, but in no case shall the imprisonment for failure to pay a fine, or fine and costs, together with any other imprisonment in the same case, exceed the period of (6) six months.

Nothing in this section shall exempt a prisoner from being put at labor during the period of such additional imprisonment. (Ord. 1183, 4/15/68, Ord. 1584, 2/1/88)

Sec. 1-9. Corporate limits defined.

The corporate limits of the city include all the lands described upon the official "City Boundary Map" kept at the offices of the City of Livingston. Such map shall be altered upon any changes in city boundaries adopted by the City Council through annexation or otherwise.