

TITLE I

GENERAL PROVISIONS

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CHAPTER 1.01

CODE ADOPTION AND APPLICATION

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1.01.001 Code Adoption

The "Code of the Metropolitan Service District" dated July 1983 is hereby adopted.

(Ordinance No. 83-157, Sec. 1.)

1.01.003 Code Revisions

The Code may be revised and republished by the Chief Operating Officer from time to time as necessary but not less often than annually. Such revisions shall include subsequently adopted general ordinances appropriate for codification pursuant to generally accepted standards for the codification of ordinances of Oregon municipal corporations.

(Ordinance No. 83-157, Sec. 2. Amended by Ordinance No. 02-958A, Sec. 1.)

1.01.010 Title, Citation, Reference

This Code shall be known as the "Code of the Metropolitan Service District," and it shall be sufficient to refer to this Code as the "Code of the Metropolitan Service District" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or

repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the Metropolitan Service District." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the Metropolitan Service District," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

(Ordinance No. 83-157, Sec. 3.)

#### 1.01.020 Reference Applies to Amendments

Whenever a reference is made to this Code as the "Code of the Metropolitan Service District" or to any portion thereof, or to any ordinance of the Metropolitan Service District, the reference shall apply to all amendments, corrections and additions thereto.

(Ordinance No. 83-157, Sec. 4.)

#### 1.01.030 Codification Authority

This Code consists of all the general, regulatory and penal ordinances of the Metropolitan Service District as they exist on the date of this ordinance and as they may be adopted from time to time.

(Ordinance No. 83-157, Sec. 5.)

#### 1.01.040 Definitions

The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "Chief Operating Officer" means the person holding the position of Chief Operating Officer established by Section 2.20.010 of this Code.

(b) "Council" means the council of the Metropolitan Service District of the Portland metropolitan area.

(c) "Council President" means the person holding the office of Council President established by Section 16(4) of the Metro Charter.

(d) "District" means "Metro" and the "Metro Area."

(e) "Metro" means the Metropolitan Service District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter.

(f) "Metro Charter" means the voter-approved home-rule charter in 1992 as amended.

(g) "Metro Area" means all territory within the jurisdictional boundary of Metro as provided by law.

(h) "Person" means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.

(i) "State" means the State of Oregon.

(Ordinance No. 83-157, Sec. 6. Amended by Ordinance No. 02-958A, Sec. 1.)

#### 1.01.050 Grammatical Interpretation

The following grammatical rules shall apply in this Code:

(a) Gender. Any gender includes the other gender.

(b) Singular and Plural. The singular number includes the plural and the plural includes the singular.

(c) Tenses. Words used in one tense include any other tense as the context may require.

(d) Use of Words and Phrases. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

(Ordinance No. 83-157, Sec. 7.)

#### 1.01.060 Construction

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice.

(Ordinance No. 83-157, Sec. 8.)

#### 1.01.070 Title, Chapter, Section Headings

Title, chapter and section headings contained herein shall not be deemed to govern, omit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ordinance No. 83-157, Sec. 9.)

#### 1.01.080 Effect of Code on Past Actions and Obligations

Neither the adoption of this Code or the repeal or amendment hereby of any other code, ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such Code or ordinances, nor be construed as affecting any of the provisions of such Code or ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior Code or ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior Code or ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

(Ordinance No. 83-157, Sec. 10.)

#### 1.01.090 Repeal Shall Not Revive Any Ordinances

The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed.

(Ordinance No. 83-157, Sec. 11.)

#### 1.01.100 Effective Date

This Code shall be effective upon the date of adoption.

(Ordinance No. 83-157, Sec. 12.)

#### 1.01.110 Violations - Penalty

(a) It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 30 days in a county jail, or by both such fine and imprisonment. In addition, property shall be forfeited and permits or licenses may be suspended or revoked as provided in this Code.

(b) Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

(Ordinance No. 83-157, Sec. 13.)

#### 1.01.120 Severability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ordinance No. 83-157, Sec. 14.)

#### 1.01.130 Repealer

Ordinance No. 30 is hereby repealed and the Code adopted thereby is hereby superseded by the Code adopted herein.

(Ordinance No. 83-157, Sec. 15.)