

CODE

PART II

# CODE

## CHAPTER 1

### GENERAL PROVISIONS

#### **Section 1-1. How Code Designated and Cited.**

The Ordinances embraced in the following Chapters and Sections shall constitute and be designated as the “Laurel Code,” and may be so cited.

*Source: Code 1969, §1-1*

**State Law Reference** --- Codification of Ordinances, Miss. Code 1972, §21-13-15.

#### **Section 1-2. Rules of Construction.**

In the construction of this Code the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the provisions:

**Generally.** All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

**Acts by agents.** When any provision of this Code requires an act to be done which may be law as well be done by an agent as by the principal such requirement shall be construed to include all such acts when done by an authorized agent.

**City.** The words “*the City*” or “*this City*” shall be construed as if the words “*of Laurel*” followed the word “*City*,” and shall extend to and include its several officers, agents and employees.

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**City Commission.** Wherever the term “*City Commission*” appears in this Code, said term “*City Commission*” shall be construed to mean the Mayor-Council of the City of Laurel, as provided by Ordinance No. 1037-1985, adopted February 26, 1985.

**County.** The words “*the County*” or “*this County*” shall mean Jones County, Mississippi.

**Gender.** Any word importing the masculine gender shall extend to and be applied to females as well as to males.

**Health officer.** The term “*health officer*” shall mean the Health Director or his official representative in Jones County.

**Interpretation.** In the interpretation and application of any provision, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be controlling.

**May.** “*May*” is always directory and not mandatory.

**Mayor-Council.** The term “*Mayor-Council*” shall be construed to mean the Mayor-Council of the City of Laurel.

**Miss. Code.** The term “*Miss. Code 1972*” shall mean the Official Code of the State of Mississippi adopted by the 1972 session of the legislature, as amended.

**Number.** Every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

**Oath.** The word “*oath*” shall 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*.”

**Officials, officers, etc.** Whenever reference is made to officials, boards, commissions, departments and other agencies by title only, they shall be deemed to refer to the officials, boards, council, departments and other agencies of the

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City of Laurel.

**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 of part of such building or land.

**Person.** The word “*person*” shall extend and be applied to firms, corporations, institutions, co-partnerships and associations, as well as to individuals, unless plainly inapplicable.

**Personal property.** The term “*personal property*” shall include goods, chattels, effects, evidences of rights of action and all written instruments by which any pecuniary obligation, or any right, title, or interest in any real or personal estate, shall be created, acknowledged, transferred, incurred, defeated, discharged or diminished.

**Reasonable time.** In all cases where any provisions shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time as only as may be necessary for the prompt performance of such duty, or compliance with such notice.

**Shall.** “*Shall*” is always mandatory and not directory.

**Shall have been.** The words “*shall have been*” include past and future cases.

**State.** The words “*the State*” or “*this State*” shall mean the State of Mississippi.

**Tenses.** The use of any word in the present tense shall include the future when applicable.

**Time, how computed.** When process shall be required to be served or notice given any number of days, the day of serving the process or of giving the notice shall be excluded and the day of appearance included; and in all other cases when any number of days shall be prescribed, one day shall be excluded and the other included. When the last day falls on Sunday, it shall be excluded; but in other cases Sunday shall be reckoned in the computation of time.

**Week.** The word “*week*” shall be construed to mean seven (7) days.

*Source: Code 1969, §§ 1-2 (1---23), 19-61. 24-1)*

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**State Law Reference** --- Definitions of terms used in Statutes, Miss. Code 1972, §1-3-3 et seq.

### **Section 1-3. When Rules of Construction Shall Not Apply.**

The rules of construction set forth in Section 1-2 shall not be applied to any Chapter, Article or Section of this Code which shall contain any express provision excluding such construction, or when the subject matter or context of such Chapter, Article or Section may be repugnant thereto.

*Source: Code 1969, §1-3*

### **Section 1-4. Catchlines.**

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 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 enacted.

*Source: Code 1969, §1-4*

### **Section 1-5. References to Chapters or Sections.**

All references in this Code to Chapters or Sections are to the Chapters and Sections in this Code unless otherwise specified.

*Source: Code 1969, §1-4*

### **Section 1-6. Severability of Parts of Code.**

If any phrase, clause, sentence, paragraph, section or subsection of this Code shall be declared invalid by a Court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Code.

*Source: Code 1969, §1-6*

### **Section 1-7. Inconsistent Ordinances Repealed.**

This Ordinance supersedes all previous Ordinances and shall be effective thirty (30) days from and after passage. To the extent that any other Ordinance of the City of Laurel shall conflict herewith, the same shall stand repealed as of the effective date of this Ordinance.

**Section 1-8. Procedure for Violations by Corporations.**

The method of procedure against any corporation which shall violate any of the provisions of this Code shall be, as far as applicable, in accordance with §§ 11-11-17, 13-3-57, 13-3-59 and 13-3-61 of the Mississippi Code, and such Sections as hereby expressly adopted as a part of this Chapter as far as applicable.

*Source: Code 1969, §1-10*

**Section 1-9. Certain Ordinances Not Affected by Code.**

Nothing in this Code or the Ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2) Any Ordinance promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds for the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City.
- (3) Any Ordinance consistent with this Code prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones.
- (4) Any Ordinance consistent with this Code fixing salaries of officers or employees of the City.
- (5) Any appropriation Ordinance.
- (6) Any right or franchise granted by any Ordinance or Resolution to any person.
- (7) Any Ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the City.
- (8) Any Ordinance establishing and prescribing the street grades of any street in the City.

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- (9) Any Ordinance providing for local improvements or assessing taxes therefor.
- (10) Any Ordinance dedicating or accepting any plat or subdivision in the City or providing regulations for the same.
- (11) Any Ordinance establishing or changing the boundary of the City.
- (12) Any Ordinance regulating zoning or subdivisions in the City.
- (13) Any rates, fees or charges consistent with this Code.

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.

### **Section 1-10. Altering Code.**

No person in the City shall change or amend, by additions or deletions, any part or portion of this Code, insert or delete pages or portions thereof, or alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

*Source: Code 1969, §1-8*

### **Section 1-11. Amendments.**

- (a) All Ordinances passed subsequent to this Code which amend, repeal or in any way affect any Section or subsection of this Code shall be numbered consecutively, but shall refer specifically to the Section or subsection affected, and shall be printed for inclusion therein. When subsequent Ordinances repeal any Chapter, Section or subsection or any portion thereof, such repealed portions shall be excluded from the Code by omission from reprinted pages. The subsequent Ordinances, as numbered and printed, or omitted in the cause of repeal, shall be prima facie evidence of such subsequent Ordinances until such time as this Code and subsequent Ordinances numbered or omitted are readopted as a new Code by the City Council.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific references to the Section number of this Code in the following language: "That Section

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\_\_\_\_\_ of the Laurel Code is hereby amended to read as follows: . . .” The new provisions shall then be set out in full.

- (c) In the event a new Section not heretofore existing in the Code is to be added, the following language shall be used: “that the Laurel Code is hereby amended by adding a new section to be numbered Section \_\_\_\_\_, which said section shall read as follows: . . .” The new Section shall then be set out in full.
- (d) All Sections, Articles, Chapters or provisions desired to be repealed shall be specifically repealed by Section, Article or Chapter number in the following language: “That Section (Chapter or Article) \_\_\_\_\_ of the Laurel Code is hereby repealed.”

*Source: Code 1969, §1-7*

**Section 1-12. 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 which 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 Ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

**Section 1-13. Effect of Repeal of Ordinances.**

- (a) When any Ordinance repealing a former Ordinance, clause or provision of this Code shall be itself repealed, such repeal shall not be construed to revive such former Ordinance, clause or provision of this Code, unless it shall be expressly so provided.

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- (b) The repeal of an Ordinance, clause or Section of this Code 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 under the Ordinance, clause or Section of this Code repealed.

*Source: Code 1969, §1-5*

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