

CHAPTER 1

ADOPTION OF OFFICIAL CODE

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1-1-1: TITLE:

This compilation and codification of the general ordinances of the City of Mesa is hereby declared to be and shall hereafter constitute the "Mesa City Code." Any reference made to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate title heading, its chapter heading, and its section heading and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document. (See Charter; Article II, Section 214(B))

1-1-2: ACCEPTANCE:

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of a general and permanent effect of the City. (1958 Code)

1-1-3: AMENDMENTS:

Any ordinance amending this Code shall set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the City Clerk, and the said ordinance material shall be prepared for insertion in its proper place in each copy of the City Code. Each such replacement page shall be properly identified and shall be inserted in each copy of the City Code within thirty (30) days from the date of its final passage. (1958 Code)

1-1-4: CONSTRUCTION OF WORDS:

Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party, or person is referred to in this City Code by words importing the singular number only or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included. Provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. (1958 Code)

1-1-5: DEFINITIONS:

In this Code, unless the context otherwise requires:

CHILD, CHILDREN, MINOR, MINOR CHILD, AND MINOR CHILDREN: Means a person or persons under the age of eighteen (18) years. (1664)

PERSON: Shall be deemed to include any "person, firm, association, or corporation" or any organization of any kind.

WRITTEN AND IN WRITING: May include printing.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidence of rights in 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.

STREETS: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

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.

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 or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

OFFICER: Shall include officers and boards in charge of departments and members of such boards. The word "City," "Clerk," "Treasurer," or other such title shall mean City, City Clerk, City Treasurer, or other City officer as the use may be applicable.

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 the omission referred to. It does not require any intent to violate law or to injure another or to acquire an advantage.

NEGLECT, NEGLIGENCE, NEGLIGENT, AND NEGLIGENTLY: Imports 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.

KNOWINGLY: Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

1-1-6: INTERPRETATIONS:

In the determination of the provisions of each section of this Code, the following rules shall be observed: (1958 Code)

- (A) Intent to Defraud. Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person. (1958 Code)
- (B) Liability of Employers and Agents. When the provisions of any section of this Official Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (1958 Code)