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## **TITLE 1 GENERAL PROVISIONS APPLICABLE TO ENTIRE CODE**

(Title 1-Animals moved to Title 32, Title 1 replaced in its entirety 4/22/05, Ordinance 2005-08)

### CHAPTERS:

1.01: General Provisions applicable to entire code

### **CHAPTER 1.01 GENERAL PROVISIONS**

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#### **1.01.01: SCOPE AND PURPOSE**

The purpose of this Title is to set forth certain provisions applicable to all Titles of this City of Sturgis Municipal Code of Ordinances.

#### **1.01.02: DEFINITIONS**

Unless clearly limited or stated otherwise, wherever any of the following words occur within this City of Sturgis Municipal Code of Ordinances currently in effect or hereafter enacted such words shall have the following meanings:

CITY, THE CITY OR THIS CITY: Refer to the City of Sturgis, South Dakota, or to the government of said City, whichever is clear from the context.

CODE: The revised ordinances of the City of Sturgis in their entirety, including each and every provision herein.

COUNCIL, COMMON COUNCIL OR CITY COUNCIL: Refers to the City Council of the City of Sturgis.

PERSON: Includes persons, firms, corporations and every association or organization of people unless the context in which the term is used clearly excludes any of the aforementioned.

### **1.01.03: GENERAL PENALTY**

Except as specifically provided within the applicable Title, any violation of the provisions of this City of Sturgis Code of Ordinance is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law.

### **1.01.04: ADOPTION**

Reserved

### **1.01.05: HEADINGS**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any other manner affect the scope, meaning or intent of any provision herein.

### **1.01.06: ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE**

Reserved

### **1.01.07: EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any provision of this code.

**1.01.08: CONSTITUTIONALITY**

If any provision of this code is for any reason held to be invalid or unconstitutional, said holding shall not affect the validity of the remaining provisions of this code.

**1.01.09: REFERENCE TO PRIOR CODE SECTIONS**

References in City forms, documents and regulations to titles, chapters, and sections of the former City code of ordinances shall be construed to apply to the corresponding provisions contained within this code.

**1.01.10: ORDINANCE IN REVISION INTENDED**

This entire code is intended by the Council to constitute an ordinance in revision of the ordinances of the City, within the meaning of SDCL §§ 9-19-16 and 9-19-17.

**1.01.11: COMPUTATION OF TIME**

In computing any period of time mentioned in the provisions of this code, the day of the act, event, or default of which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday.

**1.01.12: DUTIES PERFORMED BY AGENTS**

When in this code any act is required to be done by an officer in the line of his or her general duties, or by a department head or inspector, the same shall be construed to permit the doing of the act by an agent or subordinate of the person.

**1.01.13: OFFICERS AND EMPLOYEES**

When in this code reference is made to a city officer, employee, board, committee, or council, this shall be construed as though followed by the words "of the City of Sturgis" and shall be taken to mean of officer, employee, board, committee or council of the city having the title mentioned or performing the duties indicated.

**1.01.14: CONFLICTING ORDINANCES REPEALED**

All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance and all Ordinances not re-enacted as part of this Ordinance are hereby repealed; provided, however, that nothing herein shall be construed as repealing any appropriation Ordinances, Franchise Ordinances, Levy Ordinances for the issuance of bonds, or Zoning Ordinances.

**1.01.15: PUBLICATION AND EFFECT**

This code shall take effect immediately upon its adoption and the completed publication of notice as provided by SDCL 9-19.

**1.01.16: FRANCHISES**

Title 10 relating to Franchises is a compilation of such Ordinances heretofore passed in the manner provided for the passage of such Ordinances, and nothing herein contained shall be construed to repeal any of the provisions of said Franchising Ordinances, or any Ordinances and amendment thereto.

**1.01.17: USE OF PRONOUNS**

A pronoun of the masculine gender or female gender only shall extend and be applied to females and males and to firms, partnerships, associations and corporations.

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