

TITLE I - POLICY AND ADMINISTRATION

ARTICLE I CITY CODE

1-1.1 TITLE. This code of ordinances shall be known and may be cited as the City Code of the City of Salem, Iowa, 1982.

1-1.2 DEFINITIONS. Terms used in this city code, unless specifically defined otherwise in another section shall have the meanings prescribed as follows:

1. "City": shall mean the City of Salem, Iowa.
2. "County": shall mean Henry County, Iowa.
3. "State": shall mean the State of Iowa.
4. "Council": shall mean the city council of Salem, Iowa.
5. "Clerk": shall mean the city clerk of Salem, Iowa.
6. "Person": shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
7. "Ordinances": shall mean the ordinances of the City of Salem, Iowa as embodied in the city code, ordinances not repealed by the ordinance adopting the city code, and those enacted hereafter.
8. "City Code": shall mean the City Code of the City of Salem, Iowa, 1982.
9. "Code": shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the building Code and/or a standard code adopted by reference).
10. "Measure": shall mean an ordinance, amendment, resolution or motion.
11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
12. "Preceding, Following": shall mean next before and next after, respectively.
13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.

14. "Property Owner": shall mean a person owning private property in the city as shown by the county auditor's plats of the city.
15. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.
16. "Year": shall mean a calendar year.
17. "Month": shall mean a calendar month.
18. "Writing, Written:: shall include printing, typing, lithographing, or other mode of representing words or letters.
19. "Oath": shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm and affirmed" shall be equivalent to the words "swear" and "sworn".
20. "Public Property": shall mean any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.
21. "Public Place": shall include in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.
22. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
23. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare and each of such words shall include very other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.
24. "Alley": shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
25. "Sidewalk": shall mean that portion of the street between the edge of the travelled way, surfacing, or curb line and the adjacent property line.
- 1-1.3 RULES OF CONSTRUCTION. In the construction of the city code the following rules shall be observed, unless such construction would be inconsistent with the manifest interest of the council or be repugnant to the context of the provisions.
1. Tense: words used in the present tense include the future.
 2. May: confers a power.
 3. Must states a requirement.

4. Shall: imposes a duty.
 5. Gender: the masculine gender shall include the feminine.
 6. Interpretation: all general provisions, terms phases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.
- 1-1.4 AMENDMENT: All ordinances which amend, repeal or in any manner affect the city code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification or ordinances of the section to maintain an orderly codification of ordinances of the city.
 - 1-1.5 CATCH LINES AND NOTES: The catch lines of the several sections of the city code, titles, headings (chapter, division, article section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.
 - 1-1.6 ALTERING CODE: It is unlawful for any person to change or amend by additions or deletions, any part or portion of the city code, or to insert or delete pages, or portions thereof, or to alter or tamper with the city code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.
 - 1-1.7 STANDARD PENALTY:
 - A. Any person failing to perform a duty, or obtain a license required by, or violating any provision of the city code, or any rule or regulation adopted herein by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment not to exceed thirty (30) days for each offense.
 - B. Where a violation of an Ordinance continues for more than one (1) day, then each such day such violation occurs shall be treated as a separate offense.
 - C. Where any Ordinance of the City of Salem has incorporated by reference or adopted sections of parts of the Code of Iowa or any State statute as a definition of a violation of an Ordinance of the City of Salem and/or its City Code, and applicable statutes of the State of Iowa provide a scheduled violation penalty is not in excess of two hundred fifty dollars (\$250.00) for such violation of the State Code or section which has been adopted as a violation of an

applicable City of Salem Ordinance and/or its City Code, then the scheduled violation established by application statutes of the State of Iowa is hereby adopted as the scheduled violation penalty for a violation of the corresponding City Ordinance and/or City Code section. Otherwise, a violation of any City Ordinance or City Code section shall be punished as provided by the general penalties established in Section A above.

- D. A surcharge in the same percentage as the surcharge percentage provided for in Section 911.1 of the 2005 Code of Iowa as amended shall be imposed as provided in said State Code Section however, no other surcharges imposed for a violation of any City Ordinances and/or City Code section of the City of Salem, Iowa.

(Ordinance No. 2005 - 3, passed June 7, 2005).