

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. HOW CODE DESIGNATED AND CITED

The Ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the City of Archer, Florida," and may be so cited. (Code 1971, § 1-1)

Sec. 1-2. DEFINITIONS AND RULES OF CONSTRUCTION OF CODE

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Commission:

City. The words "the city" or "this city" shall mean the City of Archer, Florida, and shall extend to and include its several officers, agents and employees.

City Commission or Commission. The words "City Commission" or "Commission" shall mean the City Commission, Commission, or legislative body of the City of Archer, Florida.

Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances, City of Archer, Florida, as designated in section 1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

*County.** The word “county” or “this county” shall mean the County of Alachua, Florida.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or chapter specify otherwise.

F.S. The abbreviation “F.S.” shall mean the latest edition or supplement of the Florida Statutes.

Gender. A word meaning either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Highway. The term “highway” shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the City dedicated or devoted to public use.

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

Keeper and proprietor. The words “keeper” and “proprietor” shall mean and include persons, firms, associations, corporations, clubs, and copartnerships, whether acting by themselves or through a servant, agent or employee.

*State law reference-Boundaries of Alachua County, F.S. § 7.01.

Name of officer or department. The same as though the words "of the City of Archer" were added.

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

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

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".

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. The word "owner," as 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 a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. Includes every species of property except real property, as herein defined.

Property. The word "property" shall include real, personal, and mixed property.

Public place. The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, school- yard or open space adjacent thereto and any lake or stream.

Real property shall include lands, tenements and hereditaments.

Sidewalk. The word “sidewalk” shall mean any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

State. The words “the state” or “this state” shall mean the State of Florida.

Street. The word “street” shall embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City.

Tenant, occupant. The words “tenant” or “occupant,” as applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing shall include any representation of words, letters or figures, whether by printing or otherwise. (Code 1971, § 1-2)

State law reference-Construction of statutes, F.S. § 1.01 et seq.

1-3. CATCHLINES OF SECTIONS

The catchlines of the several Sections of this Code printed in boldfaced type are intended as mere catchwords to indicate the contents of the Sections 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 catch lines, are amended or reenacted. (Code 1971, § 1-3)

1-4. HISTORY NOTES

The history notes appearing in parentheses after Sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the Section.

(Code 1971, § 1-4)

1-5. CERTAIN ORDINANCES NOT AFFECTED BY CODE

Nothing in this Code or the ordinance adopting this Code shall be construed as affecting any of the following when not inconsistent with this Code:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issue of any bonds of the city of any evidence of the city's indebtedness, or any contract or obligations assumed by the city;
- (2) Any administrative ordinances or resolutions of the city;
- (3) Any right of franchise granted by any ordinance;
- (4) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
- (5) The annual appropriation ordinance;
- (6) Any ordinance levying or imposing taxes;
- (7) Any ordinances prescribing through streets, parking prohibitions, parking limitations, one-way traffic, limitations on load of vehicles, or loading zones;
- (8) Any ordinances establishing and prescribing the street grades of any street in the city;
- (9) Any ordinance providing for local improvements and assessing taxes therefor;
- (10) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (11) Any ordinance extending the boundaries of the city;
- (12) Any temporary or special ordinance.

And all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Ord. No. 128, § 3, 1-4-71)

Sec. 1-6. AMENDMENTS TO CODE

- (a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: “That section ____ of the Code of Ordinances, City of Archer, Florida, is hereby amended to read as follows: ...” The new provisions shall then be set out in full as desired.
- (b) If a new section not heretofore existing in the Code is to be added, the following language shall be used: “That the Code of Ordinances, City of Archer, Florida, is hereby amended by adding a section, to be numbered ____, which said section reads as follows:...” The new section shall then be set out in full as desired. (Code 1971, § 1-4)

State law reference-Minimum procedures for adoption of ordinances and resolutions,
F.S. § 166.041.

Sec. 1-7. 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 commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city commission 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.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this division,” etc., as the case may be, or to “sections ____ to ____” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

- (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code. (Code 1971, § 1-4)

Sec. 1-8. EFFECT OF REPEALS

(a) The repeal of an Ordinance or portion of this Code shall not revive any Ordinances, or portions of this Code in force before or at the time the provision repealed took effect.

(b) The repeal of an Ordinance or a portion 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 provision repealed. (Code 1971, § 1-5)

State law reference-No bill of attainder, ex post facto law or law impairing the obligation of contracts shall ever be passed, FL. Const. Art. 1.

Sec. 1-9 ALTERING CODE

It shall be unlawful for any person to amend or alter any part or portion of this Code or to insert or delete any page or portion thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the City of Archer, Florida, to be misrepresented thereby. (Code 1971, § 1-6)

State law references-Forgery, F.S. § 831.01; falsifying public records, F.S. § 839.13.

Sec. 1-10. GENERAL PENALTY; CONTINUING VIOLATIONS, ABATEMENT

(a) Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(b) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance

and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. (Code 1971, § 1-8)

*State law references-Fines and forfeitures in county court payable to municipality, F.S. § 34.191; punishment for misdemeanors, F.S. §§ 775.082, 775.083.

Sec. 1-11 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code. (Code 1971, § 1-7)

Sec. 1-12. ADOPTION OF A CITY LOGO

- (a) The visual design presented in attached Appendix E, is hereby adopted as the official logo of the City of Archer.
- (b) All commissioners and designated employees are hereby authorized and directed to use the official city logo as necessary or desirable in the performance of their official duties, to indicate ownership, sponsorship, aegis, endorsement, or other involvement of the city.
- (c) No individual, institution, entity, organization, party, corporation or partnership (other than the commissions, and designated employees in the performance of their official duties) may use the official city logo.
- (d) The manufacture, use, display, or other employment of any facsimile or reproduction of the official city logo, except by the commissioners and designated employees in the performance of their official duties, without the express approval by the city commission shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or both by such fine and imprisonment. Further, the city shall be entitled to injunctive relief to halt or prevent violations of this ordinance. (Ord. No. 2-99, § 2-5)

Secs. 1-13—1-29. RESERVED