

**Meeting Date:** 7/22/2014

**Report Type:** Consent

**Report ID:** 2014-00542

**Title:** Ordinance Relating to the Construction and Interpretation of the Code and Ordinances  
(Passed for Publication 07/15/2014; Published 07/17/2014)

**Location:** Citywide

**Recommendation:** Pass an Ordinance amending sections 1.04.020 and 1.04.021 of the Sacramento City Code relating to the construction and interpretation of the code and ordinances.

**Contact:** Steve Itagaki, Senior Deputy City Attorney, (916) 808-5346, Office of the City Attorney

**Presenter:**

**Department:** City Attorney

**Division:**

**Dept ID:**

**Attachments:**

1-Description/Analysis

2-Ordinance Redline

3-Ordinance Clean

---

**City Attorney Review**

Approved as to Form

Steve Itagaki

7/17/2014 10:30:42 AM

**Approvals/Acknowledgements**

Department Director or Designee: Sandra Talbott - 7/16/2014 10:09:26 AM

## Description/Analysis

**Issue Detail:** In some provisions of the Sacramento City Code, state or federal laws and regulations are referenced but the issue of whether that reference should be interpreted to apply when the referenced law is later amended or renumbered is left unexpressed.

While it is generally intended that the citation still applies when the cited law is later amended or renumbered, adding language consistent with that intent would make it clear. At the same time, it is very common for laws to be cited in the City Code and in ordinances, so adding that language every time a law is cited could become very repetitive and cumbersome.

**Policy Considerations:** With the adoption of the proposed ordinance, the City Code and ordinances can be written in a manner that is easier to read and understand, yet still be clear and comprehensive. On July 15, 2014, the ordinance was passed by the council for publication of title in accordance with subsection (c) of section 32 of the Charter of the City of Sacramento.

**Economic Impacts:** None.

**Environmental Considerations:** This action is not a “project” subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§ 15002(d), 15378, 15601(b)(3).)

**Sustainability:** Not applicable.

**Commission/Committee Action:** On May 20, 2014, the Law and Legislation Committee approved and forwarded to the City Council an ordinance amending sections 1.04.020 and 1.04.021 of the Sacramento City Code relating to the construction and interpretation of the code and ordinances.

**Rationale for Recommendation:** The proposed ordinance would amend the general provisions of the City Code to clarify that in any provision of the code or any ordinance, where a law is cited, it should be construed to refer to that law as it exists at the time the citation is adopted and as it is thereafter amended or renumbered. (See section 2 of the proposed ordinance.)

If this ordinance is adopted, future City Code provisions and ordinances will not need to repeat this language every time a law is cited, but it will be clear that this is what was intended, and is how the citation should be interpreted.

Aside from the amendment described above, all other amendments made by this proposed ordinance are non-substantive and are made for clarification and organizational purposes only. For example, this proposed ordinance will group all definitions found in both of these sections into section 1.04.020 and group all rules of construction and interpretation found in both of these sections into section 1.04.021.

**Financial Considerations:** None.

**Local Business Enterprise (LBE):** Not applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AMENDING SECTIONS 1.04.020 AND 1.04.021 OF THE  
SACRAMENTO CITY CODE RELATING TO THE  
CONSTRUCTION AND INTERPRETATION OF THE CODE  
AND ALL ORDINANCES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 1.04.020 of the Sacramento City Code is amended to read as follows:

1.04.020 Definitions ~~and rules of construction.~~

~~\_\_\_\_\_The following words and phrases, in the construction of when used in~~ this code and ~~of in~~ all ordinances of the city, ~~the following rules shall be observed shall have the following meanings,~~ unless ~~such construction the meaning~~ would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

~~\_\_\_\_\_“Agency” means an agency of the city of Sacramento.~~

~~\_\_\_\_\_“Board” means a board of the city of Sacramento.~~

~~\_\_\_\_\_“Charter” means and refers to the Charter of the city of Sacramento, as amended.~~

~~\_\_\_\_\_“City.” The words “the city,” or “this city” shall be construed as if followed by the words “of Sacramento.” means the City of Sacramento.~~

~~\_\_\_\_\_City Council. Whenever the words “council” or “city council” are used, they shall be construed to mean the city council of the city of Sacramento.~~

~~\_\_\_\_\_“Code,” “the code,” or “this code” means “The Code of the City of Sacramento, California, also known as the Sacramento City Code.”~~

~~\_\_\_\_\_“Commission” means a commission of the city of Sacramento.~~

~~\_\_\_\_\_ Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded. “Council” or “city council” means the city council of the city of Sacramento.~~

“County,” ~~“The county,”~~ or “this county” means the county of Sacramento of this state.

“Day” means the period of time between any midnight and the midnight following.

~~Daytime, Nighttime.~~ “Daytime” means the period of time between sunrise and sunset. ~~“Nighttime” means the period of time between sunset and sunrise.~~

“Department;” ~~“board,” “commission,” “agency,” “officer” or “employee”~~ means a department, ~~board, commission, agency, officer or employee~~ of the city of Sacramento.

“Employee” means an employee of the city of Sacramento.

~~\_\_\_\_\_ Gender. The masculine gender includes the feminine and neuter.~~

“Following” means next after.

“Health department” means the health department of the county of Sacramento.

“Health officer” means the health authority of the county of Sacramento.

“In the city” means and includes all territory over which the city ~~now~~ has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

~~\_\_\_\_\_ Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.~~

“Month” means a calendar month.

~~\_\_\_\_\_ Number. The singular number includes the plural, and the plural the singular.~~

“Nighttime” means the period of time between sunset and sunrise.

“Oath” includes affirmation.

“Occupant,” applied to a building or land, includes any person holding a written or an oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

~~Official Time. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the city.~~

~~Or, And. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.~~

“Officer” means an officer of the city of Sacramento

“Owner,” applied to a building or land, includes 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” includes any person, firm, association, organization, partnership, business trust, corporation or company.

“Personal property” includes every species of property except real property, as defined in this section.

“Preceding” ~~and “following”~~ means s next before ~~and next after, respectively.~~

“Process” includes a writ or summons issued in the course of civil or criminal judicial proceedings ~~of either a civil or criminal nature.~~

“Property” includes real and personal property.

“Real property” includes lands, tenements, and hereditaments.

~~Shall, May. “Shall” is mandatory and “may” is permissive.~~

“Signature” ~~or “subscription”~~ includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

“State,” “The state, ” or “this state” shall be construed to mean the state of California.

“Subscription” shall have the same meaning as “signature,” as defined above.

~~“Tenant,” or “occupant,” applied to a building or land, includes any person holding a written or an oral lease of or who occupies the whole or a part of such building~~

~~or land, either alone or with others applied to a building or land, shall have the same meaning as “occupant,” as defined above.~~

~~—Tenses. The present tense includes the past and future tenses, and the future includes the present.~~

~~“Week”-A week consists of means seven consecutive days.~~

~~“Writing” includes any form of a recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.~~

~~“Year” means a calendar year, except where otherwise provided.~~

## SECTION 2.

Section 1.04.021 of the Sacramento City Code is amended to read as follows:

1.04.021 General rules of construction and interpretation ~~of ordinances.~~

~~For purposes of this city code~~In the construction and interpretation of this code and of all ordinances of the city, the following rules shall be observed, unless the rules would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

A. “And” and “or.” “And” may be read “or,” and “or” may be read “and” if the sense requires it.

B. Citation to Law. A citation to any law, including but not limited to a constitutional provision, statute, charter, code, rule, or regulation, shall be construed to refer to that law as it exists at the time the citation is adopted and as it is thereafter amended or renumbered.

C. Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

~~4~~D. Gender. Any gender includes the other gender~~;~~.

E. Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

F. "May" and "Shall." "May" is permissive and "shall" is mandatory.

2G. Number. The singular number includes the plural and the plural the singular.

H. Official Time. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the city.

3I. Tense. Words used in the present tense include the past and future tense and vice versa.

4J. Words and Phrases Not Defined. Words and phrases used in this code and not specifically defined shall be construed according to the context and approved usage of the language.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AMENDING SECTIONS 1.04.020 AND 1.04.021 OF THE  
SACRAMENTO CITY CODE RELATING TO THE  
CONSTRUCTION AND INTERPRETATION OF THE CODE  
AND ALL ORDINANCES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 1.04.020 of the Sacramento City Code is amended to read as follows:

1.04.020 Definitions.

The following words and phrases, when used in this code and in all ordinances of the city, shall have the following meanings, unless the meaning would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

“Agency” means an agency of the city of Sacramento.

“Board” means a board of the city of Sacramento.

“Charter” means the Charter of the city of Sacramento.

“City,” “the city,” or “this city” means the City of Sacramento.

“Code,” “the code,” or “this code” means The Code of the City of Sacramento, California, also known as the Sacramento City Code.

“Commission” means a commission of the city of Sacramento.

“Council” or “city council” means the city council of the city of Sacramento.

“County,” “the county,” or “this county” means the county of Sacramento of this state.

“Day” means the period of time between any midnight and the midnight following.

“Daytime” means the period of time between sunrise and sunset.

“Department” means a department of the city of Sacramento.

“Employee” means an employee of the city of Sacramento.

“Following” means next after.

“Health department” means the health department of the county of Sacramento.

“Health officer” means the health authority of the county of Sacramento.

“In the city” means and includes all territory over which the city has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

“Month” means a calendar month.

“Nighttime” means the period of time between sunset and sunrise.

“Oath” includes affirmation.

“Occupant,” applied to a building or land, includes any person holding a written or an oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

“Officer” means an officer of the city of Sacramento

“Owner,” applied to a building or land, includes 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” includes any person, firm, association, organization, partnership, business trust, corporation or company.

“Personal property” includes every species of property except real property, as defined in this section.

“Preceding” means next before.

“Process” includes a writ or summons issued in the course of civil or criminal judicial proceedings.

“Property” includes real and personal property.

“Real property” includes lands, tenements, and hereditaments.

“Signature” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

“State,” “the state,” or “this state” shall be construed to mean the state of California.

“Subscription” shall have the same meaning as “signature,” as defined above.

“Tenant,” applied to a building or land, shall have the same meaning as “occupant,” as defined above.

“Week” means seven consecutive days.

“Writing” includes any form of a recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language.

“Year” means a calendar year.

## SECTION 2.

Section 1.04.021 of the Sacramento City Code is amended to read as follows:

### 1.04.021 General rules of construction and interpretation.

In the construction and interpretation of this code and of all ordinances of the city, the following rules shall be observed, unless the rules would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

A. “And” and “or.” “And” may be read “or,” and “or” may be read “and” if the sense requires it.

B. Citation to Law. A citation to any law, including but not limited to a constitutional provision, statute, charter, code, rule, or regulation, shall be construed to refer to that law as it exists at the time the citation is adopted and as it is thereafter amended or renumbered.

C. Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

D. Gender. Any gender includes the other gender.

E. Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

F. "May" and "Shall." "May" is permissive and "shall" is mandatory.

G. Number. The singular number includes the plural and the plural the singular.

H. Official Time. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the city.

I. Tense. Words used in the present tense include the past and future tense and vice versa.

J. Words and Phrases Not Defined. Words and phrases used in this code and not specifically defined shall be construed according to the context and approved usage of the language.