

TITLE 1

GENERAL PROVISIONS

CHAPTER 1

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SECTION 1-101 HOW CODE DESIGNATED AND CITED

The ordinances in this and the following chapters and sections shall constitute and be “The Code of the Town of Pratt, West Virginia,” and may be so cited. Such ordinances may also be cited as “The Town Code.”

SECTION 1-102 DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the Town Council or unless clearly required otherwise:

TOWN -- The word “Town” shall mean the Town of Pratt in the County of Kanawha in the State of West Virginia.

CHARTER -- The words “The Charter” shall mean the Charter of the Town of Pratt as amended.

COMPUTATION OF TIME -- The time within which an act is to be done shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday that shall be excluded.

COUNCIL, TOWN COUNCIL, COMMON COUNCIL -- The words the “Council” and the terms “Town Council” and “Common Council” shall mean the common council of the Town of Pratt, West Virginia.

COUNTY -- The words “the County” or “this County” shall mean Kanawha County, in the State of West Virginia.

- GENDER --** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.
- LAND --** “Land” and “real estate” includes rights and easements of an incorporeal nature.
- MAY --** The word “may” is permissive rather than mandatory.
- MAYOR --** The executive head of a municipal corporation.
- MONTH --** The word “month” shall mean 30 calendar days.
- NUMBER --** A word importing the singular number may extend and be applied to several persons or things as well as to one person or thing; a word importing this plural number may extend and be applied to one person or thing, as well as to several persons or things, i.e. business shall mean businesses, and vice versa.
- OATH --** The word “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 “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”
- OFFICIAL TIME STANDARD --** Whenever certain hours are mentioned in this Code or other ordinances, they shall mean standard time or daylight savings time, whichever may be in current use in the Town.
- OWNER --** The word “owner,” applied to any property, shall include any part owner, joint owner, tenant in common, or joint owner by rights of survivorship of the whole or a part of such property.
- PERSON --** The word “person” shall include a corporation, body politic, firms, partnership, association, organization and any other group acting as a unit, as well as an individual.
- PERSONAL PROPERTY --** Includes every species of property except real property, as herein defined.
- PRECEDING; FOLLOWING --** The words “preceding” and “following” shall mean next before and next after respectively.
- PROPERTY --** The word “property” shall include real and personal property.
- REAL PROPERTY --** Shall include lands, tenements, and hereditaments.

- SHALL --** The word “shall” is mandatory.
- SIDEWALK --** The word “sidewalk” shall mean that portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.
- SIGNATURE OR SUBSCRIPTION --** Includes a mark when a person cannot write.
- STATE --** The words “the state” or “this state” shall mean the State of West Virginia.
- STREET --** The word “street” shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.
- TENANT OR OCCUPANT --** The words “tenant” or “occupant” 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.
- TIME --** Words used in the past or present tense include the future as well as the past and present.
- WRITTEN, IN WRITING --** “Written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- YEAR --** The word “year” shall mean a calendar year, and the word “year” alone shall be equivalent to the expression “year of our Lord,” or 365 consecutive days.

SECTION 1-103 PROVISIONS CONSIDERED AS SONTINUATIONS OF EXISTING ORDINANCES

The provisions appearing in this Code, so far as they are the same as the ordinances and Code of ordinances existing and in force at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

SECTION 1-104 CATCH-LINES OF SECTIONS

The headings of the several sections of this Code are intended as mere catch-lines to indicate the contents of this section 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 re-enacted.

SECTION 1-105 SEVER-ABILITY OF PARTS OF THE CODE

It is hereby declared to be the intention of the Town Council that that sections, paragraphs, sentences, clauses, and phrases of this Code are sever-able, and if any phrase, clause, sentence, paragraph or section of this Code, shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the Common Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 1-106 REPEAL OF PRIOR ORDINANCES AND EXCEPTIONS

All prior ordinances of the Municipality in conflict with the Town Code are hereby repealed as of the effective date of this Code. However, such repeal of ordinances shall not affect:

- (1) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Municipality or authorizing of any bonds of the Municipality or any evidence of the Municipality's indebtedness, or any contract or obligation assumed by the Municipality;
- (3) The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of the Town Code;

- (4) Any right or franchise conferred by any ordinance or resolution of the Council on any person or corporation;
- (5) Any ordinance naming, relocating or vacating any street or public way;
- (6) Any salary ordinance;
- (7) Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the effective date of this Code;
- (8) Any ordinance, which may be adopted by Council after the effective date of the Code.

SECTION 1-107 GENERAL PENALTY; CONTINUING VIOLATIONS

Wherever in this Code or in any ordinance or resolution of the Town Council, or in any rule, regulation, notice, or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof; the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, notice or order shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding thirty (30) days. Each day any violation of this Code or any such ordinance, resolution, rule, regulation, notice or order shall continue, shall constitute, except where otherwise provided, a separate offense.