

TITLE: AN ORDINANCE ADOPTING THE ALBANY MUNICIPAL CODE, AS COMPILED, EDITED AND PUBLISHED BY BOOK PUBLISHING COMPANY OF SEATTLE, WASHINGTON, AS THE OFFICIAL CODE OF THE CITY OF ALBANY, OREGON.

RECITALS:

WHEREAS, Book Publishing Company of Seattle, Washington, has contracted with Albany, Oregon to prepare the Albany Municipal Code, as authorized by ORS 221.928, and

WHEREAS, Book Publishing Company has compiled, edited and published the Albany Municipal Code, and

WHEREAS, the Council of the City of Albany has inspected the Albany Municipal Code as compiled, edited and published by Book Publishing Company and is satisfied that said code is a correct and accurate codification of the ordinances of Albany, Oregon, and

WHEREAS, the common council of the City of Albany, Oregon is satisfied that the provisions of ORS 221.928 have in all ways been complied with,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: CODE ADOPTED.

The Albany Municipal Code, as compiled from the ordinances of the City of Albany, Oregon, and edited and published by Book Publishing Company of Seattle, Washington is hereby adopted as the official code of the City of Albany, Oregon.

Section 2: TITLE - CITATION - REFERENCE

This code shall be known as the "Albany Municipal Code" and it shall be sufficient to refer to said code as the "Albany Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of or repeal of the "Albany Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Albany Municipal Code" and such reference shall apply to that numbered title, chapter section or subsection as it appears in that code.

Section 3: REFERENCE APPLIES TO AMENDMENTS

Whenever a reference is made to this code as the "Albany Municipal Code" or to any portion thereof, or to any ordinances of the City of Albany, Oregon, that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made.

Section 4: CODIFICATION AUTHORITY.

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to ORS 221.928.

Section 5: DEFINITIONS AND CONSTRUCTION.

Unless the context otherwise requires, the following words and phrases where used in the ordinances of the City of Albany shall have the meaning and construction given in this section:

- a) "CODE" means the "Albany Municipal Code."
- b) "CITY" means the City of Albany.
- c) "COMMON COUNCIL" means the common council of the City of Albany.
- d) "COUNTY" means the counties of Linn and Benton.
- e) "PERSON" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them.
- f) "STATE" means the State of Oregon.
- g) "OATH" includes affirmation.
- h) "GENDER" The masculine gender includes the feminine and neuter.

- (i) NUMBER. The singular number includes the plural, and the plural includes the singular.
- (j) TENSES. The present tense includes the past and future tenses, and the future tense includes the present tense.
- (k) Shall, May. "SHALL" is mandatory, and "MAY" is permissive.
- (l) TITLE OF OFFICE. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of Albany.
- (m) OWNER. "OWNER" when pertaining to a building or land shall include any part owner, joint owner, contract purchaser, tenant in common, or joint tenant of the whole or part of such building or land.
- (n) STREET. "STREET" includes all streets, highways, public roads, County roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalk, parkways, or other public ways in Albany which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- (o) TENANT OR OCCUPANT. "TENANT OR OCCUPANT" when pertaining 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.
- (p) GOODS. "GOODS" includes wares and merchandise.
- (q) OPERATE. "OPERATE" or "ENGAGE IN" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.
- (r) ACROSS. "ACROSS" includes along, in or upon.
- (s) SALE. "SALE" includes any sale, exchange, barter or offer for sale.
- (t) EX-OFFICIO. "EX-OFFICIO" means by virtue of office.

Section 6: TITLE, CHAPTER AND SECTION HEARINGS.

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

Section 7: REFERENCE TO SPECIFIC ORDINANCES.

The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 8: EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or any part of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 9: EFFECTIVE DATE.

The Albany Municipal Code shall become effective on the date that this ordinance becomes effective.

Section 10: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part, or portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code.

The Albany Common Council hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases; parts, or portions be declared invalid or unconstitutional.

Passed by the Council: May 13, 1970

Approved by the Mayor: May 13, 1970

Russell W. [Signature]
Mayor

Effective Date: June 12, 1970

ATTEST:

[Signature]
City Recorder