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## PART ONE — ADMINISTRATIVE CODE

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### ARTICLE 101 Codified Ordinances

- 101.01 Designation; citation; headings.
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#### CROSS REFERENCES

See sectional histories for similar State law.  
Maximum penalty permitted — see WV Code 8-11-1, 8-12-5 (57)  
Authority to impose penalties — see WV Code 8-11-1, 8-12-2 (11)  
Codification of ordinances — see WV Code 8-11-4 (b)

#### 101.01 Designation; citation; headings.

- (a) All ordinances of a permanent and general nature of the Municipality as revised, recodified, rearranged, remembered and consolidated into component codes, chapters, articles and sections shall be known and designated as the Codified Ordinances of Harpers Ferry, West Virginia, 1990, for which designation “Codified Ordinances” may be substituted. Code, chapter, article and section headings do not constitute any part of the law as contained in the Codified Ordinances.
- (b) All references to codes, chapters, articles and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code”. Sections may be referred to and cited by the designation “Section” followed by the number, such as “Section 101.01”.

#### 101.02 General definitions.

As used in the Codified Ordinances, unless otherwise expressly provided or the context otherwise requires:

- (a) Council means the legislative authority of the Municipality.
- (b) County means Jefferson County, West Virginia.
- (c) Land or lands and real estate or real property include lands, tenements and hereditaments, and all rights thereto and interest therein, except chattel interests.
- (d) Laws of the State includes the Constitution of the State and the Constitution of the United States, and treaties and laws made in pursuance thereof. (WV Code 2-2-10.)
- (e) Municipality or Town means the Municipality of Harpers Ferry, West Virginia.
- (f) Offense includes every act or omission for which a fine, forfeiture or punishment is imposed by law. (WV Code 2-2-10.)
- (g) Owner, when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (h) Person or whoever includes corporations, societies, associations and partnerships.
- (i) Personal estate or personal property includes goods, chattels, real and personal, money, credits, investments and evidence thereof.

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- (j) Preceding, succeeding, or following used in reference to any section or sections of an article means next preceding, next succeeding or next following that in which such reference is made. (WV Code 2-2-10.)
- (k) Premises, as applied to property, includes land and building.
- (l) Property or estate embraces both real and personal estate. (WV Code 2-2-10.)
- (m) Public place includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.
- (n) Registered mail includes certified mail.
- (o) State means the State of West Virginia or any department, division, commission, board, educational, or other institution of the State.
- (p) Street includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the Municipality.
- (q) Tenant or occupant, as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of a written or oral lease, or who actually occupies the whole or any part of such premises alone or with others.
- (r) Written or in writing includes any representation of words, letters or figures, whether by printing, engraving, writing, or otherwise. But when the signature of any person is required, it must be in his own proper handwriting, or his mark, attested, provided, or acknowledged. (WV Code 2-2-10.)

### 101.03 Rules of construction.

- (a) General Rule. All words and phrases shall be construed and understood 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 the law shall be construed and understood according to such peculiar and appropriate meaning.
- (b) Gender and Plural. A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males. (WV Code 2-2-10.)
- (c) 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, or if the last be a Saturday, Sunday, or legal holiday, it shall also be excluded. (WV Code 2-2-3.)
- (d) Joint Authority. Words purporting to give a joint authority to three or more persons confer such authority upon a majority of them, and not upon any less number. (WV Code 2-2-10.)
- (e) Exceptions. The rules of construction shall not apply to any law which contains any express provisions excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

### 101.04 Repeal of repealing act; effect of repeal.

- (a) When a law which repeals another is itself repealed, the former law shall not be revived without express words for that purpose. (WV Code 2-2-9.)
- (b) The repeal of a law, or its expiration by virtue of any provision contained therein, shall not affect any offense committed, or penalty or punishment incurred, before the repeal took effect or the law expired, save only that the proceedings thereafter shall conform as far as practicable to the laws in force at the time such proceedings take place, unless otherwise specially provided; and that if any penalty or punishment be mitigated

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by the new law, such new law may, with the consent of the part affected thereby, be applied to any judgment pronounced after it has taken effect.

- (c) The repeal by any provision of the Codified Ordinances of an ordinance validating previous acts, contracts or transactions, shall affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal, but no further.

### **101.05 Construction of section references.**

When reference is made to any section or group of sections of the Codified Ordinances, such reference shall extend to and include any amendment of or supplement to the section or group of sections so referred to or any section or sections hereafter enacted in lieu thereof; and unless otherwise provided, whenever a reference to a section or group sections is made in any amendment or supplement to any section of the Codified Ordinances hereafter enacted, such reference shall be deemed to refer to the section or sections as the same shall then stand or as thereafter amended.

Whenever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.

If a section refers to a series of numbers or letters, the first and the last number or letters in the series are deemed to be included.

### **101.06 Acts by agent or deputy.**

When a section requires that an act be done by an officer or person, it shall be sufficient if it be done by his agent or deputy, unless it be such as cannot lawfully be done by deputation. (WV Code 2-2-5.)

### **101.07 Conflicting provisions.**

If the provisions of different codes, articles or sections of the Codified Ordinance conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of whole.

### **101.08 Separability.**

Each section of the Codified Ordinances and every part of each section is an independent section and part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof.

### **101.99 General penalty.**

Whenever in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be fined not more than five hundred dollars (\$500.00) or imprisoned thirty days, or both. Each day any such violation continues shall constitute a separate offense.