

# Chapter 3

## DEFINITIONS

### 1-3-1: CONSTRUCTION OF WORDS:

### 1-3-2: GENERAL DEFINITIONS:

### 1-3-3: CATCHLINES:

#### **1-3-1: CONSTRUCTION OF WORDS:**

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the Mayor and Town Council may be fully carried out.
- B. Interpretation: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where any provision of a 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.
- C. Additional Interpretations:
  - 1. Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time but the day on which such proceeding is to be held shall be counted.
  - 2. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other town officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
  - 3. 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.
  - 4. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
  - 5. May/Shall: The word "may" is permissive; the word "shall" is mandatory.
  - 6. Nontechnical 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.

7. 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.
8. Officers Generally: Whenever any officer is referred by title, such as "clerk ", "treasurer", etc., such reference shall be construed as if followed by the words "of Brian Head Town".
9. Tense: Words used in the past or present tense include the future as well as the past and present. (2010 Code)

### **1-3-2: GENERAL DEFINITIONS:**

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**CODE:** The town code of Brian Head Town, Utah.

**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, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. As used in this definition, "legal holiday" includes New Year's Day, President's Day, Martin Luther King, Jr. birthday, Memorial Day, Independence Day, July 24, Labor Day, Columbus Day, general election day, Veterans Day, Thanksgiving Day, Christmas Day and any other day appointed as a holiday by the president or congress of the United States, or pursuant to Utah statutes. Time periods of five (5) days or less shall exclude intervening Saturdays, Sundays and holidays.

**COUNTY:** Iron County, state of Utah.

**FEE:** A sum of money charged by the town for the carrying on of a business, profession or occupation or other activity subject to town regulation, authorization or limitation.

**GOVERNING BODY:** The Town Council of Brian Head Town, Utah.

**HIGHWAY, ROAD:** Includes public bridges, and may be equivalent to the words "county way", "county road", "common road" and "state road".

**LICENSE:** The permission granted for the carrying on of a business, profession or occupation.

**LOCATION:** Whenever any act, conduct or offense is prohibited or required and no reference

is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of the town.

**NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonable be said to have a detrimental effect on the property of a person or persons within the community.

**OCCUPANT:** As applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**OFFENSE:** Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

**OPERATOR:** The person who is in charge of any operation, business or profession.

**OWNER:** As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON:** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

**PERSONAL PROPERTY:** Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**PROPERTY:** Includes both real and personal property.

**REASONABLE TIME:** In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

**RETAILER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

**RIGHT OF WAY:** The privilege of the immediate use of the roadway or other property.

**STATE:** The state of Utah.

**STREET:** Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

**TENANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**TOWN:** Brian Head Town, Utah.

**TOWN COUNCIL:** The Town Council of Brian Head Town, Utah.

**WEEK:** Any seven (7) day period.

**WHOLESALE:** The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

**WRITTEN, IN WRITING:** May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (2010 Code)

### **1-3-3: CATCHLINES:**

The catchlines of the several sections of the town code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2010 Code)