

Chapter 1

CODE OF ORDINANCES - GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Hattiesburg, Mississippi" and may be so cited.

Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing authorities:

City. The words "the city" or "this city" shall be construed as if the words "of Hattiesburg, Mississippi" followed it.

City Council. The words "City Council" or "Council" shall mean the City Council of the City of Hattiesburg.

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, shall be governed by the laws of the State of Mississippi.

County. The words "the county" or "this county" shall mean the County of Forrest and/or the County of Lamar, Mississippi.

Delegation of authority. Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations and any and all legal entities recognized by law as well as to males.

Governing Authority. The words "governing authority" shall mean the Mayor and City Council of the City of Hattiesburg.

Interpretation. In the interpretation and application of any provisions of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the 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.

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.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or a servant, agent or employee.

Limits; corporation; city. Corporate limits of the City of Hattiesburg; the legal boundary of the City of Hattiesburg.

Mayor. The word "Mayor" shall mean the Mayor of the City of Hattiesburg.

Month. The word "month" shall mean a calendar month.

Municipality. The word "municipality" shall mean the City of Hattiesburg, Mississippi, and the word "**municipal**" shall be construed as relating to the City of Hattiesburg, Mississippi.

Name of officer. The same as though the words "of the City of Hattiesburg" were added.

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.

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.

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."

Owner. The word "owner," applied to any real or personal property, shall include 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. The word "person" shall include, mean and be applied to any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, or a receiver, executor, trustee, conservator, any legal entity recognized by law or other representative appointed by orders of any court or in any other manner.

Personal property includes every species of property except real property as herein defined.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Premises. Place; places.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed

his residence.

Seal shall mean the city seal; corporate seal; seal of the city or corporation.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Mississippi.

Street. The word street shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

Tenant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such buildings or land, either alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Week. The word "week" shall be construed to mean seven days.

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.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in bold-faced type are intended as mere catchwords to indicate the contents of the 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 catchlines, are amended or re-enacted.

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the city commission that the sections,

paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. Amendments to Code.

All ordinances passed subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances. Such repealed portions maybe excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the city.

Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Hattiesburg to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-10 hereof.

Sec. 1-8. Permit and license revocation.

Any permit or license issued by the City of Hattiesburg may be revoked by the City Tax Collector upon violation of the standards or requirements for issuance or violation of any other city ordinance or state statute for acts that jeopardize the health, safety or moral of the general public, as set forth in this Code of Ordinances.

Sec. 1-9. State misdemeanors adopted.

All offenses under the penal laws of the State of Mississippi, amounting to a misdemeanor, shall, when committed within the city also be offenses against the city, to the same effect as though such offenses were made offenses against the city, by special ordinances in each case, and upon conviction therefore, the same punishment shall be imposed by the city, as is provided by the laws of the state with regard to such offenses against the state not in excess of the maximum penalty which may be imposed by the city under the law. (Ord. 267, sec. 1, 11-8-06)

CROSS REFERENCE - -SEE SECTION 1-11 - ENHANCED PENALTIES

Sec. 1-10. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the municipal judge. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 1-11. Enhanced penalties for violations.

Whenever any person violates Section 1-9, 3-3, 3-7, 3-13, 3-14, 3-15*, 15-1, 15-3, 16-1, 16-3, 16-4, 16-7, 16-19, 16-23, 18-4, 19-8 and 19-9 of this Code of the City within one thousand (1,000) feet of any school property or any school sponsored activity, said person shall be subject to double the penalty provided by law. (Ord. 2383, sec. 1, 8-20-91)

**Amendment Note--Ord. 2610, Sec. 3, enacted 10-7-97, repealed section 3 of Ord. 2389, Sec. 3, enacted 11-19-91, repealed section 8 of Ord. 1599, enacted 3-8-67, and codified as Sec. 3-15, establishing the hours of sale and consumption.*

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