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TITLE 1

GENERAL PROVISIONS

CHAPTER 1-1 – OFFICIAL CITY CODE

Article 1-1.01 – Designation and Citation Upon adoption by the City Council, this City Code is hereby declared to be, and shall hereafter constitute the official City Code of the City of Williams, Arizona, and shall be known and cited as the WILLIAMS CITY CODE. Any reference made to the number of any section contained herein shall be understood to refer to the position of the same, under its appropriate Title heading, Chapter heading, and Article heading, and to the General Penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by Title in any legal document. (1961 Code)

Article 1-1.02 – Acceptance The City Code as herein presented in printed form, shall hereafter be received without further proof in all courts, and in all administrative tribunals of this State, as the Ordinances of a general and permanent effect of the City of Williams. (1961 Code)

Article 1-1.03 – Repealing Clause All general ordinances of the City, passed prior to the Adoption of this Code are hereby repealed, except such as are referenced herein as being still in force, or are by necessity and necessary implication herein, reserved from repeal. The following Ordinances are specifically excluded from repeal: tax levy ordinances, appropriation ordinances, ordinances relating to boundaries and annexations, franchise ordinances, ordinances granting special rights to persons or corporations, contract ordinances, ordinances authorizing the execution of a contract or the issuance of warrants, salary ordinances, ordinances establishing, naming or vacating streets, alleys, or other public places, improvement ordinances, bond ordinances, ordinances relating to the elections, ordinances relating to the transfer or acceptance of real estate by or from the City, and all other special ordinances. In addition, no ordinance relating to railroads or railroad crossings with streets or other public right-of-ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code, or by virtue of the preceding Section, except as this Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance(s) in respect of such provisions only. (1961 Code)

Article 1-1.04 – Pending Suits No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture, or punishment so incurred, or any right occurred or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect. (1961 Code)

This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provision upon the same subject, or in any other ordinance.

Article 1-1.05 – Amendments Any ordinance amending this City Code shall set forth the Title, Chapter, Article, Section and Subsection Number(s) of the portion(s) to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of the City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1961 Code/Amended 1988 Code)

Article 1-1.06 – Severability If any title, chapter, article, section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective, by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each title, chapter, article, section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more title, chapter, article, sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1988 Code)

Article 1-1.07 – Penalty Any person found guilty of violating any provision of this Code shall be guilty of a Class 1 Misdemeanor, unless such violation shall specify a different punishment therefore. Each day that a violation continues shall be deemed to be a separate offense, punishable as herein prescribed. (1988 Code)

Article 1-1.08 – License When a person is convicted of a violation of any section of this City Code, any license previously issued to him by the City may be revoked by the Council or any proper court, if there is a reasonable relationship between the activities licensed and the offense charged. (1961 Code)

Article 1-1.09 – Liability of Officers No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for failure to perform such duty, unless the intention of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1961 Code)

CHAPTER 1-2 – DEFINITIONS AND RULES OF CONSTRUCTION

Article 1-2.01 – Construction Whenever any word in any section of this City Code importing the plural numbers used in describing or referring to any matters, parties or persons, or any singular matter, party or person shall be deemed to be included, although distributive words might not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate, shall be deemed to be included, provided that these rules of construction shall not be applied to any section of this City Code which contains any express provision, excluding such construction, or where the subject matter or content may be repugnant thereto. (1961 Code)

Article 1-2.02 – Interpretations In determination of the provisions of each section of this Code, the following rules shall be observed:

- (a) Intent To Defraud – Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- (b) Liability of Employers and Agents - When the provisions of any Section of this official Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person, shall be guilty of the offense described and liable to the penalty set forth. (1961 Code)

Article 1-2.03 – Reference to Williams City Code All references to Titles, Chapters, Articles, Sections or Subsections are to the Titles, Chapters, Articles, Sections or Subsections of the Williams City Code, unless otherwise specified. (1988 Code)

Article 1- 2.04 – Conflicting Provisions / Different Titles If the provisions of different Titles or Chapters of this Code, conflict with or contravene each other, the provisions of each Title or Chapter shall prevail as to all such matters and questions growing out of the subject matter of such Chapter. (1988 Code)

Article 1-2.05 – Conflicting Provisions/Same Chapter If conflicting provisions are found in different sections of the same Chapter, the provisions of the section which is last in numerical order shall prevail, unless such construction is inconsistent with the meaning of such Chapter. (1988 Code)

Article 1 - 2.06 – Ordinance The word "ordinance " contained in the Ordinances of the City of Williams has been changed in the content of this City Code to Title , Chapter, Article , Section and/or Subsection, or words of like import, for organizational and clarification purposes only. Such change to the City's Ordinances is not meant to amend the passage and effective dates of such original Ordinances. (1988 Code)

Article 1-2.07 – Effect of Repeal When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former

ordinance, clause, or provision, unless it shall be expressly so provided. 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 any offense committed under the ordinance repealed. (1961 Code)

Article 1 -2.08 – Definitions Whenever the following words or terms are used in this Code, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the terms differently.

- (a) Agent – The word "agent" shall mean a person acting on behalf of another.
- (b) City - The word "city" shall mean the City of Williams, County of Coconino, State of Arizona.
- (c) Code – The word "code" shall mean the Code of the City of Williams.
- (d) Council – The word "council" shall be construed to mean the City Council of the City of Williams.
- (e) County – The word "county" shall mean the County of Coconino, State of Arizona.
- (f) Employee(s) – Whenever reference is made to "employee(s)" by title only, this shall be construed as though followed by the words "of the City of Williams".
- (g) License – The word "license" shall mean the permission granted for the carrying-on of a business, profession or occupation.
- (h) Nuisance – The word "nuisance" shall mean anything offensive or obnoxious to health and welfare of the inhabitants of the City of Williams; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person, or of the community.
- (i) Occupant – The word "occupant" applied to a building or land shall include any person who occupies the whole or any portion of such building or land, whether alone or with others.
- (j) Offense – The word "offense" shall mean any act forbidden by any provision of this Code, or the omission of any act required by the provisions of this Code.
- (k) Officer(s) – Whenever reference is made to "Officer(s)" by title only, this shall be construed as though followed by the words "of the City of Williams".
- (l) Operator – The word "operator" shall mean the person who is in charge of any operation, business or profession.
- (m) Ordinance – The word "ordinance" shall also mean resolutions, and resolutions having the effect of ordinances, where applicable, or so far as practical.
- (n) Owner – The word "owner", when applied to that of building or land, shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or of a part of such building or land.

- (o) Person – The word "person" shall include any person, firm, association, corporation, or any organization of any kind.
- (p) Retailer – The word "retailer" shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities, directed to the consumer.
- (q) State – The word “state" shall mean the State of Arizona, unless otherwise indicated.
- (r) Street – The word "street" shall include alleys, lanes, courts, roads, boulevards, public squares, public places, and sidewalks under control of the City of Williams.
- (s) Tenant – The word "tenant" applied to a building or land shall include any person who occupies the whole or any portion of such building or land, whether alone or with others, or any lessee thereof.
- (t) Wholesaler – The words "wholesaler" and "wholesale dealer" shall be understood to relate to the sale of goods, merchandise, articles, or things in quantities, to persons who purchase for the purpose of resale.
- (u) Written / In Writing – The words "written" or "in writing" may include printing any other mode of representing words and letters, but when the written signature of a person is required by law, to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1988 Code)

CHAPTER 1- 3 – CORPORATE SEAL

Article 1-3.01 – Facsimile of Seal The facsimile of the corporate seal of the City of Williams, is as hereinafter reproduced. (1961 Code)

CHAPTER 1- 4 – CORPORATE LIMITS

Article 1- 4.01 – Designation of Corporate Limits The corporate limits of the City of Williams shall be as shown and designated on the official plat on file in the Office of the County Recorder of Coconino County. Said plat is also on file in the office of the City Clerk of Williams. The boundaries of said corporate limits shall be as designated by said plat, which by reference hereto is made a part hereof. (1961 Code as amended Ord. 647; Ord. 649)

CHAPTER 1-5 – DATUM PLANE

Article 1 - 5.01 – Datum Plane There shall be and is hereby established a datum plane for the City which plane is an assumed elevation of one hundred (100') feet below a point on the sidewalk at the northwest corner of LOT 12, BLOCK 16, ORIGINAL WILLIAMS TOWNSITE; which point is definitely marked by a cross chiseled in the sidewalk, at reference to which all grades pertaining to the City shall be established. (Ord. 9; 7-30-01)

CHAPTER 1-6 – OFFICIAL NEWSPAPER

Article 1-6.01 – Official Newspaper The Williams News of Williams, Arizona, is hereby designated as the official newspaper and is declared to be the newspaper of general circulation within the City of Williams. (1961 Code)