

**PART II CODE OF ORDINANCES**

**Chapter 1 GENERAL PROVISIONS**

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

The ordinances embraced in the following chapter and sections shall constitute and be designated the Punta Gorda Code and may be so cited.

(Ord. No. 1655-10, <sec> 1, 10-6-10)

**Sec. 1-2. Rules of construction.**

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

**City.** The words "the City" or "this City" shall be construed as if the words "of Punta Gorda" followed the word city, and shall extend to and include its several officers, agents and employees.

**County.** The words "the County" or "this County" shall mean the County of Charlotte.

**State.** The words "the State" or "this State" shall be construed to mean the State of Florida.

**City Council.** Whenever the words "City Council" are used, they shall be construed to mean the City Council of the City of Punta Gorda.

**Other city officials or officers.** Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "City Clerk," "Utility Board," "Chief of Police," etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Punta Gorda.

**Computation of time.** Whenever a notice is required to be given or an act to be done, a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

**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.

**Interpretations.** 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, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

**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."

**Or, and.** "Or" may be read "and," and "and" may be read "or" if the sense requires it.

**Owner.** The word "owner," applied to a building or land, 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 part of such building or land.

**Person.** The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**Personal property** includes every species of property except real property.

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

State law reference(s)--For state law as to definitions, see <sec> 1.01, Florida Statutes.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted, unless expressly so provided.

### **Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language.**

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections or sub sections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. 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 and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the City Council.

Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That Chapter \_\_\_\_\_ section \_\_\_\_\_ of the Punta Gorda Code is hereby amended to read as follows: \_\_\_\_\_." The new provisions shall then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Punta Gorda Code is hereby amended by adding a section (or article or chapter) to read as follows: \_\_\_\_\_." The new provisions shall then be set out in full as desired.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(Ord. No. 1655-10, <sec> 2, 10-6-10)

**Sec. 1-5. Altering Code.**

It shall be unlawful for any person in the city 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, except by ordinance or resolution or other official act of the City Council, which will cause the law of the City of Punta Gorda to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-6 hereof.

State law reference(s)--Forgery, F.S. <sec> 831.01; falsifying public records, F.S. <sec> 839.13.

**Sec. 1-6. General penalty; continuing violations; adjudging fines and imprisonments.**

It shall be unlawful for any person to violate or fail to comply with any provision of this Code and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

Whenever the judge of the county court of Charlotte County shall, under any of the ordinances of the city, adjudge a person to pay a fine, or a fine and cost of prosecution, he shall also provide in such sentence a period of time for which such person shall be imprisoned in default of the payment of the same. Whenever the sentence shall be one of both fine and imprisonment, it shall also provide for an additional period of imprisonment in the Charlotte County jail for which such person shall be held in default of payment of fine and costs. Such additional period shall commence to run from the expiration of the period of imprisonment fixed by the sentence, provided that in no case shall the imprisonment for failure to pay a fine or fine and costs, together with any other imprisonment in the same case, exceed the period of four (4) months.

Nothing in this section shall exempt a prisoner from being put at labor during the period of such additional imprisonment.

(Ord. No. 555-79, <sec> 1, 9-5-79)

State law reference(s)--Fines and forfeitures in county court payable to municipality, F.S. <sec> 34.191; punishment for misdemeanors, F.S. <sec><sec> 775.082, 775.083.

**Sec. 1-7. Debt collections.**

The City of Punta Gorda may pursue the collection of any fees, interest, service charges, fines or costs to which it is entitled which remain unpaid for ninety (90) days or more by referring the account to a collection agent which is registered and in good standing pursuant to Chapter 559, F.S. The collection fee paid to any collection agent may be added to the balance owed, in an amount not to exceed forty (40) percent of the amount owed at the time the account is referred to the agents for collection.

(Ord. No. 1670-11, <sec> 1, 3-2-11)

**Sec. 1-8. Fee required to set public hearing.**

The filing fee required for public hearing required by the Code of Ordinances or by the City Charter shall be one hundred dollars (\$100.00), where not otherwise specifically provided.

(Ord. No. 519-78, <sec> 1, 5-3-78)