

**CHAPTER 1: GENERAL PROVISIONS**

**Hillsboro Beach - General Provisions**

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### § 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 Town of Hillsboro Beach, Florida", and may be so cited.

***Statutory reference:***

*Authority to codify ordinances, see F.S. § 165.192*

### § 1-2 DEFINITIONS AND RULES OF CONSTRUCTION.

For the purpose of this code, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***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 the notice is given, or such act is done, shall not be counted in computing the time, but the day on which the proceeding is to be had shall be counted.

***COUNTY or THIS COUNTY.*** The County of Broward, Florida.

**DELEGATION OF AUTHORITY.** Whenever a provision appears requiring the head of a department or some other town officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee 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.

**GENDER.** A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

**HIGHWAY.** Includes any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the town dedicated or devoted to public use.

**KEEPER and PROPRIETOR.** Includes persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

**NUMBER.** A word importing the singular may extend and be applied to the plural, and vice versa.

**OATH.** Includes 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.** 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 a part of the building or land.

**PERSON.** Extends and applies 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 as herein defined.

**PROPERTY.** Includes real, personal and mixed property.

**PUBLIC PLACE.** Any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, school yard or open space adjacent thereto and any lake or stream.

**REAL PROPERTY.** Include lands, tenements and hereditaments.

**SIDEWALK.** Any portion of a street between the curblineline 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 STATE** or **THIS STATE** shall mean the State of Florida.

**STREET**. Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the town.

**TENANT, 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 building or land, either alone or with others.

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

**TOWN, THE TOWN** or **THIS TOWN**. The Town of Hillsboro Beach, Florida, and shall extend to and include its several officers, agents and employees.

**TOWN COMMISSION, or COMMISSION**. The Town Commission of the Town of Hillsboro Beach, Florida.

**WRITTEN** or **IN WRITING**. Includes any representation of words, letters or figures, whether by printing or otherwise.

**Statutory reference:**

*Definitions of terms used in Florida Statutes, see F.S. § 1.01*

### § 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 sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

### § 1-4 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code should be made by amending such provisions by specific reference to the section of this code in substantially the following language: "That section \_\_\_\_\_ of the Code of the Town of Hillsboro Beach, Florida, is hereby amended to read as follows: .... (Set out new provisions in full) ...."

(B) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the Town of Hillsboro Beach, Florida, is hereby amended by adding a section (or article, chapter or other designation as the case may be), to be numbered \_\_\_\_\_, which reads as follows: .... (Set out new provisions in full) ...."

**§ 1-5 SUPPLEMENTATION OF CODE.**

(A) By contract or by town personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Town Commission. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the Town Commission or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate divisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this division" and the like, as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

**§ 1-6 EFFECT OF REPEALS.**

The repeal of an ordinance or portion of this code shall not revive any ordinance or portion of this code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a

portion of this code 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 provision repealed.

#### **§ 1-7 ALTERING CODE.**

It shall be unlawful for any person to amend or alter any part or portion of this code or to insert or delete any page or portion thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the Town of Hillsboro Beach, Florida, to be misrepresented thereby.

***Statutory reference:***

*Unlawful alteration of public records, see F.S. § 831.01*

#### **§ 1-8 SEVERABILITY OF PARTS OF CODE.**

It is hereby declared to be the intention of the Town Commission that the sections, divisions, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, division or section of this code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or un-enforceability shall not affect any of the remaining phrases, clauses, sentences, divisions and sections of this code.

#### **§ 1-9 GENERAL PENALTY; CONTINUING VIOLATIONS.**

Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in the 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 therefor, the violation of any such provision of this code or ordinance shall be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

##### **§ 1-9.1 LAW ENFORCEMENT EDUCATION ASSESSMENT.**

(A) The Clerk of the County Court be and is hereby authorized and requested to assess, collect and remit a second \$2 assessment for local law enforcement education arising out of each case tried in the county court for such violations arising in the Town of Hillsboro Beach, Florida.

(B) The County Clerk is also authorized to remit to the Town of Hillsboro Beach \$2 for every entreated bail bond relating to every such violation case arising in the Town of Hillsboro Beach, Florida. (Ord. 100, § 1, passed 12-6-1976; Ord. 116, §§ 1, 2, passed 6-7-1982)

**§ 1-10 CONFLICT OF COUNTY AND TOWN ORDINANCES.**

(A) Any Broward County ordinance in conflict with an ordinance of the Town of Hillsboro Beach, Florida, shall not be effective within the town to the extent of the conflict regardless of whether the town ordinance was adopted or enacted before or after the county ordinance.

(B) Any Broward County ordinance dealing in the areas of land use planning or setting minimum standards protecting the environment in conflict with an ordinance of the Town of Hillsboro Beach, Florida, shall not be effective within the town to the extent of the conflict regardless of whether the town ordinance was adopted or enacted before or after the county ordinance, unless a court of competent jurisdiction rules that the county ordinance is effective within the town.

(Ord. 98, §§ 1, 2, passed 8-2-1976)