

**1.04.010 Definitions and rules of construction.**

In the construction of this code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

“Abatement” means an act or combination of actions designed to correct a nuisance. Abatement includes, but is not limited to, removal, demolition or repair of structures; removal of weeds, rubbish and debris; reconstruction of structures to code; restoration of drainage ways or courses; grading or regrading and filling of illegally graded or developed land; revegetation; vacating of illegal or nonconforming structures; removing barriers improperly blocking off public access; removal of encroaching structures onto public property; and other action which is reasonably related to the correction or mitigation of nuisances under this code or state law.

“City” or “this City” means and shall be construed as if followed by the words “of Chula Vista.”

“City Manager” means an officer appointed by the City Council as the City Manager, and includes those officers and employees he or she designates to perform certain functions. The term “City Manager” includes a director, as defined herein, except in those proceedings where an appeal to the City Manager is taken from the order of a director.

“Code” or “this code” means the Municipal Code of the City of Chula Vista, California.

“Code enforcement officer” means a person, other than a police officer, designated by the City Manager or a director to enforce violations of the Municipal Code. A code enforcement officer is authorized to issue notices of violation and administrative citations pursuant to Chapter 1.41 CVMC. A code enforcement officer is authorized to issue misdemeanor citations or to arrest a person without a warrant for a misdemeanor committed in his or her presence which is a violation of state law or an ordinance which the code enforcement officer has a duty to enforce. A code enforcement officer may exercise all powers of arrest pursuant to California Penal Code Section 836.5. A code enforcement officer is not a peace officer within the definition of Penal Code Sections 830 through 832.8.

Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a legal holiday and then it is also excluded.

“Council” whenever used in this code means the City Council of the City.

“County” or “this county” means the county of San Diego.

“Day” means the period of time between any midnight and the midnight following.

Daytime and Nighttime. “Daytime” means the period of time between sunrise and sunset. “Nighttime” means the period of time between sunset and sunrise.

“Director” means the Chief of Police, Fire Chief, City Engineer, Director of Development Services, Director of Finance, Director of Recreation, Director of Public Works, and the employees designated by them or assigned by job function to perform code enforcement functions and duties. It also includes the county health officer or director of public health for public health and sanitation. The Directors are authorized to issue rules and regulations on behalf of the City where referenced in this code.

Gender. The masculine gender includes the feminine and neuter.

“In the City” means and includes all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

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.

“Month” means a calendar month.

“Notice” means a written document which informs a person of the time, date and place for a hearing, the nature of a penalty or corrective action required of that person, and the Municipal Code section(s) applicable to the proceeding. Service of notice is covered in CVMC 1.40.030.

“Nuisance” is as defined under California Civil Code Section 3480, and includes a condition upon or use of real property within Chula Vista that violates the Municipal Code or state law. It may also include dilapidation or disrepair of structures; the maintenance of a structure in which illegal drug, gambling or prostitution activity occurs; or a structure on private property which encroaches into public property.

Number. The singular number includes the plural and the plural the singular.

“Oath” means and includes an affirmation.

Officers, Departments, Etc. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the City, unless the context clearly indicates otherwise.

Official Time. Whenever certain hours are named in this code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the City.

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, means and includes 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.

“Park ranger” means a person, other than a police officer, designated by the City Manager or a director to enforce violations of the Municipal Code and whose primary duty is the protection of the park, public property, open space and other property of the City and the preservation of peace therein. A park ranger is authorized to issue infraction citations as authorized by Chapter 1.20 CVMC. A park ranger is also authorized to issue infraction citations committed in his or her presence which are violations of state law.

“Person” means and includes any person, firm, association, organization, partnership, business trust, corporation or company.

“Personal property” means and includes every species of property, except real property, as defined in this section.

Preceding and Following. The words “preceding” and “following” mean next before and next after, respectively.

“Process” means and includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

“Property” means and includes real and personal property.

“Real property” means and includes land, improvements and structures on land, tenements and hereditaments.

“Responsible party” means, individually and collectively, the owner(s) of real property upon which a violation of this code or state law exists, ~~or~~ a tenant or occupant in possession, a licensee, or any other person who has caused, created, or continues to allow a condition to occur or exist upon real property constituting a violation of this code or state law. A “responsible party” can be a natural person or ~~an corporation entity~~.

Shall and May. “Shall” is mandatory and “may” is permissive.

Signature or Subscription by Mark. “Signature” or “subscription” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

“State” or “this state” shall be construed to mean the state of California.

“Tenant or occupant,” applied to a building or land, includes any person holding a written or an oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A “week” consists of seven consecutive days.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

“Year” means a calendar year, except where otherwise provided. (Ord. 3322 § 1, 2014; Ord. 2790, 1999; Ord. 2718 § 1, 1998; prior code § 1.2).