

## ORDINANCE NO. 29

### AN ORDINANCE REPEALING ORDINANCE NO. 20 AND ADOPTING GENERAL PROVISIONS TO THE DISTRICT'S CODE

BE IT ORDAINED by the Board of Directors of the San Benito County Water District as follows:

Section 1. Ordinance No. 20, entitled an "Ordinance Establishing Rules for Intersubsystem Water Transfers" is hereby repealed.

Section 2. The following "General Provisions" shall be incorporated into the San Benito County Water District's Code and shall read as follows:

#### "1.0 Definitions.

The following words and phrases, whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "Board" means the board of directors of the San Benito County Water District.

B. "District" means the San Benito County Water District or the area within the territorial limits of the San Benito County Water District and such territory outside the district boundaries over which the district has jurisdiction or control by virtue of any constitutional or statutory provision.

C. "District inspector" means the inspector acting for the board and may be a member of the board, the manager, the district engineer, or inspector appointed by the board.

D. "Engineer" means the engineer appointed by and acting for the board and shall be a registered civil engineer.

E. "Law" denotes applicable federal law, the Constitution and statutes of the State of California, the ordinances of the San Benito County Water District, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. "May" is permissive.

G. "Month" means a calendar month.

H. "Must" and "shall" are each mandatory.

I. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" means and includes a natural person, joint

venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" means and includes money, goods, chattels, and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" means and includes real and personal property.

N. "Real Property" means and includes land, tenements, and hereditaments.

O. "State" means the State of California.

P. "Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this district which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

Q. "Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

R. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

#### 1.2. **Title of Office**

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the district.

#### 1.3 **Interpretation of Language**

All 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 the law shall be construed and understood according to such peculiar and appropriate meaning.

#### 1.4 **Grammatical Interpretation**

The following grammatical rules shall apply in this code unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine, and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.5 **Acts of Agents**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.6 **Prohibited Acts, Include Causing and Permitting**

Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.7 **Computation of Time**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.8 **Construction**

The provisions of this code and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

1.9 **Repeal shall not revive any ordinance**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinances."

Section 3. The repeal of Ordinance No. 20 shall not repeal the repealing clause of such ordinance or revive any ordinance, which has been repealed thereby.

Section 4. If any section of this ordinance shall be held by a court of competent jurisdiction to be invalid, such decision of invalidity shall not affect the remaining portions of this ordinance which shall remain in full force and effect.

Section 5. Within 15 days after its passage and adoption, this ordinance shall be published once in a newspapers of general circulation published and printed in the County of San Benito, State of California, and shall be in full force and effect 30 days after its passage and adoption.

Section 6. The foregoing ordinance was introduced at a regular meeting at the Board of Directors of the San Benito County Water District held on the 27<sup>th</sup> of October, 1999.

Passed and adopted by said Board of Directors at a regular meeting of said District held on December 22, 1999, by the following vote:

AYES: DIRECTORS: Swanson, Perry, Tobias, Gonzales, Rupert

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

BOARD OF DIRECTORS  
SAN BENITO COUNTY WATER DISTRICT

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Kenneth Perry  
President

ATTEST:

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Janet L. Torres  
Administrative Services Officer

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