

Chapter 1.04
GENERAL PROVISIONS

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1.04.010 Definitions.

The following words and phrases whenever used in the ordinances of the city of Overland Park, Kansas, shall be constructed 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:

1. "City" means the city of Overland Park, Kansas, or the area within the territorial limits of the city of Overland Park, Kansas, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
2. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.
3. "Council" means the city council of the city of Overland Park, Kansas. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the state of Kansas.
4. "County" means the county of Johnson, Kansas.
5. "Law" denotes applicable federal law, the Constitution and Statutes of the state of Kansas, the ordinances of the city of Overland Park, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
6. "May" is permissive.
7. "Month" means a calendar month.
8. "Must" and "Shall." Each is mandatory.
9. "Oath" includes an affirmation or declaration in all cases in which, by law, affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed".

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10. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
11. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.
12. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
13. "Person" means 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.
14. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
15. "Preceding" and "following" mean next before and next after, respectively.
16. "Property" includes real and personal property.
17. "Real property" includes lands, tenements and hereditaments.
18. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians
19. "State" means the state of Kansas.
20. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city 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.
21. "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
22. Title of Office. Use of the title of officer, employee, board or commission means that officer, employee, department, board or commission of the city.
23. "Written" includes printed, typewritten, mimeographed or multigraphed.
24. "Year" means a calendar year.
25. All words and phrases shall be construed and understood 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.

26. 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 as to include all such acts performed by an authorized agent.

(History: Ord. MC-2384 §1, 2002; MC-2377 §1, 2002; Added during codification in accordance with K.S.A. 12-3015.)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Overland Park, Kansas:

1. Gender. Any gender includes the other genders;
2. Singular and Plural. The singular number includes the plural and the plural includes singular;
3. Tenses. Words uses in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(History: Ord. MC-2384 §2, 2002; MC-2377 §2, 2002; Added during codification in accordance with K.S.A. 12-3015.)

1.04.030 Prohibited acts include causing, permitting, and related acts.

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

(History: Added during codification in accordance with K.S.A. 12-3015.)

1.04.040 Construction.

The provisions of this code and proceedings under it are to be construed with view to effect its objects and to promote justice.

(History: Added during codification in accordance with K.S.A. 12-3015.)

1.04.050 Repeal not to revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

(History: Added during codification in accordance with K.S.A. 12-3015.)

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