

**CHAPTER 3**  
**DEFINITIONS AND CONSTRUCTIONAL RULES**

**SECTION:**

- 1-3-1: General Constructional Rule
- 1-3-2: Plural and Singular Words
- 1-3-3: Masculine and Feminine Gender
- 1-3-4: Priority of Ordinance
- 1-3-5: Captions

**1-3-1: GENERAL CITY CODE RULES OF GENERAL CONSTRUCTION:**

- A. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order to carry out the true intent and meaning of the Code. Code provisions represent the minimum requirements adopted by the Council for the promotion and sustaining of public health, safety, and general welfare. Where any specific provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- B. **WORDS.** Except as expressly stated in this Code, all words shall have their ordinary, generally-accepted meaning. Whenever any word in this Code is used in either the singular or in the plural form, then such word shall be deemed to include both the plural and singular forms of such word, unless the context indicates otherwise.
- C. **GENDER USAGE:** When any person is referred to in any provision of this Code by use of the masculine gender, then such reference shall be deemed to include all persons, regardless of sex, gender, gender identity, or gender expression.
- D. **PRIORITY OF ORDINANCES ADOPTED:** In the event of a discrepancy or conflict between this Code and any subsequent ordinances amending the same provision of this Code, then the provision of the most recent ordinance shall prevail.
- E. **REFERENCES TO DAY, MONTH, QUARTER, YEAR:** Unless otherwise specifically defined in this Code, “Day” shall be any twenty-four (24) hour period from midnight to midnight. “Month” shall mean one (1) of any of the twelve (12) Gregorian calendar months. “Year” shall mean one (1) Gregorian calendar year and shall include a leap year, where applicable. Whenever certain hours are named herein, they shall mean current local time (e.g. Mountain Standard Time or Daylight Saving Time) as it is applied to the Code provision.
- F. **JOB TITLES AND DELEGATION TO SUBORDINATES:** Where the title or job position of an elected official, administrative officer, City employee, or Department Director is used in this Code (e.g., Mayor, Clerk, City Attorney, Public Works

Director, Fire Chief, Chief of Police, etc.), such shall include all subordinates, employees, agents, and representatives, who are authorized to act or to perform a duty in their behalf unless a Code provision specifies otherwise.

- G. **LIABILITY AND RESPONSIBILITY OF EMPLOYER OR AGENT:** All violations of this Code shall constitute a misdemeanor, unless specified otherwise. Liability of employers and agents occurs/exists when a provision of this Code prohibits the commission or omission of an act regulated by this Code. Not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting the person shall be guilty of the offense described and shall be liable for the penalty set forth in the Code.
- H. **SEVERABILITY:** Should any title, section, subsection, provision, part, or portion of this Code or of any Ordinance which may be hereafter passed, approved, and published as required by law, be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of such title, section, subsection, provision, part, or portion of this Code.
- I. **CAPTIONS AND HEADINGS:** The captions, headings, and titles used at the commencement of each title, provision, heading, section, or subsection of this Code are used only to indicate general content and shall not limit, modify, or in any manner affect the scope, meaning, or intent of the title, provision, heading, section, or subsection.
- J. **APPLICATIONS.** The City requires the filing of certain applications to allow a person to secure a property right or to start the City process of securing permission, authorization, a permit, or other City-controlled approvals. Such applications may be in a prescribed form or format, such as an application, a permit request, etc. No application shall start a process for which it is prescribed and no application shall establish a property right until the date such application is substantially complete, which means that it has been filled out completely and accurately; all associated documents and prerequisite approvals from other governmental entities accompany the application; all required and relevant fees have been paid; and the application can be acted upon the City without any substantial or material change or the submission of any addition to the application. Determination of substantial completion shall be made by City staff in good faith. (Ord. 3332; 9-10-20; Ord. 3510, 04-13-2023; Ord. 3538, 9-21-23)

1-3-2: **GENERAL CODE DEFINITIONS:** Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

**AGENT:** A person authorized to act on behalf of another.

**AIRPORT:** The Idaho Falls Regional Airport (or “IFRA” or the “Airport” and formally known as “Fanning Field” or “Idaho Falls Municipal Airport”.)

**APPLICATION:** A form, process, or procedure established by the City to gather information to determine a person's compliance with Code requirements related to licenses, permits, authorizations, approvals, uses, or other permission granted to persons pursuant to this Code, authority delegated to Idaho municipalities by the Idaho Code, or Idaho Constitution.

**BONNEVILLE METROPOLITAN PLANNING ORGANIZATION (BMPO):** A federally mandated and funded transportation policy-making organization in Bonneville County that provides transportation planning for its various member cities and some urbanized portions of Bonneville County, in conjunction with the Idaho Transportation Department

**BUILDING OFFICIAL:** The Building Official of the City as designated under the International Building Code adopted by the City.

**CITY:** The City of Idaho Falls, County of Bonneville, State of Idaho, established pursuant to the Idaho Constitution.

**CLERK:** The person approved by the Council pursuant to Idaho Code Title 50, Chapter 2.

**CODE:** "The Code" or "this Code" (sometimes referred to as the Idaho Falls City Code or "IFCC") shall mean the collected current Ordinances of the City, including, but not limited to, the Zoning Code, Sign Code, Subdivision Code, and City-adopted Uniform or International Codes.

**COUNCIL:** The lawfully elected or appointed members of City Council of the City pursuant to Idaho Code Title 50, Chapter 7.

**CRIME:** An act in violation of this Code, unless specified otherwise.

**FELONY:** A crime, as defined under Idaho Code, Title 18, Chapter 1.

**ENGINEERING DESIGN POLICY MANUAL:** The Engineering Design Policy Manual, adopted from time to time by Resolution of the Council, a copy of which shall be kept on file with the City Engineer and shall be available to members of the public.

**HIGHWAY:** A travel way, as defined at Idaho Code Title 49, Chapter 1.

**IDAHO CODE:** The Idaho Code or State law shall mean the Idaho State Constitution and the Idaho Statutes containing the General Laws of Idaho.

**INFRACTION:** A civil public offense, not constituting a crime and which is punishable only by a fine for which no incarceration may be imposed.

**KNOWINGLY:** A person acts “knowingly” when they realize what they are doing, is aware of the nature of their conduct, and did not act through ignorance, mistake, or accident.

**LAND, REAL ESTATE, REAL PROPERTY:** Land, and everything which is naturally part of the land or permanently added to or built upon land. This definition also includes intangible legal interests in land, such as tenements, hereditaments, water rights, possessory rights, and other legal claims

**LICENSE:** The permission granted for the carrying on of a business, trade, profession, or occupation.

**MISDEMEANOR:** Every crime except a felony or infraction.

**NEGLECT, NEGLIGENCE, NEGLIGENT, AND NEGLIGENTLY:** The failure to exercise reasonable care that would protect others against an unreasonable risk of harm. A person acts “negligently” when they should be aware of a substantial and unjustifiably risk that harm will likely result from their conduct and a reasonable person would have observed the risk in the actor’s situation.

**OATH:** An act that obligates a person to publicly commit to a norm or duty and includes “affirmation”, “swear”, and “affirm”. Every mode or oral statement under oath or affirmation is included in the term “testify” and, if written, included in the term “depose”.

**OCCUPANT:** Any person who is or has the right to be physically present or to the use, in the whole or any part, of a building, property, or land whether alone or with others.

**OFFENSE:** A crime or other violation of this Code.

**OPERATOR:** The person who is generally in charge of or responsible for conducting any business, profession, or enterprise.

**ORDINANCE:** A general health, safety, or welfare regulation applicable within City limits, adopted pursuant to the authority delegated to the City by the Idaho Constitution, Idaho Code, and the City Charter.

**OWNER:** Any person owning or possessing or acquiring a financial or possessory interest in real or personal property, including any part owner, joint owner, tenant in common, joint tenant, remainderman, or person holding an equitable or a life estate or reversionary interest of any kind. This definition includes part owners, joint owners, tenants in common, point tenants, and lessees of buildings or land, regardless of whether the lease is for the whole or part of such building or land.

**PERSON:** A human being or group of individuals and any public or private corporation, firm, partnership, trust, estate, sole proprietorship, joint stock company,

cooperative, association, organization, government, body corporate and politic, or any other entity recognized under Idaho law.

**PERSONAL PROPERTY:** Any movable or intangible thing that is subject to ownership and not classified as real property. This definition includes money, goods, chattels, evidences of debt, and general intangibles, as these terms are defined by the Idaho Uniform Commercial Code, Idaho Code Title 28, as amended.

**PREMISES:** A building and the contiguous land to the building.

**PROPERTY:** Includes both real and personal property.

**QUORUM:** Unless otherwise specifically provided in this Code, a quorum shall be comprised of one half plus one of the total number of the voting members of a Council, Board, Committee, or Commission, regardless of whether all positions comprising such Council, Board, Committee, or Commission are filled at the time of a public meeting that requires a quorum in order to conduct business pursuant to Idaho law.

**RESOLUTION:** Council adopted statement of policy or intent but which is not an Ordinance.

**RIGHT-OF-WAY:** The privilege of the immediate use of the roadway or other property.

**SIGNATURE:** Includes any name, mark, or sign written with the intent to authenticate any instrument of writing.

**STANDARD DRAWINGS AND ENGINEERING SPECIFICATIONS:** The Standard Drawings and Engineering Specifications as adopted by the Council from time to time by Ordinance or Resolution.

**STATE:** The State of Idaho.

**STREET:** All public roads, highways, ways, alleys, and rights-of-way and easements used for the movement of vehicular traffic, including any public sidewalks adjacent thereto.

**TENANT:** A person who pays rent in exchange for a possessory right to use or occupy another's land, typically under a lease or a similar agreement.

**THOROUGHFARE:** Includes highways, streets, alleys, lanes, courts, boulevards, public ways, public squares, public spaces, and sidewalks.

**WILLFULLY:** Some definitions of "willfully" are very closely related with definitions of "knowingly." The United States Supreme Court distinguishes between "knowingly" and "willfully" by requiring the government to prove that a defendant acted with a "bad purpose" to establish "willfully." "Willfully" requires that the government prove that the

defendant knew their conduct was unlawful and that the defendant intended to do something that the law forbids. *Bryan v. United States*, 524 U.S. 184 (1998).

**WRITING:** Includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents. (Ord. 3332; 9-10-20; Ord. 3412; 9-23-21; Ord. 3510, 04-13-2023; Ord. 3540, 9-14-23)

1-3-3: **MASCULINE AND FEMININE GENDER:** When any person is referred to in any Section of this Code by use of the masculine gender, then such reference shall be deemed to include the feminine gender unless the context indicates an intent otherwise.

1-3-4: **PRIORITY OF ORDINANCE:** In the event of any discrepancy or conflict between this Code and any ordinance passing or amending the same Section of this Code, then the provisions of the ordinance shall prevail.

(Ord. 2816, 6-25-09; Ord. 2874, 5-26-11; Ord. 3003, 4-23-15; Ord. 3186, 05-24-18; Ord. 3332; 9-10-20)

1-3-5: **CAPTIONS:** The captions and titles used at the commencement of each section or subsection of this Code are used only to indicate the content of the section and shall not limit, modify or in any manner affect the scope, meaning or intent of the provisions thereafter.