

CHAPTER 1.04CODE ADOPTION

1.04.010 Adoption. The ordinances embraced in the following Titles, together with such amendment as may be made, shall constitute and be cited as the "Encinitas Municipal Code". The Encinitas Municipal Code shall include such secondary codes that are adopted by reference, except those portions of the secondary codes that are modified or deleted by provisions of the Encinitas Municipal Code. (Ord. 86-13)

1.04.020 Severability. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, and will pass any amendments thereto, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

1.04.030 Definitions.

A. Unless the provisions or the context otherwise require, words and phrases in this Code shall be construed and understood according to their common and approved usage. Words or phrases that have acquired a particular meaning in the law shall be construed and understood according to such meaning.

B. Title, Chapter and Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Code.

C. 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.

1.04.040 Judicial Review. Pursuant to Section 1094.5 of the Code of Civil Procedure, the provisions of Section 1094.6 of the Code of Civil Procedure are hereby made applicable to persons seeking judicial review of a decision of the City of Encinitas.

1.04.050 Repeal of Ordinance. The repeal of any ordinance within this Code shall not repeal the repealing clause of such ordinance, nor shall it revive any ordinance which has been repealed thereby.

1.04.060 Duties of Officers and Employees. The obligations imposed upon the City officers and employees for implementation and enforcement of the provisions of this Code are directory in nature. Nothing in this Code shall be construed as limiting or eliminating any defense or immunity from liability for the City or its officers or employees established by the provisions of Title 1, Division 3.6 of the California Government Code, or by any other provision of law. The manner and timing of enforcement and implementation of this Code shall be within the discretion of the City Manager and other designated City officers and employees. This Code shall not be construed to hold the City or any officer or employee of the City responsible for any damage to persons or property by reason of a failure to enforce, implement or execute any of the provisions of this Code. Nothing in this Code shall be construed to hold the City or any officer or employee of the City responsible for any damage resulting to persons or property by reason of any interpretation of this Code by any City officer or employee.

1.04.070 Amendments to the Municipal Code. Whenever the title of a city employee and/or Department name is changed, the City Clerk shall be authorized to make appropriate changes to that title as it appears throughout the Municipal Code and the City of Encinitas' Procedures Manual and such changes shall be deemed a clerical revision and not an amendment to the Municipal Code. (Ord. 2003-08).