

TITLE 1: GENERAL PROVISIONS

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Article 1: Laws Governing the County Chapter 1: Implementary Provisions for the Jefferson County Code

§ 1-1-1-1 SHORT TITLE.

This code is the Jefferson County Code of 2011. It shall be cited as “Jefferson County Code”.

Statutory reference:

Short title, see I.C. 1-1-1-1

§ 1-1-1-2 REPEAL OF PRIOR ORDINANCES.

This is a codification of certain ordinances, but does not repeal any ordinances adopted prior to the date of adoption not included herein.

Statutory reference:

Repeal of prior laws, see I.C. 1-1-1-2

§ 1-1-1-4 EFFECT OF REPEAL.

No ordinance, resolution or order declared impliedly repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction, shall be deemed validated by its inclusion in this code, to the extent of its conflict with that determination.

Statutory reference:

Impliedly repealed and unconstitutional statutes, see I.C. 1-1-1-4

§ 1-1-1-5 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing ordinances, orders and resolutions, amendments and newly enacted ordinances. Any previously existing ordinance, order or resolution or amendment thereto adopted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under any ordinance, order or resolution in this code shall remain in full force and effect unless repealed or amended subsequent to the adoption of this code.

(B) Any appropriation repealed and adopted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally adopted. The section most recently adopted supersedes any conflicting section or subsection.

(E) All references within a section of this code to any section of previously existing laws refer to the number in the original ordinance, order or resolution.

(F) All references within a section of this code to any section of any previously existing ordinance, order or resolution refer to the new code numbers assigned to that ordinance, order or resolution.

(G) (1) The numerical prefixes assigned to the various titles, articles, chapters and sections of this code, as originally adopted or as added by amendment, are an integral part of this code and may be altered only by specific amendment.

(2) The descriptive headings assigned to the various articles and chapters of this code, as originally adopted, or as added by amendment, are not law and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only, and do not affect the meaning, application or construction of the law they precede.

(3) Each note following a section of this code is for reference purposes only, and is not a part of the section.

(H) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

Statutory reference:

Construction of statutes, see I.C. 1-1-1-5

§ 1-1-1-6 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under ordinances in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those ordinances. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code. The liabilities, proceedings and forfeitures shall be enforced and imposed as if this code had not been adopted. In particular, any agreement granting permission to utilize county highway rights-of-way, the

approval or vacation of subdivision plats or replats, the renumbering of lots, the establishment of any county fund, the adoption of any memorial resolution, the acceptance, establishment or vacation of any county highway, ditch, ferry, public well or navigable waterway, the incorporation of any cemetery, congressional township or military association, the designation of any economic revitalization area, the approval of the incorporation of any city or town or amendment to any city charter, an annexation to or disannexation from any city or town, the approval of the constitution and by-laws of any association, any action taken under I.C. 16-12.2-5 concerning any hospital, or of any change of name for any city, town, county highway, bridge or street shall remain valid in all respects, as if this code had not been adopted.

Statutory reference:

Preservation of penalties, offenses, rights, liabilities, see I.C. 1-1-1-6

§ 1-1-1-7 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in any ordinance, order or resolution repealed and adopted by this code shall not be affected by the repeal and adoption, but all suits, proceedings and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been adopted.

Statutory reference:

Periods of limitation, see I.C. 1-1-1-7

§ 1-1-1-8 SEVERABILITY.

(A) If any section of this code now adopted or subsequently amended or its application to any person or circumstance is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a non-severability provision, each subsection or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been adopted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was adopted concurrently with or following the adoption of this code.

Statutory reference:

Severability, see I.C. 1-1-1-8

§ 1-1-1-9 EFFECTIVE DATE.

This code takes effect immediately upon its passage and required publication. The application of a section may be delayed by its terms.

Statutory reference:

Adoption of ordinances, orders or resolutions, see I.C. 36-2-4-8

Effective date, see I.C. 1-1-1-9

Article 1: Laws Governing the County

Chapter 2: Laws Governing the County

§ 1-1-2-1 LAWS GOVERNING THE COUNTY.

The law governing the county is declared to be all law governing the state and this code.

Statutory reference:

Law of the state, see I.C. 1-1-2-1

Article 1: Laws Governing the County

Chapter 4: Construction of Code

§ 1-1-4-1 CONSTRUCTION OF CODE.

(A) This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(B) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(C) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the section giving the authority.

(D) The word “Board” means the Board of Commissioners of the county.

(E) The word “county” means the County of Jefferson, State of Indiana.

(F) The word “highway” includes any alley, bridge, road and street unless otherwise expressly provided.

(G) The word “month” means one calendar month, and the word “year” means one calendar year, unless otherwise expressly provided.

(H) The word “person” means, but is not limited to, any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, public or private utility, municipality, or his, her or its legal representative or assignee.

(I) The words “preceding” and “following” referring to sections or subsections in this code, refer to the sections or subsections next following or next preceding that in which the words occur, unless some other section is designated.

(J) The word “state” means the State of Indiana.

(K) The words “written” and “in writing” include lithographing, printing or other modes of representing words and letters. Where the written signature of a person is required, the proper handwriting of that person, or his or her mark, shall be valid for that purpose.

(L) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

Statutory reference:

Construction of statutes, see I.C. 1-1-4-1

Article 1: Laws Governing the County
Chapter 5: Effect of Repeal

§ 1-1-5-1 EFFECT OF REPEAL.

When a section of this code is repealed which repealed a former section or any ordinance under a resolution adopted prior to the adoption of this code, the former section or law is not revived unless it

so expressly provides. The repeal of any section shall not extinguish or release and forfeiture, liability or penalty incurred under the section, unless the repealing section so expressly provides. That section shall remain in force for the purpose of sustaining any proper action or prosecution for the enforcement of such forfeiture, liability or penalty.

Statutory reference:

Effect or repeal, see I.C. 1-1-5-1

Article 1: Laws Governing the County
Chapter 6: Name Designations

§ 1-1-6-1 NAME DESIGNATIONS.

Whenever any ordinance, order or resolution adopted by the Board refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated, or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity, then that named board, bureau, commission, division, department, officer, agency, authority or instrumentality, whether correctly named in that ordinance, order or resolution at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers and rights were transferred.

(Ord. 1986-2, passed 4-7-1986)

Statutory reference:

Incorrect names, see I.C. 1-1-6-1

Article 1: Laws Governing the County
Chapter 9: Legal Holidays

§ 1-1-9-1 LEGAL HOLIDAYS.

The designation of any legal holiday by the Board for county employees shall not affect any action taken by the Board while in regular or special session. Any action taken by the Board on any holiday shall be valid for all purposes.

(Ord. 1986-2, passed 4-7-1986; Order passed 3-27-1987; Res. 1992-4, passed 11-25-1992; Ord. 1996-, passed - -1996)

Statutory reference:

List; observance, see I.C. 1-1-9-1

Article 1: Laws Governing the County
Chapter 10: Jefferson County Day

§ 1-1-10-1 JEFFERSON COUNTY DAY.

The Board designates the twenty-third of November as Jefferson County Day.
(Ord. 1986-2, passed 4-7-1986)

Statutory reference:

Indiana Day, see I.C. 1-1-10-1

