

## **CHAPTER 100**

### **ADOPTION OF THE CODE**

#### **100-1. Adoption of Code**

- (A) Upon adoption by the Board of Commissioners of the County of Monroe, Indiana ("Board of Commissioners"), the Code is hereby declared to be and shall hereafter constitute the official Monroe County Code, which is a complete, simplified code of the general and permanent ordinances and resolutions of Monroe County. The Monroe County Code is hereby established and published by the Board of Commissioners pursuant to Indiana Code Chapter 36-1-5.
- (B) The Monroe County Code consists of nine (9) titles:
  - Title 1.** General Provisions
  - Title 2.** Administration and Elections
  - Title 3.** Health and Environment
  - Title 4.** Public Safety and Traffic Regulations
  - Title 5.** Professions, Occupations, Businesses and Contractors
  - Title 6.** Recreation, Culture and Community Facilities
  - Title 7.** Transportation, Highways and Public Works
  - Title 8.** Planning, Development, Land Use and Zoning
  - Title 9.** Miscellaneous Provisions
- (C) Title 2 through Title 9 of the Monroe County Code, as stated at the time of adoption of the Code, are determined and declared to be a restatement of the original ordinances and resolutions and their amendments contained in these titles and are reordained by the adoption of this Code.
- (D) All materials incorporated into this Code by reference shall be deemed to be a part of this Code. Two (2) copies of the Code shall be kept on file in the Monroe County Auditor's Office for purposes of public inspection.

#### **100-2. Citation**

- (A) This Code may be cited as "MCC" or the "Monroe County Code" and is generally referred to herein as "the County Code," "the Code," and "these regulations".
- (B) Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading and to the general penalty clause relating thereto, as well as

to the section, itself, when reference is made to the Code by title in any Code enforcement or legal documents.

### **100-3. Repeal of Prior Ordinances, Exclusions**

- (A) All general and permanent ordinances and resolutions of Monroe County that were adopted before the effective date of this Code and that are not restated in this Code are repealed.
- (B) All general and permanent ordinances and resolutions of Monroe County that were adopted before the effective date of this Code and that are restated in this Code are repealed, but are replaced by the restated provisions in this Code, and the operation of the repealed and restated ordinances and resolutions is intended to be continuous.
- (C) All rules and regulations adopted pursuant to the ordinances and resolutions that are repealed and restated in this Code and that are in force on the effective date of this Code shall be treated as if they were adopted under the corresponding provisions of this Code.
- (D) Notwithstanding subsection (A), all ordinances and resolutions of temporary duration, not of a general nature or concerning the following subjects are not repealed upon the adoption of this Code, unless such ordinances or resolutions have been restated in this Code:
  - (1) finances, including, without limitation, budgets, appropriations, revenue, salaries, bonds, indebtedness, payment of money, taxes, tax abatements, property designated for taxation, tax abatement, economic development or redevelopment purposes, special funds, grants and service charges or user fees;
  - (2) property (e.g., land, surplus property, etc.) transactions involving Monroe County;
  - (3) public improvements;
  - (4) traffic regulations;
  - (5) number, classification and compensation of County personnel;
  - (6) vacation and acceptance of highways;
  - (7) contracts, agreements and leases involving Monroe County;
  - (8) rezoning of specific tracts, divisions or areas of land;

- (9) rights, benefits, privileges or immunities granted by or to Monroe County;
  - (10) joint or cooperative arrangements or relationships involving Monroe County;
  - (11) official statements of policy or sentiment; and
  - (12) incorporation or dissolution of a city or town.
- (E) The adoption of the Code shall have no effect on orders that have been issued by the Board of Commissioners of the County of Monroe, Indiana.

#### **100-4. Continuation of Actions Under Prior Ordinances**

- (A) This Code does not affect rights, privileges or liabilities accrued, remedies provided, duties imposed, penalties incurred or proceedings begun before the effective date of this Code. Punishments, penalties or forfeitures may be imposed and enforced as if this Code had not been adopted.
- (B) All actions, proceedings and prosecutions for causes arising or acts committed before the effective date of this Code may be commenced and prosecuted as if this Code had not been adopted.
- (C) The running of any period of limitation or any requirements of notice contained in the provisions of ordinances and resolutions repealed by this Code are not affected by the adoption of this Code.

#### **100-5. Effect of Inclusion of Invalid Provisions**

Notwithstanding the inclusion in this Code of provisions declared impliedly repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction, those provisions have only such force and effect as they had before the adoption of this Code.

#### **100-6. Official Text of the Code, Included and Excluded Provisions**

- (A) The following as they appear in this Code, as originally adopted or changed by amendment, are part of the official text of the Code and may be altered only by specific amendment:
  - (1) the text of all sections, including charts, tables, figures and maps; and
  - (2) the numbers assigned to titles, chapters and sections.
- (B) All other provisions that are included in this Code or that have been added to facilitate the use of the Code, including, but not limited to:
  - (1) the table of contents for the Code and for each title;
  - (2) the descriptive headings of all chapters and sections;

- (3) any bracketed or parenthetical credit, source or history lines;
- (4) any bracketed internal citations;
- (5) any cross-reference tables not included within any section; and
- (6) any index;

are not part of the official text of the Code; are not intended to affect the meaning, application or construction of a chapter or section; and may be changed by a publisher, compiler or editor of the Code, at the direction of and with the approval of the Board of Commissioners.

#### **100-7. Notice of Presumption of Validity**

- (A) By virtue of Indiana Code 36-1-5-5, the text of this Code constitutes presumptive evidence in any legal proceeding:
  - (1) of the provisions of the Code;
  - (2) of the date of adoption of the Code;
  - (3) that the Code has been properly signed, attested, recorded and approved; and
  - (4) that any public hearings required have been held, with any notices required given.

#### **100-8. Code Alterations**

- (A) Any ordinance amending the County Code shall set forth the Chapter and Section number of the Section or Sections to be amended or added. The Monroe County Auditor, as Clerk of the Board of Commissioners, shall immediately forward all amendments or additions to the Code to the Monroe County Legal Department. The Monroe County Legal Department shall prepare the amendments or additions for insertion in their proper place in the County Code. Each Code page that is altered by the amendments or additions shall be properly identified so as to facilitate maintenance of the Code.
- (B) It shall be a Class A Ordinance Violation for any person to alter, change replace or deface in any way, any section or any page of the copies of the County Code, that are kept in County offices or departments, in such a manner that the meaning of any phrase or order may be changed or omitted. The above notwithstanding, replacement pages may be inserted when so authorized by the Board of Commissioners. The Monroe County Auditor, as Clerk of the Board of Commissioners, shall see that the authorized replacement pages are properly inserted in the official copies maintained in the Monroe County Auditor's Office. Any person having custody of a copy of the County Code shall make every effort to maintain said Code current as to the most recent ordinances and resolutions passed and as to the most recent

authorized replacement pages.

**100-9. Computation of Time**

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period of time. If the last day is a Saturday or a Sunday or an official holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and official Holidays shall be excluded.

**100-10. Notices**

Unless otherwise specifically provided, if written notice is required to be given to any person, such requirement shall be considered satisfied as of the date of deposit of the written notice in the United States Mail, postage prepaid, addressed to the person or agent thereof, at his last known address or principal place of delivery.

**[end of chapter]**