

CHAPTER 110
LEGISLATIVE PROCEDURES

110-1. Acknowledgment of Legislative Procedures

This chapter is an acknowledgment and acceptance of the procedures required by IC 36-1 and IC 36-2 for the adoption of ordinances, resolutions, orders or rules by the Board of Commissioners or the County Council.

110-2. Quorum

A majority of all elected members constitutes a quorum, which:

- (A) for the Board of Commissioners is two (2) members; and
- (B) for the County Council is four (4) members; however, by a vote of five (5) members, the County Council may adopt a rule specifying that a certain number of members greater than a majority constitutes a quorum.

110-3. Definition of Majority Vote and Two-Thirds Vote

- (A) A requirement that an ordinance, resolution or other action be passed by a majority vote means a majority vote of all the elected members, which:
 - (1) for the Board of Commissioners is a vote of two (2) members; and
 - (2) for the County Council is a vote of four (4) members.
- (B) A requirement that an ordinance, resolution, order or rule be passed by a two-thirds (2/3) vote means at least a two-thirds (2/3) vote of all the elected members, which:
 - (1) for the Board of Commissioners is a vote of two (2) members; and
 - (2) for the County Council is a vote of five (5) members.

110-4. Adoption of Ordinances and Resolutions

- (A) An ordinance may not be passed on the same day or at the same meeting at which it is introduced, unless there is unanimous consent of all the members present; however, this section does not apply to an ordinance of the County Council for additional appropriations or to a Zoning Ordinance or amendment to a Zoning Ordinance that is adopted pursuant to IC 36-7.
- (B) A majority vote is required to pass an ordinance, resolution, order or rule, unless a greater vote is required by statute.
- (C) An ordinance, resolution, order or rule is considered adopted when it is passed by the required vote of the elected members and is signed by the presiding officer.

- (D) If required by statute, an adopted ordinance, resolution, order or rule must be promulgated or published before it takes effect.
- (E) If an ordinance prescribes a penalty or forfeiture for a violation, it must be published according to IC 5-3-1 once each week for two (2) consecutive weeks before it takes effect. However, this requirement does not apply to a Zoning Ordinance or amendment to a Zoning Ordinance, or to a resolution approving a comprehensive plan. Zoning Ordinances are subject to the advertising requirements of IC 36-7-4-610.
- (F) Within a reasonable time after an ordinance is adopted, the Auditor must record it in a book kept for that purpose. The record must include the signature of the presiding officer and the attestation of the Auditor. The record, or a certified copy of the record, is presumptive evidence that the ordinance was adopted and took effect.

110-5. Incorporation by Reference

Any material may be incorporated by reference into this Code, an ordinance, resolution, order or rule. The Code, ordinance, resolution, order or rule must state that two (2) copies of the incorporated material are on file in the office of the Auditor for public inspection, and the copies must be on file as stated for public inspection.

[end of chapter]