

## CHAPTER 1

### CONSTRUCTION OF ORDINANCES

#### DEFINITIONS

##### 100. Definitions.

As used in the ordinances of Jackson County, unless otherwise specifically provided or unless plainly contrary to the intent of the County Legislature or to the context of the ordinance, the following words and phrases are defined as follows. (Ord. 1142, Eff. 01/01/84)

##### 100.1 Hereafter.

Hereafter means the time after the ordinance containing it takes effect. (Ord. 1142, Eff. 01/01/84)

##### 100.2 Heretofore.

Heretofore means anytime previous to the day when the ordinance containing it takes effect. (Ord. 1142, Eff. 01/01/84)

##### 100.3 Legislature.

Legislature means the Jackson County Legislature unless otherwise stated. (Ord. 1142, Eff. 01/01/84)

##### 100.4 Person.

Person includes, extends and applies to corporations, partnerships and other unincorporated associations. (Ord. 1142, Eff. 01/01/84)

##### 100.5 Residence, Place of.

Place of residence means the place where the family of any person permanently resides in this state and the place where any person having no family generally lodges. (Ord. 1142, Eff. 01/01/84)

##### 100.6 Preceding and Following.

When used by way of reference to any section of the ordinances, the words "preceding and following" mean the section next preceding or next following that in which the reference is made unless some other section is expressly designated in the reference. (Ord. 1142, Eff. 01/01/84)

##### 100.7 Property.

Property includes real and personal property. (Ord. 1142, Eff. 01/01/84)

100.8 Registered Mail.

Registered mail includes certified mail. For purposes of this Code, the words "registered mail" and "certified mail" shall have the same meaning as found in the United States Post Office Regulations as amended. (Ord. 1142, Eff. 01/01/84)

RULES OF CONSTRUCTION

120. Construction, Rules of.

The following rules of construction apply to the Jackson County Code unless otherwise stated by an ordinance. (Ord. 1142, Eff. 01/01/84)

120.1 Plural Includes Singular.

Although distributive words are not used, any single matter, party or person is included whenever words importing the plural number are used in describing or referring to any matter, parties or persons. (Ord. 1142, Eff. 01/01/84)

120.2 Masculine Includes Feminine.

Several matters, persons, females as well as males and bodies corporate as well as individuals are included when any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender. (Ord. 1142, Eff. 01/01/84)

120.3 Computation of Time.

The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day is Saturday, Sunday or a state holiday, it shall be excluded. (Ord. 1142, Eff. 01/01/84)

120.4 Quorum.

In all boards, commissions and other bodies established by this Code, a quorum is a majority of the members unless a different quorum is expressly provided by the County Legislature. (Ord. 1142, Eff. 01/01/84)

120.5 Deputies, Powers of.

When an ordinance requires an act to be done by a specific person, an authorized agent, designee or deputy may perform the act in the absence of performance by the specified person and the ordinance will be satisfied. (Ord. 1142, Eff. 01/01/84)

120.6 Reference to Several Sections.

When a reference is made to several sections and the Section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections. (Ord. 1142, Eff. 01/01/84)

120.7 Construction of Words and Phrases.

Words and phrases shall be taken in their plain or ordinary and usual sense, but

technical words and phrases having a peculiar or appropriate meaning in law shall be understood according to their technical import. (Ord. 1142, Eff. 01/01/84)

120.8 Construction of Reenactments.

The provisions of any ordinance which are reenacted, amended or revised shall be construed as a continuation of the ordinance and shall not be a new enactment if the provisions are the same as those of a prior ordinance. (Ord. 1142, Eff. 01/01/84)

120.9 Effective Dates, Effect of Codification.

The effective dates of all ordinances of Jackson County, Missouri as codified in the Jackson County Code shall be the original effective dates of those ordinances. (Ord. 1142, Eff. 01/01/84)

120.10 Ordinance Effective Dates.

The County Legislature shall specify the effective date of each ordinance. The effective date may be:

a. Approval by County Executive.

Anytime after the approval of the ordinance by the County Executive;

b. Passage by Legislature.

After the passage of an ordinance by two-thirds of the members of the County Legislature over the objection of the County Executive; or

c. No Action by Executive.

After the expiration of ten (10) days after the ordinance is presented to the County Executive. (Ord. 1142, Eff. 01/01/84)

120.11 Severability.

The provisions of every ordinance are severable. If any provision of an ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the ordinance are valid unless:

a. Inseparably Connected With Void Provisions.

The court finds the valid provisions of the ordinance are so essentially and inseparably connected with and so dependent on the void provision that it cannot be presumed the County Legislature would have enacted the valid provisions without the void one;

b. Valid Provisions Incomplete.

The court finds that the valid provisions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. (Ord. 1142, Eff. 01/01/84)

120.12 Repealing law Repealed, Former law not Revived, When.

When an ordinance representing a former ordinance is itself repealed, this repeal

does not revive the former ordinance unless the ordinance expressly provides otherwise. No ordinance repealing any former ordinance shall operate to abate, annul or otherwise affect any rights, causes of action or contracts granted or accruing under the repealed ordinance. The rights granted by the repealed ordinance are effectual and may be prosecuted to final judgment and termination as if the repealed ordinance had not passed, unless the ordinance expressly provides otherwise. (Ord. 1142, Eff. 01/01/84)

120.13 Penal Ordinance, Effect of Repeal.

No offense committed, no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended shall be affected by the repeal or amendment. The trial and punishment of all such offenses, and the recovery of the fines, penalties and forfeitures shall be had in all respects as if the provisions had not been repealed or amended except as follows:

a. Ordinance, Existing Ordinances Apply.

All these proceedings shall be conducted according to existing ordinances; and

b. Ordinance, Amending Ordinance Apply.

If the penalty or punishment for any offense is reduced or lessened by an alteration of the ordinance creating the offense, the penalty or punishment shall be assessed according to the amendatory ordinance. (Ord. 1142, Eff. 01/01/84)

120.14 Repeal of Ordinance not to Affect Rights Acquired Thereunder.

The repeal of any ordinance does not affect any act done or right accrued or established in any proceeding, suit or prosecution had or commenced in any civil case previous to the time when the repeal takes effect; but every such act, right and proceeding remains as valid and effectual as if the provisions so repealed had remained in force. (Ord. 1142, Eff. 01/01/84)

120.15 Actions Pending, how Affected by Repeal or Ordinance.

No action or plea pending at the time any ordinance is repealed shall be affected by the repeal; but the same shall proceed in all respects as if the statutory provisions had not been repealed except that all proceedings had after the repeal becomes effective shall be governed by the procedural rules and ordinances then in effect. (Ord. 1142, Eff. 01/01/84)

120.16 Notices, how Served.

Whenever any of the ordinances require or imply that notice shall be given to any person concerning or affecting any right, property, claim, duty, or matter or thing of any character or nature, the delivery of the true copy of the notice to the person intended to be notified, or the leaving of a copy at his usual place of abode with

some member of his family over the age of fifteen (15) years constitutes a valid and sufficient service of the notice, unless the ordinances or the statutes of Missouri expressly direct or authorize a different method of Service. (Ord. 1142, Eff. 01/01/84)

120.17        Ordinances to Continue.

All ordinances not expressly repealed shall continue in force or expire according to their provisions or limitations. (Ord. 1142, Eff. 01/01/84)

COUNTY ORDINANCE COMMITTEE

130.    County Ordinance Committee.

A County Ordinance Committee shall be established for the purpose of maintaining the ordinances of Jackson County which shall be known as the Jackson County Code. (Ord. 1142, Eff. 01/01/84)

130.1        Members.

The County Ordinance Committee shall be composed of five (5) members. This Committee shall consist of three (3) members of the County Legislature, the County Counselor and the Clerk of the County Legislature. The members from the County Legislature shall be appointed by the Chairman of the Legislature. (Ord. 1142, Eff. 01/01/84)

131.    Functions.

The County Ordinance Committee shall have the following powers and duties. (Ord. 1142, Eff. 01/01/84)

131.1        Jackson County Code, Revisions.

The County Ordinance Committee shall meet periodically to determine the time and manner of publishing and distributing revisions to the Jackson County Code. The publication of the Jackson County Code shall be under the direction and supervision of the Committee. (Ord. 1142, Eff. 01/01/84)

131.2        Character of Publication.

The County Ordinance Committee shall determine the style and size of type, the grade of paper and the type and method of binding to be used in publishing the Jackson County Code. (Ord. 1142, Eff. 01/01/84)

131.3        Future Revisions.

The County Ordinance Committee shall formulate and supervise plans and methods for future revision, clarification, classification, codification, arrangement, annotation, indexing, printing, binding and publishing revisions to the Jackson County Code and shall report and make recommendations to the County Legislature. (Ord. 1142, Eff. 01/01/84)

131.4 Number of Copies.

The County Ordinance Committee shall determine the number of copies of any revision of the Jackson County Code to be published and shall designate the persons if any to whom copies shall be distributed without a charge. (Ord. 1142, Eff. 01/01/84)

REVISOR OF ORDINANCES

140. Revisor of Ordinances.

The County Counselor or his designee shall serve as Revisor of Ordinances. (Ord. 1142, Eff. 01/01/84)

141. Functions.

The Revisor of Ordinances shall perform the following functions. (Ord. 1142, Eff. 01/01/84)

141.1 County Ordinance Committee.

The Revisor of Ordinances shall serve on the County Ordinance Committee and shall perform all functions required of and by that Committee. (Ord. 1142, Eff. 01/01/84)

141.2 Assist Committee and Legislature.

The Revisor of Ordinances shall conform to all regulations prescribed by the Committee and shall render such assistance to the County Legislature in connection with pending or proposed ordinances as required by the Committee. (Ord. 1142, Eff. 01/01/84)

141.3 Supervise Printing.

The Revisor of Ordinances shall supervise all printing and publication of revisions of the Jackson County Code. (Ord. 1142, Eff. 01/01/84)

141.4 Proofread.

The Revisor of Ordinances shall proofread and compare all copies of the revised ordinances and supervise the correction of the copies to insure that the copies are true and correct copies of the existing ordinances with only the variances of language as authorized in Section 162.00. (Ord. 1142, Eff. 01/01/84)

141.5 Clerk of Legislature, File With.

After determining the revised ordinances are a true and correct copy, the Revisor or Ordinances shall deposit a copy with the Clerk of the County Legislature. That copy shall be prima facie evidence of the ordinance. (Ord. 1142, Eff. 01/01/84)

141.6 Revisor, Direction to.

The Revisor of Ordinances shall initiate a program to correct defectively enacted or

worded ordinances without changing the substantive provisions so that the ordinances on publication are a more accurate and authentic statement of the ordinances. The County Ordinance Committee shall assist the Revisor in performance of this function. When appropriate, revision bills shall be submitted to the County Legislature to accomplish the purposes. (Ord. 1142, Eff. 01/01/84)

142. Publications Guidelines.

In preparing the Jackson County Code for publication, the following guidelines apply.

142.1 Parts of Acts Omitted.

In preparing the Jackson County Code for publication, the following may be omitted:

a. Enacting Clauses.

Clauses of ordinances;

b. Titles.

Titles of ordinances;

c. Repealing Clauses.

Repealing clauses of ordinances;

d. Emergency Clauses.

Emergency clauses of ordinances;

e. Savings Clauses.

Savings clauses; and,

f. Severability Clauses.

Severability clauses of ordinances. (Ord. 1142, Eff. 01/01/84)

142.2 Ordinances Omitted.

In preparing the Jackson County Code for publication, the following types of ordinances need not be set out in full:

a. Appropriations.

Ordinances relating to appropriations of money;

b. Bonded Indebtedness.

Ordinances relating to the bonded indebtedness of the county,

c. Contracts.

Ordinances authorizing contracts by the county and any change orders to those contracts;

d. Easements.

Ordinances relating to the granting of easements;

e. Election Results.

Ordinances relating to the announcement of election results;

f. Incorporation.

Ordinances creating sewer districts and other entities created by the county;

g. Legislature Meetings.

Ordinances changing the specific date of a meeting of the County Legislature;

h. Levy.

Ordinances relating to the amount of county levies;

i. Nonsubstantive Ordinances.

Any ordinance deemed by the County Ordinance Committee to be nonsubstantive in nature or to have limited application;

j. Not Enacted.

Ordinances not enacted;

k. Public Roads.

Ordinances relating to the change of name or vacation of a public road;

l. Voter Propositions.

Ordinances authorizing propositions to be placed on the ballot for voter approval or disapproval; and,

m. Zoning Districts.

Ordinances relating to a change in zoning district designation of a specified area. (Ord. 1142, Eff. 01/01/84)

142.3 Arrangement.

In preparing the Jackson County Code for publication, the following shall apply to the arrangement of the ordinances:

a. Headnotes.

Suitable headnotes may be prepared to indicate briefly the subject matter of the sections. These headnotes may be used in a table of contents for each chapter. The headnotes shall not be a part of the ordinance and shall not have any effect on the construction of the ordinances.

b. Numbering of Sections.

The sections shall be numbered in such sequence as to permit insertion of additional ordinances without changing the numbers.

c. Source.

The source of each section will be noted at the end of the section.

d. Logical Order.

The ordinances shall be classified and arranged in a logical order. The arrangement shall enable similar subjects to be placed under one general heading with applicable cross references. (Ord. 1142, Eff. 01/01/84)

142.4 Preparations of Revisions.

In preparing the Jackson County Code for publication, the Revisor may act as follows:

a. Effect of Ordinance.

The sense, meaning or effect of any ordinance shall not be altered, but sections and parts of sections may be renumbered, the wording of headnotes may be changed, the sections rearranged, reference numbers or words may be changed to agree with renumbered chapters or sections, the words "chapter" or "section" may be inserted for "ordinance", figures and written words may be substituted, capitalization may be changed for the purpose of uniformity.

b. Misspelled Words.

Misspelled words may be corrected.

c. Punctuation and Clerical Errors.

All manifest typing or clerical errors, including punctuation may be corrected, but no correction shall change the meaning of the ordinance as enacted.

d. Arrangement.

Sections may be transferred, divided or combined so as to give distinct subject matters a section number, but any arrangement shall be done without changing the meaning.

e. Names.

The name of any agency, officer or instrumentality of the state or the county to which powers, duties and responsibilities have been transferred by law may be substituted for the name of any other agency, officer or instrumentality previously vested with the same powers and charged with the same duties and responsibilities.

f. Obvious Omission.

Any obvious omission or inaccuracy may be supplied. This addition or correction shall be identified in the text and a footnote shall identify the

omission or correction and the reason for that action. All corrections of manifest typing or clerical errors including punctuation shall be identified in this manner.

g. Abbreviations.

The abbreviation "JCC" may be substituted for the Jackson County Code. (Ord. 1142, Eff. 01/01/84)

142.5 Temporary Ordinances.

As determined by the County Ordinance Committee, temporary ordinances may be printed in the Jackson County Code or in a table. The termination date shall be clearly shown. (Ord. 1142, Eff. 01/01/84)