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# CH1 - IMPLEMENTARY PROVISIONS FOR THE LAPEL CODE

## CH1 1.1 - Short Title

This ordinance is the Code of Laws of the Town of Lapel. It shall be cited as "Lapel Code (x-x-x)".

### Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [36-1-5-3](#)

Date Passed: 12/22/1982

## CH1 1.2 - Repeal of Prior Ordinances

All ordinances, resolutions, and orders adopted or enacted prior to the enactment of this Code are hereby repealed.

### Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

## CH1 1.3 - Reserved

## CH1 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No ordinance, resolution or order declared impliedly repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction shall be deemed validated by its inclusion in this Code, to the extent of its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.

## Further Information

Indiana Code [36-1-5-1](#)

## CH1 1.5 - Construction of Code

- a. This Code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this Code shall continue in operation and effect, as if it had not been repealed by this Code. All rules and regulations adopted under laws reenacted in this Code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this Code.
- b. Any appropriation repealed and reenacted by this Code is continued only for the period designated in the original enactment of that appropriation.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 (2) or more sections.
- d. Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted 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 numbers in the original enactment.
- f. All references within a section of this Code to any section of previously existing law refer to the new Code numbers assigned to that law.
- g.
  - i. The numerical prefixes assigned to the various titles, articles, chapters, and sections of this Code, as originally enacted, or as added by amendment, are an integral part of this Code and may be altered only by specific amendment.
  - ii. The descriptive headings assigned to the various articles and chapters of this Code, as originally enacted, 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.
  - iii. 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.

## Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [1-1-1-5\(h\)](#)

Date Passed: 12/22/1982

## CH1 1.6 - Preservation of Penalties, Offenses, Rights and Liabilities

All offenses committed under laws in force prior to the effective date of this Code shall be prosecuted and remain punishable as provided by those laws. 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 rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this Code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, the annexation or disannexation of territory by the Town, and the election of corporate officers shall remain valid in all respects, as if this Code had not been enacted.

### Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [36-31-3-8\(a\) \(10\)\(B\)](#)

Date Passed: 12/22/1992

## CH1 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 a law repealed and reenacted by this Code shall not be affected by the repeal and reenactment, 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 enacted.

### Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

## CH1 1.8 - Severability

- a. If any section of this Code now enacted or subsequently amended or its application to any person or circumstances 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 nonseverability 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:
- i. 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 enacted without the invalid provision or application; or
  - ii. 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 is enacted concurrently with or following the enactment of this Code.

#### Further Information

'82 Code, Ord. No. 9-1982  
Indiana Code [1-1-1-8](#)  
Date Passed: 12/22/1982

## CH1 1.9 - Effective Date

This Code takes effect immediately upon its passage and required publication.

The application of a section or amendment may be delayed by its terms.

#### Further Information

'82 Code, Ord. No. 9-1982  
Date Passed: 12/22/1982

## CH1 1.10 - Laws Governing the Municipality

The law governing this town is declared to be all law governing the State of Indiana, and this Code.

#### Further Information

'82 Code, Ord. No. 9-1982  
Date Passed: 12/22/1982

## CH1 1.11 - Proclamation of Code

The Clerk-Treasurer shall proclaim this Code to be in effect upon its passage.

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## Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

## CH1 1.12 - Construction of Code

- a. This Code shall be construed by the following rules unless such 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 (3) or more persons shall be construed as imputing authority to a majority of such persons, unless otherwise declared in the section giving such authority.
- d. The work "Board" means the Board of Trustees of the Town of Lapel, Indiana.
- e. The words "Clerk-Treasurer" means the Clerk-Treasurer of the Board of Trustees of the Town of Lapel, Indiana.
- f. The word "highway" includes bridges, roads, and streets unless otherwise expressly provided.
- g. The word "month" means one (1) calendar month, and the word "year" means one (1) calendar year, unless otherwise expressly provided.
- h. The words "Police Department" means the Police Department of the Town of Lapel, Indiana.
- 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 "Town" means the Town of Lapel, Indiana.
- k. The words "written" and "in writing" included 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.

## Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [1-1-1-5\(h\)](#)

Date Passed: 12/22/1982

## CH1 1.13 - Effect of Repeal

When a section of this Code is repealed which repealed a former section or law adopted prior to the enactment of this Code, the former section or law is not reviewed unless it so expressly provides. The repeal of any section shall not extinguish or release any forfeiture, liability, or penalty incurred under such section, unless the

repealing section so expressly provides. Such section shall remain in force for the purpose of sustaining any proper action or prosecution for the enforcement of such forfeiture, liability, or penalty.

#### Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [1-1-5-1](#)

Date Passed: 12/22/1982

## CH1 1.14 - Name Designations

Whenever any ordinance or resolution of 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 such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in said ordinance at its effective date or not, means that correctly named entity, or the entity to which such duties, liabilities, powers, and rights were transferred.

#### Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

## CH1 1.15 - Legal Holidays

The following are legal holidays in the Town:

- a. New Year's Day
- b. President's Day
- c. Good Friday
- d. Memorial Day
- e. Independence Day
- f. Labor Day
- g. Thanksgiving Day
- h. Christmas Day

When any of these holidays, other than Sunday, falls on Saturday or Sunday, the Board may designate another day for the observance of that holiday. This section shall not affect any action taken by the Board while in regular or special session. Any action taken by the Board on any such holiday shall be valid for all purposes.

All full-time Police Officers are entitled to 1/365 of his/her salary as holiday pay if an officer works on a declared holiday. This payment would be in addition to his/her regular salary.

#### Further Information

('82 Code, Ord. No. 9-1982, passed 12/22/82)(Ord. No 8-1994, passed 12/20/94)

**Date Passed: 12/22/1982**

**Date Amended: 12/20/1994**

## CH1 1.16 - Lapel Day

The Board may designate any day as Lapel Day. The citizens of the Town are encouraged to recognize and celebrate the anniversary of the incorporation of the Town.

#### Further Information

'82 Code, Ord. No. 9-1982

**Date Passed: 12/22/1982**