

CHAPTER 1

GENERAL PROVISIONS

SECTION 1:1. CODE OF ORDINANCES; HOW CITED

The ordinances, resolutions and other legislative material embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of Assumption Parish, Louisiana", and may be so cited.

Comment -- For authority to adopt a Code of Ordinances see Article VI, Section 10, Louisiana Constitution (1974).

SECTION 1:2. CODE OF ORDINANCES NOT RETROACTIVE

No section of this Code of Ordinances is retroactive, unless it is expressly so stated.

SECTION 1:3. WORDS AND PHRASES; HOW CONSTRUED

A. In the construction of this Code and of all of its provisions, the words and phrases shall be read with their context and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such other words as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

B. The word "shall" is mandatory and the word "may" is permissive.

SECTION 1:4. UNAMBIGUOUS WORDING NOT BE DISREGARDED

When the wording of a section is clear and free of ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.

SECTION 1:5. CLERICAL AND TYPOGRAPHICAL ERRORS

Clerical and typographical errors in the Code shall be disregarded when the meaning of the governing body is clear.

SECTION 1:6. CONFLICT IN EXPRESSION OF FIGURES AND WORDS

Whenever there is a conflict between a number expressed both by figures and written words, the latter shall prevail unless such words obviously are contrary to the legislative intent.

SECTION 1:7. SINGULAR MAY DENOTE PLURAL

Words used in the singular number include the plural, and the plural includes the singular.

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SECTION 1:8. ONE GENDER MAY DENOTE OTHERS

Words used in one gender apply also to the other genders, except as otherwise clearly indicated by the context.

SECTION 1:9. USE OF DISJUNCTIVE

Unless it is otherwise clearly indicated by the context, whenever the term "or" is used in this Code, it is used in the disjunctive and does not mean "and/or".

SECTION 1:10. PERSON DEFINED

Unless it is otherwise clearly indicated, the word "person" includes a body of persons, whether incorporated or not.

SECTION 1:11. PROPERTY DEFINED

As used in this Code, the word "property" refers to both public and private property, movable and immovable, corporeal and incorporeal property.

SECTION 1:12. PARISH, POLICE JURY DEFINED

A. The words "the parish" or "this parish" shall be construed as if the words "of Assumption" followed, and shall extend to and include any agency, board, commission, department, officer, agent, or employee of same.

B. The words "the police jury" or "this police jury" shall be construed as if the words "of Assumption Parish" followed, and shall include any agency, board, commission, department, officer, agent or employee of same.

SECTION 1:13. CLASSIFICATION AND ARRANGEMENT OF CHAPTERS AND SECTIONS; EFFECT ON CONSTRUCTION

The classification and organization of the chapters and sections of this Code are made for the purpose of convenience, reference and orderly arrangement, and no implication or presumption of a legislative construction shall be drawn therefrom.

SECTION 1:14. HEADINGS TO SECTIONS, SOURCE NOTES, INDEXES, TABLE OF CONTENTS, NOT PART OF LAW

Headings to sections, source notes, comments, cross references, the index, and the table of contents contained herein are given for the purpose of convenient reference, and do not constitute part of the law.

SECTION 1:15. REFERENCE IN CODE

A. Unless otherwise indicated in the context, references in this Code to chapters, parts, sub-parts, or sections shall mean chapters, parts, sub-chapters of this Code.

B. Whenever any reference is made to any portion of this Code or to any other law or ordinance, the reference applies to all amendments thereto hereafter made.

SECTION 1:16. REPEAL OF ORDINANCES; EFFECT

A. The repeal of a repealing ordinance shall not revive the first ordinance.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 1:17. CONSTRUCTION OF CODE; CONTINUATION OF EXISTING INSTITUTIONS; EFFECT ON RIGHTS ACQUIRED; PENALTIES IMPOSED, ETC.

This Code shall be construed as continuations of and as substitutes for the laws and ordinances or parts of laws and ordinances or parts of laws and ordinances which are revised and consolidated herein. The adoption of this Code shall not affect the continued existence and operation, subject to the provisions hereof, of any department, agency, or office heretofore legally established or held, nor any acts done, any funds established, any rights acquired or accruing, any taxes or other charges incurred or imposed, any penalties incurred or imposed or any judicial proceedings had or commenced prior to the effective date of this Code.

SECTION 1:18. SEVERABILITY OF PARTS OF CODE

If any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional, invalid, or unenforceable by a judgment of any court of competent jurisdiction, such action shall not affect the other phrases, clauses, sentences, paragraphs, sections and chapters of this Code. If the application of the Code or any of its provisions to any person or circumstance is held invalid, the application of this Code and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 1:19. NEW ORDINANCES; AMENDMENTS TO CODE

A. All ordinances enacted into law after the effective date of this Code which amend, repeal or are of a general and permanent public nature may be numbered in accordance with the numbering system employed herein and may be printed or otherwise reproduced for inclusion herein.

B. The Police Jury of the Parish of Assumption shall periodically direct that supplements be prepared, incorporating herein, in an appropriate place and classification, the text of all such new legislation, assigning to these ordinances an appropriate chapter and section number, if such has not been done in their enactment. Material repealed by new ordinances shall be deleted. All new material added to the Code, and all material deleted shall contain a reference note indicating the source of the legislative action from which it was derived.

C. Any section in this Code or in any duly authorized subsequent edition thereof, or any duly authorized supplement thereto, may be amended or repealed by reference to the appropriate

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section number without reference to the ordinance from which the section was derived. Such amendments may be made by using the following language, "BE IT ORDAINED by the Assumption Parish Police Jury, that Section _____ of Chapter _____ of the Code of Ordinances of Assumption Parish, Louisiana, is hereby amended to read as follows:....."

In the event a new chapter or section is to be added the following language may be used: "BE IT ORDAINED by the Assumption Parish Police Jury, Louisiana, that the Code of Ordinances of Assumption Parish is hereby amended to add a new chapter (or section) to be numbered _____, which said chapter (or section) shall read as follows:

SECTION 1:20. INCORPORATION OF NEW LEGISLATION PROCEDURE

A. In preparing supplements to this Code embracing new legislation as provided for in Section 1:19, the editor, publisher or codifier shall not alter the sense, meaning or effect of any ordinance, resolution or law, but he may:

1. Renumber and rearrange sections or parts of sections;
2. Transfer sections or divide sections as to give to distinct subject matters a separate section number, but without changing the meaning;
3. Insert or change the wording of headnotes;
4. Change reference numbers to agree with renumbered chapters or sections;
5. Substitute the proper section or chapter number for the terms "this ordinance", "the preceding section", and the like;
6. Strike out figures where they are merely a repetition of written words and vice-versa;
7. Change capitalization for the purpose of uniformity;
8. Correct manifest typographical and grammatical errors; and
9. Make any other purely formal or clerical changes in keeping with the purpose of a codification or ordinances.

B. The publisher, editor or codifier shall omit all titles of ordinances, all enacting, resolving and repealing clauses, all appropriation measures, all temporary ordinances, all declarations of emergency, and all validity, declaration of policy and construction clauses, except when the retention thereof is necessary to preserve the full meaning and intent of the law. Whenever any validity, declaration of policy or construction clause is omitted, proper notation of the omission may be made.

SECTION 1:21. GENERAL PENALTY; CONTINUING VIOLATIONS

A. It shall be unlawful for any person to violate or fail to comply with any provision of this Code or to commit any act which is declared to be a crime, a misdemeanor, or unlawful, and where no specific penalty is provided therefore, whoever is found to be in violation of any provision of this Code shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment within the discretion of the court.

B. Each day any violation of this Code shall continue constitutes a separate offense.

Comment -- Many of the individual chapters in this Code contain their own penalty provisions. The user of this publication is, therefore, urged to check those particular sections.

The penalty provided for above is the maximum that police juries can provide generally, for the violation of parish ordinances. See LRS 33:1243. For authority of police juries to provide penalties for the violation of parish ordinances, see LRS 33:1242. For related authority, see LRS 33:1236 (25).

[RESERVED]