

CHAPTER 2

SAVING CLAUSE

SECTION:

1-2-1: Repeal Of General Ordinances

1-2-2: Public Ways And Public Utility Ordinances

1-2-3: Court Proceedings

1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the county passed prior to the adoption of this county code are hereby repealed, except such as are included in this county code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvements ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the county; and all special ordinances. (2003 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities, shall be repealed by virtue of the adoption of this county code or by virtue of the preceding section, excepting as the county code may contain provisions for such matters, in which case, this county code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2003 Code)

1-2-3: **COURT PROCEEDINGS:**

- A. **Prior Acts:** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Scope Of Section:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. **Actions Now Pending:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the county herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the county under any ordinance or provision thereof in force at the time of the adoption of this county code. (2003 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this county code or any part thereof or any portion adopted by reference herein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof, or any portion adopted by reference herein. The board of county commissioners hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence,

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clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2003 Code)