

Clay County Code of Ordinances

#91-1

Sec. 1)1. Title.

This ordinance, hereinafter also referred to as this Code, shall be known as the "Ordinances of Clay County" and may be so cited. It may also be cited as the "Clay County Code of Ordinances."

Sec. 1-2. Catchlines of Sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-3. Rules of construction and definitions.

In the construction of this Code, the following rules shall be observed and the following definitions shall apply, unless such construction would be inconsistent with the manifest intent of the Commissioners:

Generally. The provisions of this code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

County. The words "the County" or "this County" shall mean the County of Clay, in the State of South Dakota.

County Auditor. The term "County Auditor" shall mean the finance officer of the County.

Code. The term "Code" or "this Code" shall be taken to mean the Ordinances of Clay County in their entirety, including each and every section thereof. The entire Code is intended by the Commissioners to constitute an ordinance in revision of the ordinances of the County.

Computation of Time. In computing any period of time mentioned in the provisions of this Code, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the 1st day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

Commissioners. The term "Commissioners," "Common Commissioners" or "County Commissioners" shall mean the County Commission of Clay County, constituting the governing body of Clay County.

Duties performed by agents. Whenever in this Code any act is required to be done by an officer in the line of his general duties, or by a department head or inspector, the same shall be construed to permit the doing of such act by the agent or subordinate of such person; provided that the agent or subordinate is duly authorized and duly qualified to perform such act. Such rule shall apply also to license holders, where such act is not otherwise required to be performed personally by such person, either by specific law or by the nature of such act.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Month. The word "month" shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural shall include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers and employees. Whenever reference is made in this Code to a County officer or employee by title only, this shall be construed as though followed by the words "of Clay County" and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

Signature or subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of South Dakota.

Tense. Words used in the past or present tense include the future as well as the past and present.

Variations in punctuation; typographical errors; etc. No variation in punctuaton, either formal or informal, consistent or not, shall affect the validity of this Code, nor shall obvious or apparent defects in spelling or typography be construed as to invalidate any portion herof, so long as the purpose and intent of the section is clear.

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Sec. 1-4. Continuance of County's rights and obligation.

The County shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this code takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Sec. 1-5. Code does not impair vested rights or valid obligations.

Nothing in this Code shall be so construed as to impair any vested rights or valid obligations existing when it takes effect.

Sec. 1-6. Territorial application of Code.

Except as otherwise provided in this Code or by state law, the provisions of this code shall be applicable in and over all territory within the corporate limits of the County and any public ground or park belonging to the County.

Sec. 1-8. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the County an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, any person who shall be convicted of any such violation shall be punished by a fine of not less than one dollars (\$1.00), nor more than one hundred dollars (\$100.00), or by imprisonment not exceeding thirty (30) days, unless expressly set forth elsewhere. Each day any violation of this Code or other ordinance continues shall constitute a separate offense.

Sec. 1-9. Liability of corporations for violations.

For a violation of this Code or any other ordinance of the County which, by nature, does not require intent exercisable only by natural persons, a corporation may be fined or punished by appropriate penalties in addition to any punishment provided for its agents who violate this Code or other ordinance while acting as such agents.

Sec. 1-10. Prosecution's election when offense created by more than one section.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Sec. 1-11. Powers and authorities are cumulative; separability of parts of Code.

Except as otherwise expressly provided, all powers and authorities conferred by any provision of this Code shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidence of intent, it is hereby declared to be the controlling intent of the Commissioners that, if any provision of this Code or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, or its application to other persons and circumstances, but such judgment shall be confined in its operation to the provisions of the particular chapter, section, subsection or provision involved, or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment is rendered.

Sec. 1-12. General repealer.

All ordinances and parts of ordinances in conflict with the provisions of this Code or relating the subject matter of this Code and not reenacted as a part of this Code are hereby repealed, except as otherwise specifically provided.

Sec. 1-13. Effect of repeal.

(a) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, or any offense committed under the ordinance repealed.

(b) the repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

AN ORDINANCE ENTITLED CLAY COUNTY PARK ORDINANCES.

BE IT ORDAINED BY CLAY COUNTY:

SN/ Paul M. Hasse
Paul M. Hasse, Chairperson
Board of County Commissioners
Clay County, South Dakota

ATTEST:

SN/ Boneva R. Albers
Boneva R. Albers
County Auditor

First Reading: June 4, 1991
Second Reading: June 11, 1991
Publication: June 20, 1991
Adoption: June 25, 1991
Effective Date: July 10, 1991

NOTICE OF ADOPTION

Notice is hereby given that pursuant to SDCL 7-18A - 5, Ordinance #91-1 establishing Clay County Code of Ordinances preamble including Title, Cathclines of Sections and Rules of construction and definitions, and Ordinance #91-2 establishing County Park Regulations for Clay County, South Dakota, providing restrictions in regard to Trees and Shrubbery, Glass Containers, Fires, Camping, Motorized Vehicles, Animal Protection and Hours of Operation, all duly adopted by the County Board of Commissioners on the 25th day of June, 1991 and will become effective on July 10th, 1991.

Boneva R. Albers, County Auditor
Clay County, South Dakota
Publish: July 4 & 11, 1991

