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**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON**

ORDINANCE # 319

Relating to the Lincoln County Code; creating new provisions; and declaring an emergency.

WHEREAS by Ordinance # 155, adopted on June 24, 1981, the Lincoln County ordinances were codified into the first Lincoln County Code; and

WHEREAS compilation, amendment, and procedural authority of the code on an ongoing basis were not provided for in the original codification; and

WHEREAS these procedural matters need to be addressed through new provisions relating to the Lincoln County Code; now, therefore,

The Lincoln County Board of Commissioners ordains as follows:

SECTION 1.

Sections 2 through 18 of this Ordinance are added to and made a part of the Lincoln County Code as Chapter 0, as indicated.

SECTION 2.

0.100 Compilation of Lincoln County Code

The Office of Lincoln County Legal Counsel may compile ordinances adopted by the Lincoln County Board of Commissioners into a Lincoln County Code.

SECTION 3.

0.110 Lincoln County Code Citation Form

In citing a specific section of the Lincoln County Code, the designation "LCC (number of section)" may be used. For example, paragraph (a) of subsection (4) of Lincoln County Code section 1.1395 may be cited as LCC 1.1395(4)(a).

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 2308

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Newport, Oregon 97365
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SECTION 4.

0.120 Sale and Distribution of Lincoln County Code

(1) The Office of Lincoln County Legal Counsel may publish, sell and distribute editions of the Lincoln County Code compiled and prepared by Legal Counsel. Legal Counsel may establish and charge fees for the purchase of editions of the Lincoln County Code and supplemental updates to the Lincoln County Code. Fees shall be set in an amount that reflects the actual costs of compilation, publication, distribution and sale. The Lincoln County Code may be distributed or sold in any format approved by Legal Counsel, including, but not limited to versions printed on paper or stored on computer disk.

(2) Fees collected by Legal Counsel pursuant to this section shall be deposited in the Lincoln County General Fund.

(3) Legal Counsel may provide a copy of the Lincoln County Code free of charge to:

- (a) Departments and offices of Lincoln County;
- (b) Each Lincoln County Circuit and District Court judge;
- (c) The Lincoln County Law Library;
- (d) Community libraries designated by the Office of Lincoln County Legal Counsel; and
- (e) Other persons who provide codes or legal publications of an equivalent value to Lincoln County free of charge.

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SECTION 5.

0.130 Powers and Duties of Legal Counsel in Preparing Editions for Publication

In preparing editions of the Lincoln County Code for publication and distribution, the Office of Lincoln County Legal Counsel shall not alter the sense, meaning, effect or substance of any ordinance, but, within such limitations, may renumber sections and parts of sections of ordinances, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

SECTION 6.

0.140 Legal Counsel Certificate; Effect

(1) When any edition of the Lincoln County Code is published by the Office of Lincoln County Legal Counsel, the Lincoln County Legal Counsel shall cause to be printed in the edition a certificate that Legal Counsel has compared each section in such edition with the original section in the original ordinance and that, with the exception of changes specifically authorized by LCC 0.130 and other changes specifically authorized by ordinance, the sections in the published edition are correctly copied.

(2) Any edition of the Lincoln County Code certified as provided in subsection (1) of this section shall constitute prima facie evidence of Lincoln County ordinances in all courts and proceedings, and any section in such edition may be amended or repealed by amending or repealing such section of the edition without reference to the original ordinance from which it was derived.

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SECTION 7.

0.150 Certified Copy of Ordinance Published in the Lincoln County Code

Upon request of any person, the Office of Lincoln County Legal Counsel may certify a copy of any Lincoln County ordinance published in the Lincoln County Code. Legal Counsel may charge a fee for certification under this section.

SECTION 8.

0.200 General Rule for Construction of Ordinances

In the construction of an ordinance, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.

SECTION 9.

0.210 Board Intent; General and Particular Provisions and Intents

In the construction of an ordinance the intention of the Board of Commissioners is to be pursued if possible. When a general and a particular provision are inconsistent, the latter is paramount to the former. A particular intent shall control a general intent that is inconsistent with the particular intent.

SECTION 10.

0.220 Severability

It shall be considered that it is the intent of the Board of Commissioners, in the enactment of any ordinance, that if any part of the ordinance is held unconstitutional or in violation of, or inconsistent with, federal or state law, the remaining parts shall remain in force unless:

- (1) The ordinance provides otherwise;
- (2) The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional, violative or inconsistent part that it is apparent that

1 the remaining parts would not have been enacted without the unconstitutional, violative
2 or inconsistent part; or

3 (3) The remaining parts, standing alone, are incomplete and incapable of being
4 executed in accordance with the legislative intent.

5 **SECTION 11.**

6 **0.230 Words in the Singular, Plural, Masculine, Feminine and Neuter**

7 As used in ordinances, words in:

8 (1) The singular may include the plural and the plural may include the singular.

9 (2) The masculine gender may include the feminine and the neuter.

10 **SECTION 12.**

11 **0.240 Certain Parts of Lincoln County Code Not a Part of the Ordinance**

12 Title heads, chapter heads, division heads, section and subsection heads or titles,
13 and explanatory notes and cross references in the Lincoln County Code do not constitute
14 any part of the ordinance.

15 **SECTION 13.**

16 **0.250 Ordinance Terminology Not Intended to Preserve Procedural**
17 **Distinctions Between Actions and Suits**

18 References in an ordinance to actions, actions at law, proceedings at law, suits,
19 suits in equity, proceedings in equity, judgments or decrees are not intended and shall not
20 be construed to retain procedural distinctions between actions at law and suits in equity
21 abolished by ORCP 2.

22 **SECTION 14.**

23 **0.300 Ordinances to Use Sex-Neutral Terms**

24 It shall be the policy of Lincoln County that all ordinances enacted, adopted or
25 amended after January 1, 1994, be written in sex-neutral terms unless it is necessary for
26 the purpose of the ordinance that it be expressed in terms of a particular gender.

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SECTION 15.

0.400 Computation of Time

Except as otherwise provided in ORCP 10 or this code, the time within which an act is to be done, as provided by ordinance, is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, including Sunday, or on a Saturday, in which case the last day is also excluded.

SECTION 16.

0.410 Computation of Time Period for Personal Service

Notwithstanding ORCP 10 and LCC 0.400, if a time period is prescribed or allowed for personal service of a document or notice on a public officer or the filing of a document or notice with a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which the document or notice is to be filed. If the last day is so excluded, the time period runs until the close of office hours on the next day the office is open for business.

SECTION 17.

0.500 Mailing and Transmission Methods Authorized in Place of Notice by Registered or Certified Mail

Whenever, for the purpose of giving notice, registered or certified mail, with or without return receipt, is authorized or required by or pursuant to ordinance, it is sufficient to use in lieu thereof any mailing method that provides for a return receipt or any facsimile transmission method that provides a written verification of transmission completion.

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SECTION 18.

0.510 Notice by Personal Service Equivalent to Notice by Mail

Whenever notice by any mailing method is authorized or required by or pursuant to ordinance, notice given by personal service that meets the requirements for service of a summons, as set forth in ORCP 7, is equivalent thereto.

SECTION 19.

0.600 Generally Applicable Definitions

As used in the Lincoln County Code and all ordinances adopted by the Lincoln County Board of Commissioners, unless the context or a specifically applicable definition requires otherwise:

(1) "Board" means the Lincoln County Board of Commissioners.

(2) "Person" includes individuals, partnerships, corporations, associations, firms and joint stock companies.

(3) "To" means "to and including" when used in a reference to a series of ordinance sections, subsections or paragraphs.

(4) "Violate" includes failure to comply.

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1 **SECTION 20.**

2 This Ordinance being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist and this Ordinance shall take
4 effect upon its passage.

5
6 DATED this 10th day of November, 1993.

7
8 LINCOLN COUNTY BOARD OF COMMISSIONERS

9 

10 _____
NANCY E. LEONARD, Chair

11
12 

13 _____
JEAN COWAN, Commissioner

14 

15 _____
DON LINDLY, Commissioner

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17
18 **ATTESTED TO:**

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20 _____
SUSAN KAYS, Recorder

21 **APPROVED AS TO FORM:**

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23 _____
WAYNE BELMONT, County Counsel

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