

## CHAPTER 1

### GENERAL CODE ADMINISTRATION

**1.005 Code Designated.** All ordinances included in this and the following chapters shall be designated "The Benton County Code". When citing specific provisions of the Benton County Code, the letters "BCC" should precede the numerical designation. [Ord. 85-0002]

**1.010 Definitions.** As used in the BCC, unless the context clearly requires otherwise:

- (1) **"Board"** means the Benton County Board of Commissioners.
- (2) **"Code"** means the Benton County Code.
- (3) **"County"** means Benton County.
- (4) **"Day"** means the period of time between any midnight and the midnight following.
- (5) **"ORS"** means Oregon Revised Statutes.
- (6) **"Peace Officer"** means a member of the Benton County Sheriff's Department, State Police, Constable, Marshal, municipal policeman, or investigator of the Criminal Justice Division of the Department of Justice of the State of Oregon.
- (7) **"Person"** means an individual, corporation, association, firm, partnership, joint stock companies, or any other legal entity.
- (8) **"Property"** means both real and personal property.
- (9) **"Signature or subscription by mark"** means a mark when the signer or subscriber cannot write, and which may serve as a signature or subscription, but only when two witnesses sign their own names to such documents.
- (10) **"State"** means the State of Oregon. [Ord. 85-0002]

**1.015 Rules of Construction.** The following rules of construction shall be followed in interpretation of the provisions of the Benton County Code:

- (1) **Computation of Time.** The time in which an act shall be done or notice shall be given is computed consecutively by excluding the first day and including the last, unless the last falls on a County holiday or on Saturday or Sunday, in which case the last day will be the next regular County working day.
- (2) **Gender.** The masculine gender includes the feminine and neuter.
- (3) **Number.** The singular includes the plural, and the plural includes the singular.

(4) Conjunctions. "or" may be used as "and" where the sense requires it.

(5) Shall, May. "Shall" is mandatory and "may" is permissive.

(6) Tenses. The present tense includes the past and the future, and the future includes the present. [Ord. 85-0002]

**1.020 Continuation of Existing Ordinances.** In so far as the provisions appearing in this Code are the same as those of ordinances existing at the time of the effective date of this Code, such provisions shall be considered continuations and not as new enactments. [Ord. 85-0002]

**1.025 Effect of Repeal of Ordinances.** The repeal of an ordinance shall not revive an ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect a penalty incurred before the repeal took effect, nor a proceeding pending at the time of the repeal, for a violation committed under the ordinance repealed. [Ord. 85-0002]

**1.030 Severability of Parts of Code.** It is the intent of the Board of Commissioners that the sections of this Code are severable, and if any portion of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such shall not affect any of the remaining portion of this Code. [Ord. 85-0002]

**1.035 Titles.** The titles of the several chapters and sections of this Code are intended as mere catchwords to indicate the contents of the chapter or section and shall not be deemed as a part of the section, nor, unless expressly so provided, shall they be so deemed when chapters or sections, including the title, are amended or re-enacted. [Ord. 85-0002]

**1.040 Fees.** All fees authorized to be charged under the Benton County Code shall be set by order of the Board of Commissioners. [Ord. 85-0002]

**1.045 Incorporation of Subsequent Ordinances into the Code.** Following the effective date of this Code, all ordinances adopted by the Board of Commissioners shall be conformed by County Counsel to the structure and format of the Code and shall be inserted into the Code prior to the effective date of the new ordinance, at which time such ordinance shall become part of the Code.