



# Ledyard Academy

## Ordinances Drafting, Formatting, Adoption

### **Town Charter:**

#### Chapter III; Section 4. General Powers And Duties

Said Town Council shall have the power to enact, amend, or repeal ordinances, not inconsistent with this Charter or the General Statutes, and to create or abolish, by ordinance not inconsistent with this Charter or the General Statutes, boards, commissions, departments, and offices.

#### Chapter III; Section 5. Public Hearing On, Publication Of, And Passage Of Ordinances

Unless otherwise required by State statutes, at least **one public hearing**, notice of which shall be given at least five (5) days in advance by publication on the Town Website and by posting a notice in a public place, shall be held by the Town Council **before any ordinance shall be passed.** Every ordinance, after passage, shall be filed with the Town Clerk and recorded, compiled, and published by him as required by law. Within ten (10) days after final passage, a summary of the ordinance(s) shall be prepared by the Town Clerk in consultation with the Town Attorney and published on the Town Website. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after such publication following its final passage.

**Ordinances are available in the Town Clerk's Office or on line at:**

<https://www.ledyardct.org/DocumentCenter/Index/583>

Ordinance # 100-001

### AN ORDINANCE REGARDING THE FORMATTING, MAINTENANCE AND NUMBERING OF ORDINANCES OF THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard

#### Section 1. Purpose

The intent of this Ordinance is to establish and maintain a consistent format, revision and numbering of Ordinances that are approved by the Town Council and to maintain them in a fashion that is readily accessible and understandable by local government officials, staff members and the general public. This Ordinance shall also serve as an example of the format for the ordinances of Town of Ledyard.

#### Section 2. Drafting of Ordinance

A. In drafting an ordinance, or local document, consider the subject matter and determine the most appropriate form of action:

(a) Ordinance is used for legislation intended to have a permanent and general effect.

(b) Resolution is used for a temporary or a special course of action such as a temporary committee or bond authorization documents and are usually less circumscribed than those for an ordinance.

- (c) Policy is used to define a specific course of action that deals with procedures and processes, and are usually less circumscribed than those for an ordinance.

### Section 3. Format

The ordinances of the Town of Ledyard should be drafted and formatted as follows:

- A Title – The purpose of a title is to identify the general subject that covers all matters contained in the body of the ordinance.

The Title should be as short and direct as possible.

- B. Definitions - The definition section is generally the second section in the body of the ordinance and is used to ensure consistency in the use of terms throughout the ordinance.

- (a) “*Custodian*” - For the purpose of this ordinance the “Custodian” shall be the Town Clerk.

- C. Clauses and Sections

- (a) Ordaining Clause – An ordaining clause is the “enacting clause” and shall appear as the first sentence under the title of the ordinance.

The Ordaining Clause shall read:

*“Be it ordained by the Town Council of the Town of Ledyard”.*

- (b) Section - Each section shall be assigned a number and a title for easy reference and readability.

Each subsection or paragraph should be assigned a number or a letter.

Roman numerals should be avoided.

Simple sentences and ordinary English should be used to make an ordinance understandable to its users and the language should be in the present tense.

The use of “*he/she; him/her, his/ hers*” shall be used rather than gender neutral pronouns such as “he/him/his”.

- (c) Purpose Section – The first section of each ordinance shall contain a “*Purpose Section*”. This section is intended to set forth the intent of establishing the local law.

- (d) Penalty/Fee/Fine Section - A penalty/fee/fine section is required if conduct is being regulated or prohibited.

For penalties/fees/fines dictated by state statute or other governing laws of the State of Connecticut the ordinance shall cite authority and process prescribed by the governing state law.

- (e) Severability Section – Should any part of the ordinance be found invalid by a court of law, the *severability clause* states that the invalid provision will not affect any other provision of the ordinance. The language below shall be included in all Town of Ledyard Ordinances:

*“If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.”*

- (f) Effective Date – Ordinances shall contain a section titled “Effective Date”.

Unless the ordinance specifies a later date, the effective date shall be in accordance with the provisions specified in the Town Charter.

The following language shall be included in the Ordinance:

(1) *“In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.”*

(2) *Published on:* \_\_\_\_\_  
(Date to be written/typed in by Town Clerk) Town Clerk Signature

(3) *Effective Date:* \_\_\_\_\_  
(Date to be written/typed in by Town Clerk)

- (g) Emergency Effective Date and Automatic Repeal Section – For emergency situations the ordinance may be enacted before the normal effective date.

Emergency measures are those necessary for the public peace, health or safety, and should not be routinely attached to every ordinance. An emergency clause shall not be used to avoid a referendum.

Below is intended as an example of the language to include in Emergency Effective Date and Automatic Repeal Section:

*“This ordinance shall become effective immediately after publication hereof and shall automatically stand repealed at the termination of the (number of days) day following the final passage hereof”.*

- (h) Informational Paragraphs shall be included in all Ordinances to record the dates the Ordinance has been revised/amended and to note the history/purpose of the revisions. When an Ordinance has been revised/amended the following “*Informational Paragraphs*” shall be included and shall be located below the signature and effective date lines. The Informational Paragraphs shall be noted in a **different color font** to emulate the format of state statutes:

- **Revisions:**
- **History:**

#### Section 4 Amendments

Ordinances may be amended from time to time to update, change, add or repeal material in an ordinance.

When amending, reaffirming the original ordinance is not necessary.

In amending an Ordinance, the changes to the document must be clearly identified, such as using a “track- changes” method, when presented for review, consideration and approval.

#### Section 5. Code of Ordinances

The “*Code of Ordinances*” is an organized collection of all active ordinances to make local laws accessible to the public and to governing body officials and staff who work with the laws.

The *Code of Ordinances* shall be divided into chapters of related subject matter identified by numbers as follows:

- 100 Government and Administration – (Administrative Procedures, Elections, Raffles/Bazaar, Social Services, Library, Parks & Recreation, etc.)
- 200 Finance / Taxation – (Purchasing, Taxation, Pension/Retirement, etc.)
- 300 Land Use/ Development/Building - (Establishing Land Use Commissions, Permit Fees, Roads, etc. )
- 400 Utilities/Services – (Establishing Water/Sewer Authority, Water Assessments, Waste Management, etc.)
- 500 Public Safety/Protection – (Public Health Nursing, Emergency Services/Police/Fire)
- 600 Vehicles/Traffic/Sidewalks – (Snow Removal, Parking, Motor Vehicles)
- 700 Business – (Regulating Business, etc.)

The *Code of Ordinances* shall include the following:

- (1) Chapter Number
- (2) Ordinance number
- (3) Revision number
- (4) Ordinance Title
- (5) Date Adopted
- (6) Date Ordinance was Amended/Repealed/Cancelled

Section 6.     Numbering Ordinances

- (a) Ordinances shall be consecutively numbered.
- (b) Ordinances numbers should be assigned after adoption.
- (c) Ordinances shall include the Chapter number followed by the Ordinance Number, followed by the amended/revision number (i.e. 200-001(rev-1).

Below is an example of the “*Code of Ordinances Compilation*”:

Chapter/Number 100		Government and Administration	Adoption Date
100-002	An Ordinance Repealing Certain Ordinances		Adopted (Date) Effective (Date)
100-003	An Ordinance Renumbering Certain Ordinances		Adopted (Date) Effective (Date)
Chapter/Number 200		Finance/Taxation	Adoption Date
200-001 (rev-5)	An Ordinance for Purchasing		Adopted (Date) Effective (Date)
200-002 (rev-2)	An Ordinance Authorizing the Tax Collector to Retain Payments in Excess of Amount Due; Providing the Excess is Less than Five (5.00 ) dollars		Adopted (Date) Effective (Date)

Section 7.     Maintenance of Ordinances

An original ordinance is the document printed on archival paper and is signed and dated by the appropriate officials as prescribed by the Town Charter and required by this ordinance.

A. Location

The original ordinance shall be kept on file and recorded in a book titled “*Code of Ordinances*” that shall be located in the Town Clerk’s Office, in accordance with the town’s documents of governance, and shall not be removed from the custodian.

Copies of ordinances shall be made available for public inspection and for use by the governing body, legal counsel and other staff members upon request.

Copies of ordinances shall be available on-line via the town’s website. As the custodian of the records the Town Clerk will be responsible for the posting of all ordinances on the town’s website.

B. Repealed/Cancelled Ordinances

Repealed/Cancelled ordinances shall be removed immediately from:

- The *Code of Ordinances* Compilation;
- The *Code of Ordinances* book containing active ordinances;
- The town website.

The original of the repealed/cancelled ordinance must be retained and placed in a separate book titled “*Repealed/Cancelled Ordinances*” and the ordinance shall be marked “*Repealed by Ordinance No. \_\_\_\_, date \_\_\_\_.*”

A list of the repealed/cancelled ordinances shall be kept in a book titled “*Repealed/Cancelled Ordinances*” in the same manner as the active ordinances in the “*Code of Ordinances*” book.

C. Amended Ordinances

The amended ordinance shall retain the number of the initial ordinance regarding the subject matter with the amendment/revision number in parenthesis following the number (i.e. Ordinance # 200-001(rev-1))

Section 8. Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 9. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: September 25, 2019

\_\_\_\_\_  
Linda C. Davis, Chairman

Approved / Disapproved on: \_\_\_\_\_

\_\_\_\_\_  
Fred B. Allyn, III, Mayor

Published on:

\_\_\_\_\_  
Patricia A. Riley, Town Clerk

Effective Date:

\*\*\*\*\*

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative drafted this *Ordinance Regarding the Formatting, Maintenance and Numbering of Ordinances for the Town of Ledyard*” to provide consistency in the format, numbering and maintenance of its governing documents.

Ordinances are available in the Town Clerk’s Office or on line at:  
<https://www.ledyardct.org/DocumentCenter/Index/583>

Ordinances can be found on the Town Website - bottom of the Page

