

2007

CITY OFFICIALS

OF

DECATUR, INDIANA

ELECTED OFFICIALS

FRED R. ISCH

MAYOR

PHYLLIS J. WHITRIGHT

CLERK-
TREASURER

MEMBERS OF THE COUNCIL

JOHN SCHULTZ
BARB ENGLE
CHARLES E. COOK
KENNETH L. MEYER
MATTHEW J. DYER

APPOINTED OFFICIALS

DUWAYNE HERMAN

CITY

JIM INSKEEP

ATTORNEY

ROGER GAGE

WATER SUPERINTENDENT

KENNETH KETZLER

SUPERINTENDENT
BUILDING/
ZONING

LES MARCKEL

OF POLICE

CHIEF

JOEL CHRISTIAN

FIRE CHIEF

ANNE SMITLEY

STEVE KRULL

ROBERT LADD

STREET COMMISSIONER

SEWAGE
SUPERINTENDENT

DIRECTOR OF PARKS
AND
RECREATION

AUDITOR

DECATUR, INDIANA
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ORDINANCE. NO. 1978-38

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE CITY OF DECATUR, INDIANA, REVISING, AMENDING, RESTATING AND RECODIFYING THE "MUNICIPAL CODE OF THE CITY OF DECATUR, INDIANA", ADOPTED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, ON THE 6TH DAY OF JUNE, 1967, WHICH CODE CONSISTED OF A COMPILATION OF CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF DECATUR.

WHEREAS, the present General Ordinances of the City of Decatur as codified in the "Municipal Code of the City of Decatur, Indiana," adopted by the Common Council of the City of Decatur, Indiana, on the 6th day of June, 1967, and approved by the Mayor of the City of Decatur on the 6th day of June, 1967, are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the present and future needs of the City; and

WHEREAS, Indiana Code S 18-5-12-1 (Acts 1965, ch. 194, S 1, p. 454) empowers and authorizes the Common Council of every City to revise, amend, restate, codify, recodify, and compile any Ordinance or Ordinances and incorporate the Ordinance or Ordinances in one Ordinance book or pamphlet and make such changes, alterations, modifications, additions, and substitutions as the Common Council may deem necessary to the end that a complete simplified Code may be made and denominated as such; and

WHEREAS, the Common Council of the City of Decatur, Indiana, has authorized a general compilation, revision and recodification of the Ordinances of the City of Decatur as codified in the "Municipal Code of the City of Decatur, Indiana" adopted June 6, 1967, and approved by the Mayor of the City of Decatur on June 6, 1967, of a general and permanent nature and publication of such in book form.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Decatur, Indiana, that:

Section 1. That the General Ordinances of the City of Decatur, Indiana, as previously revised, amended, restated and codified in the "Municipal Code of the City of Decatur, Indiana", adopted on June 6, 1967, and approved by the Mayor of the City of Decatur, on June 6, 1967, as herein revised, amended, restated, recodified and compiled in book form are adopted as and shall constitute the 'Municipal Code of the City of Decatur, Indiana.'

Section 2. Said Code as adopted in Section 1 shall consist of the following titles, to-wit:

TITLE I
TITLE III

GENERAL PROVISIONS
ADMINISTRATION

TITLE V
TITLE VII
TITLE IX
TITLE XI
TITLE XIII
TITLE XV

PUBLIC WORKS
TRAFFIC CODE
GENERAL REGULATIONS
BUSINESS REGULATIONS
GENERAL OFFENSES
LAND USAGE

ORDINANCE NO. 1978-38

Section 3. All prior Ordinances pertaining to subjects treated in said Code shall be deemed repealed from and after the effective date thereof; provided that, such . repeals shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of Ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plats or dedication of land to public use, naming or vacating. or setting the boundaries of streets, alleys or other public places, nor to any other Ordinance of a temporary or special nature or pertaining to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of its adoption and approval by the Mayor, and the Clerk-Treasurer of the City of Decatur is hereby authorized and ordered to file a copy of said Code in the Office of the Clerk-Treasurer.

Section 5. Said Code shall be in full force and effect two (2) weeks from the date of its publication and filing thereof in the Office of the Clerk-Treasurer of the City of Decatur, Indiana, and said Code shall be presumptive evidence in all Courts and places of the Ordinance or of the Code and of all provisions, sections, penalties and regulations therein contained and of the date of the passage, and that the same is properly signed, attested, recorded and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. If any provision or clause of this Code as now or later amended or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, the invalidity or unconstitutionality does not affect any other provision or provisions or applications of the Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are declared to be severable.

Duly adopted by the Common Council of the City of Decatur,
Indiana, this 19th day of September, 1978.

ORDINANCE NO. 1978-38

Harold B. Miller, Presiding Officer

ATTEST:

Virginia A. Houk, Clerk-Treasurer

Presented by me to the Mayor for his approval at 9:10 o'clock p.m., this 19th day of September, 1978.

Virginia A. Houk, Clerk-Treasurer

Approved by me, as Mayor of the City of Decatur, Indiana, at 9:15 o'clock p.m., this 19th day of September, 1978.

Harold B. Miller, Mayor
City of Decatur, Indiana

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF INTERPRETATION

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§ 10.01 TITLE; GENERAL RULE OF INTERPRETATION.

(A) This code shall be known and may be designated and cited as “The Decatur Code of 1978.” The codification has been made in one ordinance under appropriate titles, chapters, and sections by authority of the laws of the State of Indiana.

(B) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of the acts of the General Assembly of the State of Indiana.

(C) When a section of this code is followed by a parenthetical reference to the Indiana Code, such reference indicates that the section is analogous or similar to such section of the Indiana Code. Footnotes, cross-references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.

§ 10.02 APPLICATION TO FUTURE LEGISLATION.

All the provisions of Title I, not incompatible with future legislation, shall apply to ordinances hereafter adopted, amending or supplementing this code, unless otherwise specifically provided.

(‘67 Code, §1.02)

§ 10.03 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 DEFINITIONS AND RULES OF CONSTRUCTION.

For purposes of this code the following words and phrases shall have the following meanings ascribed to them respectively. The following rules of construction shall apply throughout the code.

1978 Repl.

DECATUR - RULES OF INTERPRETATION

- (A) “AND” or “OR”, includes the other as if written “AND/OR.”
- (B) “CITY”, “TOWN”, “MUNICIPAL CORPORATION”, or “MUNICIPALITY”.
The City of Decatur, Indiana.
- (C) “CODE”, or “CODE OF ORDINANCES”. The Decatur Code of 1976 as set out herein and as hereafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.
- (D) “MONTH”. A calendar month.
- (E) “PERSON”. Includes a natural person, partnership, or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a penalty, “PERSON”, as applied to any unincorporated entity, shall mean the partners or members thereof, and, as applied to corporations, the officers thereof.
- (F) “STATE”. The State of Indiana.
- (G) Rules of construction.
- (1) Words used in the past or present tense includes the future as well as the past and present.
- (2) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (3) Words in the singular shall include the plural, and words in the plural shall include the singular.
- (4) A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
- (5) Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day and including the last; except that the last shall be excluded if it be a Sunday or holiday.

§ 10.05 RULE OF SEVERABILITY.

Each chapter, section, or, whenever divisible, part of a section of this code of ordinances is hereby declared to be severable, and the invalidity of any chapter, section, or divisible part of the section, shall not be construed to affect the validity of any other chapter, section, or part of a section of this code.

DECATUR - RULES OF INTERPRETATION

§ 10.06 REFERENCE TO OTHER SECTIONS.

Whenever reference is made in one section to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.07 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.08 ERRORS AND OMISSIONS.

If a manifest error be discovered, consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected, and such word or words supplied, omitted, or substituted, as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.99 GENERAL PENALTY.

Whoever violates any of the provisions of this code for which another penalty is not specifically provided shall be fined not more than \$2500. (IC 36-1-3-8(10)) ('67 Code, §3.01)