

TITLE I: GENERAL PROVISIONS

Chapter

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CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the municipality as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Cedar Lake Code of 1984, for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. ('82 Code, § 1-100)

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code." Sections may be referred to and cited by the designation "\$" followed by the number, such as "\$ 10.01." 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. ('82 Code, § 1-104)

§ 10.02 INTERPRETATION.

(A) 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 Indiana Code.

(B) Where a section of this code is followed by a reference to the Indiana Code, the reference indicates that the section is analogous or similar to the cited sections in 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.

(C) All provisions of this code are limited in application to
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the territorial boundaries of the municipal corporation unless otherwise specifically provided.

('82 Code, § 1-102)

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I not incompatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

§ 10.04 DEFINITIONS.

For purposes of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AND." May be read "OR," and "OR" may be read "AND," if the sense requires it. ('82 Code, § 1-103(14))

"ANOTHER." When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

"BOARD" or "BOARD OF TRUSTEES." Where these words appear they shall be deemed to mean the Town Council of the Town of Cedar Lake. ('82 Code, § 1-103(1))

"CITY," "MUNICIPAL CORPORATION," "MUNICIPALITY," or "TOWN." The municipality of Cedar Lake, Indiana. ('82 Code, § 1-103(31))

"CORPORATE LIMITS" or "TOWN LIMITS." The legal boundaries of the town, except as otherwise provided by law. ('82 Code, § 1-103(3))

"COUNCIL." The Common Council of the city.

"COUNTY." Lake County, Indiana. ('82 Code, § 1-103(4))

"DIRECTOR OF PUBLIC WORKS." The Town Manager. ('82 Code, § 1-103(6))

"IC." Refers to the Indiana Code.

"KEEPER" or "PROPRIETOR." Includes all persons, whether acting by themselves or as a servant, agent, or employee.

"LAND" or "REAL ESTATE." Includes rights and easements of incorporeal nature.

"MAY." The act referred to is permissive. ('82 Code,

§ 1-103(24))

"MONTH." A calendar month. ('82 Code, § 1-103(9))

"MUNICIPALITY." The municipality of Cedar Lake, Indiana.
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"OATH." Includes an affirmation. ('82 Code, § 1-103(12))

"OWNER." When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property. ('82 Code, § 1-103(15))

"PERSON." Individual, firm, limited liability company, corporation, association, fiduciary, or governmental entity. (IC 36-1-2-12) ('82 Code, § 1-103(16))

"PERSONAL PROPERTY." Includes all property except real. ('82 Code, § 1-103(17))

"POPULATION." The population according to the most recent federal special or decennial census, special tabulation, or corrected population count effective under IC 1-1-3.5. This definition applies even if the reference is to the most recent federal decennial census.

"PRECEDING" and "FOLLOWING." Next before and next after, respectively. ('82 Code, § 1-103(18))

"PREMISES." As applied to property, includes land and buildings.

"PROPERTY." Includes real, personal, mixed estates and interests. ('82 Code, § 1-103(19))

"PUBLIC AUTHORITY." Includes boards of education; the municipal, county, state, or federal government, its officers or an agency thereof; or any duly authorized public official.

"PUBLIC PLACE." Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement. ('82 Code, § 1-103(20))

"QUORUM." A majority of the members of a board, commission, or committee holding office, unless otherwise specifically provided in this code. ('82 Code, § 1-103(21))

"REAL PROPERTY." Includes lands, tenements, and hereditaments. ('82 Code, § 1-103(22))

"REASONABLE TIME" or "REASONABLE NOTICE." In all cases where any provision shall require an act to be done in a "REASONABLE TIME" or "REASONABLE NOTICE" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with such notice. ('82 Code, § 1-103(23))

"REGISTERED MAIL." Includes certified mail.

"SHALL." The act referred to is mandatory. ('82 Code, § 1-103(24))

"SIDEWALK." That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians. ('82 Code, § 1-103(25))

"SIGNATURE" or "SUBSCRIPTION." A mark when the person cannot write. ('82 Code, § 1-103(26))

"STATE." The State of Indiana. ('82 Code, § 1-103(27))

"STREET." Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the city. ('82 Code, § 1-103(28))

"SUBCHAPTER." A division of a chapter, designated in this code by an underlined heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

"TENANT" or "OCCUPANT." As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others. ('82 Code, § 1-103(29))

"TOWN MANAGER." The person employed by the Board of Trustees as the town executive, or during his temporary absence or disability, the person designated by the Board of Trustees to perform the duties of Town Manager. ('82 Code, § 1-103(32))

"WHOLESALE," "WHOLESALER," or "WHOLESALE DEALER." The sale of goods, merchandise, articles, or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer. ('82 Code, § 1-103(33))

"WRITING." Includes any representation of words, letters, or figures, whether by printing or otherwise. ('82 Code, § 1-103(34))

"YEAR." A calendar year, unless otherwise expressed; equivalent to the words "YEAR OF OUR LORD." ('82 Code, § 1-103(35))

Statutory reference:

For similar definitions under state law, see IC 1-1-4-5

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§ 10.05 RULES OF CONSTRUCTION.

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance. (IC 1-1-4-1)

(A) Words and phrases shall be taken in their plain, ordinary, and usual sense. But technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. (IC 1-1-4-1) ('82 Code, § 1-103(10))

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(B) As used in the code, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular. ('82 Code, § 1-103(11))
- (2) Words of one gender include the other gender. ('82 Code, § 1-103(7))
- (3) Words in the present tense include the future. ('82 Code, § 1-103(30))

(C) Calendar; computation of time.

(1) In computing any period of time prescribed or allowed by this code or any ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is:

- (a) A Saturday;
- (b) A Sunday;
- (c) A legal holiday as defined by state statute; or
- (d) A day the office in which the act is to be done is closed during regular business hours.

(2) In any event, the period runs until the end of the next day that is not a Saturday, a Sunday, a legal holiday, or a day on which the office is closed. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, legal holidays, and days on which the office is closed shall be excluded from the computations.

(Trial Rule 6 (A))

(3) When a law is to take effect or become operative from and after a day named, no part of that day shall be included.

(4) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(5) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean the time only as may be necessary for the

prompt performance of such duty or compliance with such notice. ('82 Code, § 1-103(2))

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(D) Act by assistants. When a statute requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy. (IC 1-1-4-1) ('82 Code, § 1-103(5))

(E) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(F) Joint authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons, unless otherwise declared in the law giving such authority. (IC 1-1-4-1) ('82 Code, § 1-103(8))

(G) Exceptions. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed.

(B) When a provision of the code is repealed or amended, the repeal or amendment does not affect pending actions, prosecutions or proceedings, civil or criminal. When the repeal or amendment relates to the remedy, it does not affect pending actions, prosecutions, or proceedings, unless so expressed, nor does any repeal or amendment affect causes of the action, prosecution, or proceeding, existing at the time of the amendment or repeal, unless otherwise expressly provided in the amending or repealing law.

(C) When a provision of the code is repealed, the repeal does not:

(1) Affect any rights or liabilities which exist, have accrued or have been incurred by virtue of the repealed provision;

(2) Affect an action or proceeding for the enforcement of any rights or liabilities existing or arising thereunder.

(3) Relieve any person from punishment for an act committed in violation of the repealed provision;

(4) Affect an indictment or prosecution for a violation of the repealed provision.

(D) For the purposes of this section, the repealed provision shall continue in full force and effect notwithstanding the repeal,

provided this does not affect the limitation of actions,
prosecutions, or proceedings imposed by any state statute.
('82 Code, § 1-109)
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§ 10.07 CONSTRUCTION OF SECTION REFERENCES.

(A) Whenever in one section reference is made 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 is changed or materially altered by the amendment or revision.

(B) Whenever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(C) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the code.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

§ 10.09 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application. (IC 1-1-1-8)
('82 Code, § 1-110)

§ 10.10 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the municipality 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.
('82 Code, § 1-103(13))

§ 10.11 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 provision shall have the same effect as
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though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

('82 Code, § 1-105)

§ 10.12 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 ALTERING CODE PROHIBITED.

It shall be unlawful for any person in the town to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the town to be misrepresented thereby. Anyone who violates this section shall be guilty of a Class B infraction.

('82 Code, § 1-106) Penalty, see § 10.99

§ 10.15 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80, Am. Ord. 25, passed 1-1-85)

(B) If an IC cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (IC 36-5-5-8) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If an IC cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 31.10 TOWN MANAGER.

The Board of Trustees establishes hereby the position of Town Manager.

(Ord. 10, passed 1-1-80)

Statutory reference:

For powers and duties of the Town Manager, see IC 36-5-5-8
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§ 10.99 GENERAL PENALTY.

(A) Wherever in this code or in any ordinance of the town, or rule or regulation promulgated by an officer or agency thereof under the authority invested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code, ordinance, rule, or regulation shall be deemed a Class B infraction. Every day any violation of this code or any such ordinance, rule, or regulation shall continue shall constitute a separate offense.

(B) Unless otherwise provided in this code, the penalty for:

(1) A Class A infraction shall be a fine of not less than \$150 nor more than \$1,000;

(2) A Class B infraction shall be a fine of not less than \$100 nor more than \$250; and

(3) A Class C infraction shall be a fine of not less than \$50 nor more than \$100. ('82 Code, § 1-111) (Am. Ord. 986, passed 3-6-07)

(C) In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the town, 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. ('82 Code, § 1-112)

(D) In all cases involving violations of provisions under Title IX, except Chapter 91 thereof, which prescribe penalties therefor, the person charged with enforcement shall issue a citation to the offender which citation shall indicate that the offender shall have ten days from the date of the citation to pay the minimum prescribed fine at the office of the Clerk-Treasurer. Upon failure of the offender to do so, a civil complaint shall be filed against the person for the violation in the appropriate court. (Ord. 429, passed 5-14-86)

REPEALED AND SAVED

Section

- 11.01 Ordinances specifically repealed
- 11.02 Ordinances specifically saved

§ 11.01 ORDINANCES SPECIFICALLY REPEALED.

The following ordinances heretofore adopted are repealed:

| NUMBER | SUBJECT |
|--------|---------|
|--------|---------|

§ 11.02 ORDINANCES SPECIFICALLY SAVED.

None of the provisions of this code of ordinances shall be deemed in any manner to constitute a repeal of the following ordinances heretofore adopted, or to affect their enforceability:

| NUMBER | SUBJECT |
|---|---------------------------|
| Chapter 1 of article 1 | Election of officers |
| Chapter 2 of article 1 | Organization |
| Article 4 and Chapter 4 of article 1 and article 2 | Volunteer Fire Department |

Section

- 12.01 Town map; development
- 12.02 Town flag

§ 12.01 TOWN MAP; DEVELOPMENT.

(A) Town map. A street map for the town, is adopted as the official map for the town indicating the names, addresses, and locations of streets and other ways within the town. A copy of which street map shall be on file with the Clerk-Treasurer and exhibited in the town hall at all times. The map shall be known as the "Official Street Map for the Town of Cedar Lake, Indiana" and shall be used by all persons and entities as the official map of the town to indicate the names, locations, and addresses of streets and ways within the town. ('82 Code, § 1-200)

(B) Town development. The Board of Trustees, the Plan Commission, the Board of Parks and Recreation, and all other governing bodies within the jurisdiction of the town, shall, in exercising their duties, be guided by and give consideration to the general policy and pattern of development as set forth in the Town Master Plan, the Town Use Map, and the Cedar Lake Park and Recreation Plan, as they then exist. Copies of the map and plans shall be available for examination by the general public in the town hall. ('82 Code, § 1-300)

§ 12.02 TOWN FLAG.

The town flag shall be of the following design and dimensions, to-wit: Its dimensions shall be three feet by five feet and the field of the same shall be white with the outline of the town in blue and a sailboat thereon in white. The outline of the town shall be in proportions to the size of the flag, leaving approximately an eight inch border at the top and the bottom of the outline from the edge of the flag. Located within the outline of the town near the top thereof shall be the figure of a sailboat. On the lower portion of the outline of the town shall be printed the number "1836" in white. On either side of the outline of the town there shall be the outline of a red cedar tree done in green, which tree shall be two-thirds the size of the outline of the town. Across the top portion of the flag shall run a banner with the motto "Where Hoosier Hospitality Starts" which motto shall be within the banner. Across the bottom of the flag shall run a banner with the words "Cedar Lake, Indiana" which words shall be within the banner. Each of the banners shall be yellow with white letters and a red outline stitching running the length of each. ('82 Code, § 1-400)

CHAPTER 13: ELECTIONS

Section

- 13.01 Registration required
- 13.02 District boundaries

§ 13.01 REGISTRATION REQUIRED.

It shall be unlawful for any person to vote at any town election or town primary election unless such person is, at the time of such town election or town primary election, a registered voter. A violation of this section shall constitute a Class A infraction.

('82 Code, § 8-100) Penalty, see § 10.99

§ 13.02 DISTRICT BOUNDARIES.

Pursuant to Ordinance 571, passed 12-30-92, and in accordance with IC 36-5-2-4.1, the town is divided into seven districts for the purpose of electing town officers. Legal descriptions of the districts are hereby adopted by reference and incorporated herein as if set out in their entirety.

(Ord. 571, passed 12-30-92)

