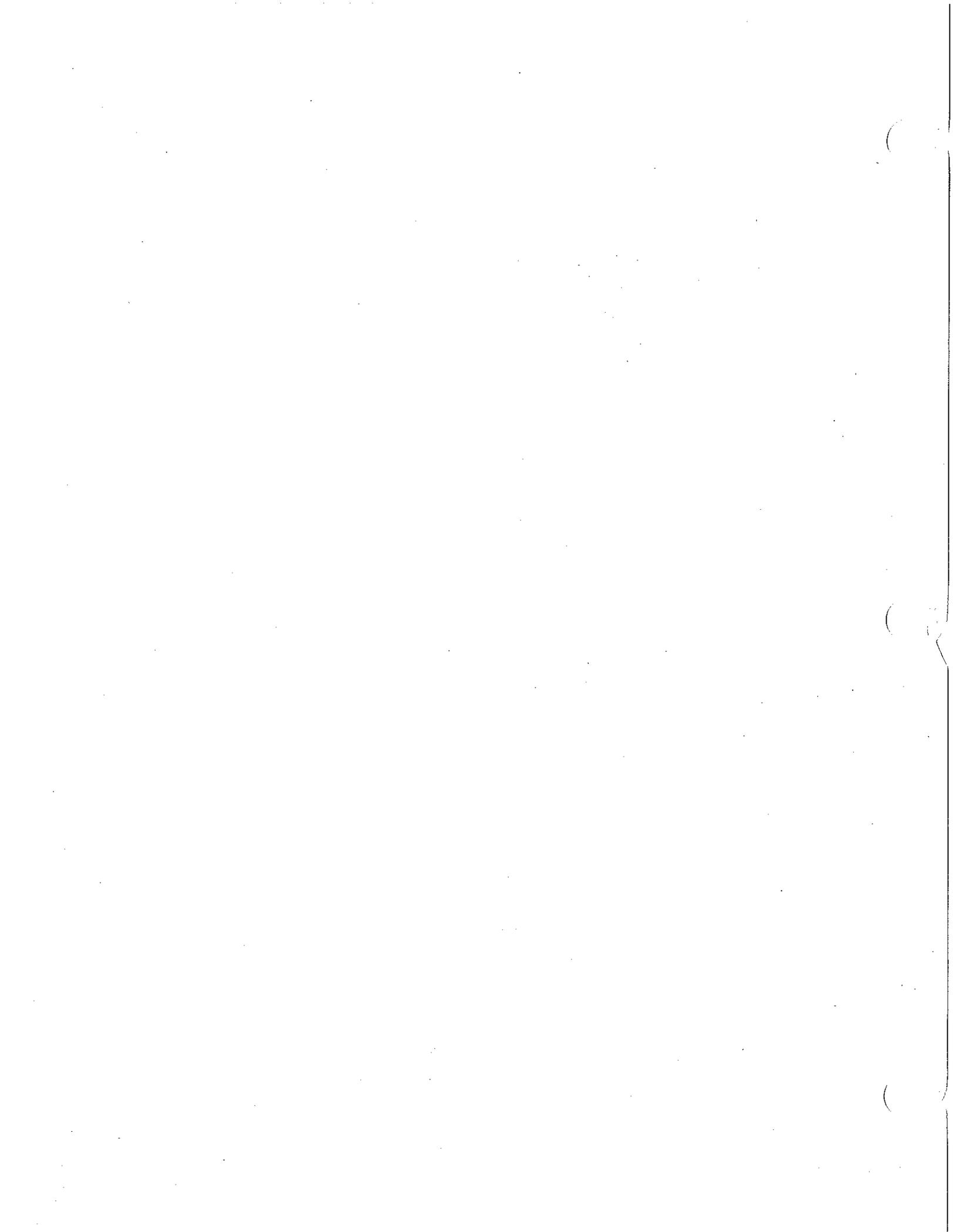


# CHAPTER 1

## GENERAL PROVISIONS

- Sec. 1-1 How *Code* Designated and Cited.
- Sec. 1-2 Official Text of the *Code*; Included and Excluded Provisions.
- Sec. 1-3 Definitions of General Application.
- Sec. 1-4 *Code* Application.
- Sec. 1-5 Catchlines and Interpretations of Each Component Part of the *Code*.
- Sec. 1-6 Material Incorporated By Reference.
- Sec. 1-7 Rules of Construction.
- Sec. 1-8 Effective Date and Time of Ordinances and Resolutions.
- Sec. 1-9 Repeal of Prior Ordinances; Exclusions.
- Sec. 1-10 Effect of Repeal.
- Sec. 1-11 Continuation of Actions under Prior Ordinances.
- Sec. 1-12 Effect of Inclusion of Invalid Provisions.
- Sec. 1-13 Unauthorized Alterations or Tampering with *Code*.
- Sec. 1-14 Acts by Agents.
- Sec. 1-15 Prohibited Acts Include Causing and Permitting.
- Sec. 1-16 Computation of Time.
- Sec. 1-17 Non-*Code* Ordinances.
- Sec. 1-18 General Penalties.
- Sec. 1-19 Designation of Violations and Penalties.
- Sec. 1-20 Violations Not Specifically Defined as an Ordinance Violation - Class E Ordinance Violation.
- Sec. 1-21 Specific Penalties for Violations - Class A through Class E Ordinance Violations.
- Sec. 1-22 Enforcement.
- Sec. 1-23 Supplementation of the *Code*.
- Sec. 1-24 Severability of *Code*.
- Sec. 1-25 *Codes* - Property of the City.
- Sec. 1-26 City Seal.
- Sec. 1-27 Errors and Omissions.
- Sec. 1-28 Codification and Its Effects.
- Sec. 1-29 through Sec. 1-35 Reserved for Future Use.

**\*\*Page 2 Reserved for Future Use.\*\***



# CHAPTER 1

## GENERAL PROVISIONS

### Sec. 1-1 How *Code* Designated and Cited.<sup>1</sup>

a. The ordinances embraced in the following chapters, articles, divisions, and sections shall constitute and be designated the "*Greencastle City Code*," and may be so cited.

b. The *Greencastle City Code* may also be cited as the *City Code*, the *Code*, or this *Code*. It is composed of the following chapters, articles, divisions, and sections.

### Sec. 1-2 Official Text of the *Code*; Included and Excluded Provisions.

a. The following as they appear in this *Code*, as originally adopted or changed by amendment, are part of the official text of the *Code* and may be altered only by specific amendment:

1. The text of all sections, including charts, tables, figures, and maps.
2. The numbers assigned to titles, chapters, and sections.
3. The descriptive headings for all titles.

b. All other provisions that are included in this *Code* or have been added to facilitate the use of the *Code*, including, but not limited to:

1. the table of contents for the *Code* and for each title;
2. the descriptive headings for all chapters and sections;
3. any bracketed or parenthetical credit, source, or history lines;
4. any bracketed internal citations;
5. any cross-reference tables not included within any section; and
6. any index;

are not part of the official text of the *Code*, are not intended to affect the meaning, application, or construction of a chapter or section, and may be changed by a publisher, compiler, or editor of the *Code*, at the direction of and with the approval of the Common Council. (1986 *City of Greencastle Code*, § 100-30)

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<sup>1</sup> I.C., §§ 36-1-5-1 through 36-1-5-6, address the codification of ordinances by all units of government except Townships.

**Sec. 1-3 Definitions of General Application.<sup>2</sup>**

As used in this *Code* or in any ordinance, resolution, rule, or regulation of the City of Greencastle unless:

a. the definition of a word, phrase, or abbreviation is plainly repugnant to the intent of the adopting body or of the context in which the word, phrase, or abbreviation is used; or

b. another definition for the same or similar word, phrase, or abbreviation is provided and applies to the specific title, chapter, or section of this *Code* or the ordinance, resolution, rule, or regulation in which the word, phrase, or abbreviation is used:

**Act** means a statute. (1986 *City of Greencastle Code*, § 101-5)

**Agency** means any agency, authority, board, bureau, commission, committee, department, division, institution, or other similar unit created or established by law. (1986 *City of Greencastle Code*, § 101-5)

**And/Or** mean that either conjunction “and” or “or” and shall include the other as if written “and/or”.

**Board** or “the board” or “such board” shall mean the Board of Public Works and Safety.<sup>3</sup>

**C.F.R.** means the *Code of Federal Regulations*. (1986 *City of Greencastle Code*, § 101-5)

**City**, including references to “the city”, “this city”, and “city” when used as an adjective, whether or not capitalized, means the City of Greencastle, Indiana. (1986 *City of Greencastle Code*, § 101-5)

**Clerk-Treasurer** shall mean the Clerk and Fiscal Officer of the City of Greencastle, a third class city.<sup>4</sup>

**Code** shall mean the *Greencastle City Code*, this *Code*, or the *Code*.

**Common Council, Council** shall mean the Common Council of the City of Greencastle.

**Computation of Time** means the time within which any act provided by law is to be done, excluding the first day and including the last. If the last day is Sunday it shall be excluded.

<sup>2</sup> I.C., §§ 36-1-2-1 through 36-1-2-24, set forth the definitions of general applicability.

<sup>3</sup> I.C., § 36-4-9-5, addresses the establishment of a Board of Public Works and Safety.

<sup>4</sup> I.C., § 36-4-1-1, sets forth the classification of Indiana cities.

**Corporate limits** or **City limits** mean the legal boundaries of the City of Greencastle, except as otherwise provided by law.

**Council** means the City Council or Common Council of the City of Greencastle, Indiana.

**County**, including references to “the county”, “this county”, and “county” when used as an adjective, whether or not capitalized, means Putnam County, Indiana, unless the context indicates otherwise. (1986 *City of Greencastle Code*, § 101-5)

**Delegation of authority** means that whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

**E.O.** means executive order. (1986 *City of Greencastle Code*, § 101-5)

**Et Seq.** is the Latin phrase meaning “and the following”.

**Federal** means of or relating to the United States. (1986 *City of Greencastle Code*, § 101-5)

**Gender** means the word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

**Greencastle** or **City of Greencastle** mean the City of Greencastle, Indiana, and includes:

1. the incorporated third-class city of that name;
2. the area within the legal boundaries of that city; and
3. the government, including officers and agencies, of that city. (1986 *City of Greencastle Code*, § 101-5)

**Greencastle Township** means:

1. the township of that name within Putnam County, Indiana;
2. the area within the legal boundaries of that township; and
3. the government, including officers and agencies of that township. (1986 *City of Greencastle Code*, § 101-5)

**Highway** means the entire width between the boundary lines of every way

publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and includes but is not limited to roads, streets, alleys, and bridges. (1986 *City of Greencastle Code*, § 101-5).

**I. A. C.** means the *Indiana Administrative Code*. (1986 *City of Greencastle Code*, § 101-5)

**I. C.**, shall refer to state law found in the *Indiana Code*.

**Indiana** means the State of Indiana and includes:

1. the state of that name;
2. the area within the legal boundaries of that state; and
3. the government, including officers and agencies, of that state. (1986 *City of Greencastle Code*, § 101-5)

**Joint authority** - All words giving joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Law** refers to the law governing the State of Indiana and the City of Greencastle as declared in *Indiana Code*, § 1-1-2-1, and includes, but is not limited to, the Indiana Constitution, state statutes, and ordinances of the City of Greencastle. (1986 *City of Greencastle Code*, § 101-5)

**May** is permissive.

**Mayor** means the Mayor of the City of Greencastle. (1986 *City of Greencastle Code*, § 101-5)

**Month** means a calendar month, unless otherwise expressed.

**Municipal corporation** means a county, city, town, township, school corporation, library district, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, or other separate local governmental entity that may sue and be sued, but does not include a special taxing district as defined in *Indiana Code*, § 36-1-2-18. (1986 *City of Greencastle Code*, § 101-5)

**Municipality** means a city or town. (1986 *City of Greencastle Code*, § 101-5)

**Must and Shall** are each mandatory.

**Nontechnical and technical words** mean words and phrases that shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Number** means a word importing the singular number only shall extend and be applied to several persons and things as well as to one person and thing, and a word importing the plural shall extend to the singular.

**Oath** includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**Officer** means a person or body that is appointed to office by the City Executive to discharge a public duty. <sup>5</sup>

**Ordinance** means a law adopted by a municipal corporation. (1986 *City of Greencastle Code*, § 101-5)

**Owner**, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or of a part of such building or land.

**Person** means an individual, firm, corporation, association, fiduciary, or governmental entity, including, but not limited to, the United States, a state, or a municipal corporation. (1986 *City of Greencastle Code*, § 101-5)

**Personal property** includes every species of property except real property, as herein described.

**Preceding and following** mean next before and next after, respectively.

**Property** includes real and personal property.

**Public law** means a statute. (1986 *City of Greencastle Code*, § 101-5)

**Public place** means any street or highway, sidewalk, park, cemetery, school yard or open space adjacent thereto and any lake or stream.

**Putnam County or County of Putnam** means Putnam County, Indiana, and includes:

1. the political subdivision of the State of Indiana specified in *Indiana Code*, § 36-2-1-1-1(67);
2. the area within the legal boundaries of that political subdivision; and
- c) the government, including officers and agencies, of that political subdivision. (1986 *City of Greencastle Code*, § 101-5)

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<sup>5</sup> I.C., § 36-4-9-8, addresses officers in third class cities.

**Quorum** means a majority of the members of a board, commission or committee holding office, unless otherwise specifically provided in this *Code*.

**Real property** includes lands, tenements and hereditaments.

**Reasonable time, reasonable notice.** In all cases where any provision shall require any 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.

**Regulation** means a rule. (1986 *City of Greencastle Code*, § 101-5)

**Resolution** means a law or an official statement of policy or sentiment adopted by a municipal corporation. (1986 *City of Greencastle Code*, § 101-5)

**Road** means a highway. (1986 *City of Greencastle Code*, § 101-5)

**Rule** means the whole or any part of a statement by an officer or agency of the United States, a state, or a municipal corporation that:

1. has or is designed to have the effect of law; and
2. implements, interprets, or prescribes:
  - a. law or policy; or
  - b. the organization, procedure, or practice requirements of the officer or agency. (1986 *City of Greencastle Code*, § 101-5)

**Shall** is mandatory.

**Sidewalk** means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

**Signature or subscription** includes a mark when the person cannot write.

**State**, including references to "the state", "this state", and "state" when used as an adjective, whether or not capitalized, means Indiana, unless in the context in which the word is used it is intended to refer to one of the United States. (1986 *City of Greencastle Code*, § 101-5)

**Statute** means a law enacted by a state legislative body or the United States Congress. (1986 *City of Greencastle Code*, § 101-5)

**Street** includes streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the City which have been or may hereafter be dedicated and open

to public use, or such other public property so designated in any law of this state.

**Substantial property interest** shall mean any right in real property that may be affected in a substantial way by actions authorized by Planning and Development laws of the State of Indiana, including a fee interest, a life estate, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. <sup>6</sup>

**Tenant or occupant**, applied to a building or land, includes any person who occupies the whole or a part of such building or land, either alone or with others.

**Township**, including references to "the township", "this township", and "township" when used as an adjective, whether or not capitalized, means Greencastle Township of Putnam County, Indiana, unless the context indicates otherwise. (1986 *City of Greencastle Code*, § 101-5)

**United States** means the United States of America, and includes:

1. the legal entity by that name;
2. the area within the legal boundaries of that entity, including its districts and territories; and
3. the government, including officers and agencies, of that entity. (1986 *City of Greencastle Code*, § 101-5)

**University** means DePauw University. (1986 *City of Greencastle Code*, § 101-5)

**U.S.C.** means the *United States Code*. (1986 *City of Greencastle Code*, § 101-5)

**Written** includes printed, typewritten, mimeographed, multigraphed, faxed, or otherwise reproduced in permanent visible form.

**Year** means a calendar year, unless otherwise expressed. (1986 *City of Greencastle Code*, § 101-5)

#### **Sec. 1-4 Code Application.**

This *Code* shall refer only to the omission or commission of acts within the territorial limits of the City of Greencastle and to that territory outside this City over which the City has jurisdiction or control by virtue of any constitutional provision, law or otherwise lawful contract or intergovernmental agreement.

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<sup>6</sup> I.C., § 36-7-9-2, of the State's Planning and Development Chapter defines "substantial property interest".

**Sec. 1-5 Catchlines and Interpretations of Each Component Part of the Code.**

a. The bold lettered headings of the several sections of this *Code* are intended as mere catchlines to indicate the content of the section.

b. Each **Chapter** is compromised of **Articles** which address subject matter classifications within the chapter. **Articles** may then be divided into **Divisions** which further define the particular topics.

c. Each **Section** of this *Code* shall be numbered consecutively by chapter. The number shall consist of two (2) component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter.

d. The decimal system shall be used for all additions or amendments to this *Code*. When a chapter or section is to be added, the new chapter or section shall be given a decimal character.

e. Each section which ends with parentheses include historical citations to either the original ordinance or resolution, its original section, and date or adoption of passage; or to the applicable section of the 1986 *City of Greencastle Code* from which the section was derived. Such information is a restatement or reenactment of material property adopted, and each such section shall be deemed reordained by the passage and adoption of this *Code*.

**Sec. 1-6 Material Incorporated By Reference.<sup>7</sup>**

Two (2) copies of all material incorporated by reference into this *Code* are on file and shall be kept on file for public inspection in the office of the City Clerk-Treasurer.

**Sec. 1-7 Rules of Construction.**

a. This *Code* and all ordinances, resolutions, rules, and regulations adopted by an officer or agency of the City of Greencastle shall be liberally construed and shall not be limited by any rules of strict construction.

b. This *Code* and all ordinances, resolutions, rules, and regulations adopted by an officer or agency of the City of Greencastle shall be construed by the following rules, unless the construction is plainly repugnant to the intent of the adopting officer or agency or of the context of the *Code*, ordinance, resolution, rule, or regulation:

1. Words and phrases not specifically defined shall be taken in their plain or ordinary and usual sense; however, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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<sup>7</sup> I.C., § 36-1-5-4, requires that two (2) copies of material incorporated by reference be kept on file in the Office of the Clerk-Treasurer for public inspection.

2. The singular includes the plural, and the plural includes the singular.
3. Words of one (1) gender include the other gender.
4. Words in the present tense include the other gender.
5. Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons, unless otherwise declared in the law giving such authority.
6. The words "preceding" and "following" shall be understood as meaning the provision section, chapter, or title next preceding or next following that section or provision in which such words occur, unless some other provisions, section, chapter, or title is designated.
7. The words "writing", "in writing", and "written" include printing, lithographing, or other mode of representing words and letters; however, in all cases where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.
8. The words "shall" and "shall not" are mandatory; "shall" creates a duty to act and "shall not" creates a duty not to act.
9. Whenever an officer or agency is designated by name and the name is stated incorrectly, the named officer or agency shall be construed to mean the proper or correct officer or agency.
10. Whenever upon or after the effective date of any provision of this *Code* or an ordinance, resolution, rule, or regulation the rights, powers, duties, or liabilities of an officer or agency are transferred to a different officer or agency, the named officer or agency shall be construed to mean the officer or agency to which the rights, powers, duties, or liabilities have been transferred.
11. Whenever the title of an officer or agency commonly associated with a city or city government is used, the title shall be considered to be preceded by the word "Greencastle".
12. Whenever the title of an officer or agency commonly associated with a county or county government is used, the title shall be considered to be preceded by the word "Putnam County".
13. A reference by citation to any provision of the *Indiana Code* and the Acts and Public Laws of the General Assembly, the *Indiana Administrative Code* and the rules and regulations of state officers and agencies, the *Greencastle City Code* and the ordinances and resolutions of the City of Greencastle, and the rules and regulations of the officers and agencies of the City of Greencastle shall be construed to include any later amendments to that provision, any replacement or superseding provisions, and any codification or recodification of that provision, unless otherwise provided.
14. If a conflict exists between provisions of ordinances or resolutions that have been

repealed and restated in this *Code*, to resolve the conflict, the dates of adoption of the conflicting provisions may be considered along with other appropriate aids to statutory construction, but the order in which the corresponding provisions appear in this *Code* may not be considered.

15. When an ordinance, resolution, rule, or regulation requires an act to be done that by law an agent or deputy as well as the principal may do, the requirement shall be satisfied by the performance of the act by an authorized agent or deputy.

16. When a person is required to be disinterested or indifferent in acting on any question or matter affecting other parties, consanguinity or affinity within the sixth degree, inclusive, by the civil rules or within the degree of second cousin, inclusive, shall be deemed to disqualify such person from acting, except by consent of the parties. (1986 *City of Greencastle Code*, § 102-5)

#### **Sec. 1-8 Effective Date and Time of Ordinances and Resolutions.<sup>8</sup>**

a. If an ordinance or resolution is to take effect upon passage or adoption, it is effective on the date and time of adoption recorded upon the ordinance or resolution by the presiding officer or clerk of the adopting body; however, if the time is not recorded, the ordinance or resolution is effective at 11:59 p.m. on the date of adoption.

b. If an ordinance or resolution is to take effect on a date after the date of passage or adoption, it is effective on the date and time specified in the ordinance or resolution; however, if the time is not specified, the ordinance or resolution is effective at 12:01 a.m. on the date specified.

c. If the date on which an ordinance or resolution is to take effect is not specified in the ordinance or resolution, it is effective upon passage or adoption.

d. Notwithstanding any other provision of this section, if an ordinance specifies a penalty or forfeiture for its violation, it is effective:

1. on the date or date and time specified in the ordinance; or

2. at 12:01 a.m. on the day following the final publication of the ordinance according to the procedure required by the *Indiana Code*;

whichever is later. (1986 *City of Greencastle Code*, § 102-10)

#### **Sec. 1-9 Repeal of Prior Ordinances; Exclusions.**

a. All general and permanent ordinances and resolutions of the City of Greencastle that were adopted before the effective date of this *Code* and are not restated in this *Code* are repealed.

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<sup>8</sup> I.C., § 36-4-6-14, addresses requirements for ordinances and resolutions.

b. All general and permanent ordinances and resolutions of the City of Greencastle that were adopted before the effective date of this *Code* and are restated in this *Code* are repealed, but are replaced by the restated provisions in this *Code*, and the operation of the repealed and restated ordinances and resolutions is intended to be continuous.

c. All rules and regulations adopted pursuant to ordinances and resolutions repealed and restated in this *Code* and in force on the effective date of this *Code* shall be treated as if they were adopted under the corresponding provisions of this *Code*.

d. Notwithstanding Subsection 'a', all ordinances and resolutions of temporary duration, not of a general nature, or concerning the following subjects are not repealed upon the adoption of this *Code*, unless such ordinances or resolutions have been restated in this *Code*:

1. Finances, including, but not limited to, budgets, appropriations, revenues, salaries, bonds, indebtednesses, payments of money, taxes, special funds, grants, and service charges or user fees.

2. Land transactions involving the City of Greencastle.

3. Public improvements.

4. Number, classification, and compensation of City personnel.

5. Vacation and acceptance of streets and highways.

6. Contracts, agreements, and leases involving the City of Greencastle.

7. Extension or contraction of the corporate boundaries of the City.

8. Annexation or disannexation of tracts, divisions, or areas of land.

9. Rezoning of specific tracts, divisions, or areas of land.

10. Rights, benefits, privileges, or immunities granted by or to the City of Greencastle.

11. Joint or cooperative arrangements or relationships involving the City of Greencastle.

12. Official statements of policy or sentiment. (1986 *City of Greencastle Code*, § 100-15)

#### Sec. 1-10 Effect of Repeal.

a. Whenever a provision of this *Code*, an ordinance, or a resolution that repealed a former *Code* provision, ordinance, or resolution is itself repealed, the former *Code* provision, ordinance, or resolution shall not thereby be revived, unless it is expressly provided.

b. The repeal of a provision of this *Code*, an ordinance, or a resolution shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under such *Code* provision, ordinance, or resolution, unless the repealing ordinance or resolution so expressly provides, and the repealed *Code* provision, ordinance, or resolution shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. (1986 *City of Greencastle Code*, § 102-20)

#### **Sec. 1-11 Continuation of Actions under Prior Ordinances.**

a. This *Code* does not affect rights, privileges, or liabilities accrued, remedies provided, duties imposed, penalties incurred, or proceedings begun before the effective date of this *Code*. Punishments, penalties, or forfeitures may be imposed and enforced as if this *Code* had not been adopted.

b. All actions, proceedings, and prosecutions for causes arising or acts committed before the effective date of this *Code* may be commenced and prosecuted as if this *Code* had not been adopted.

c. The running of any period of limitation or any requirement of notice contained in the provisions of ordinances and resolutions repealed by this *Code* are not affected by the adoption of this *Code*. (1986 *City of Greencastle Code*, § 100-20)

#### **Sec. 1-12 Effect of Inclusion of Invalid Provisions.**

Notwithstanding the inclusion in this *Code* of provisions declared impliedly repealed, unconstitutional, or otherwise invalid by a court of competent jurisdiction, those provisions have only such force and effect as they had before the adoption of this *Code*. (1986 *City of Greencastle Code*, § 100-25)

#### **Sec. 1-13 Unauthorized Alterations or Tampering with Code.**

a. It shall be unlawful for any person in the City 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 City to be misrepresented thereby.

b. This section shall not prohibit the Clerk-Treasurer or any members of the Clerk-Treasurer's staff from updating the *Greencastle City Code* by removing amended pages and substituting new pages as part of the regular supplementation of the *Code*.

#### **Sec. 1-14 Acts by Agents.**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be constructed to include all such acts performed by an authorized agent.

**Sec. 1-15 Prohibited Acts Include Causing and Permitting.**

Whenever in the ordinances of the City, any act or omission is made unlawful, it shall include causing, allowing, permitting, abiding, abetting, suffering, or concealing the fact of such act or omission.

**Sec. 1-16 Computation of Time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

**Sec. 1-17 Non-Code Ordinances.**

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.

**Sec. 1-18 General Penalties. <sup>9</sup>**

a. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City of Greencastle, Indiana, shall be guilty of an offense.

b. Except in cases where different punishment is prescribed by any ordinance of the city, any person convicted of an offense shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). <sup>10</sup>

c. A separate offense shall be deemed committed on each day that a violation occurs or continues. <sup>11</sup>

d. The fine assessed for the violation of any ordinance requiring a license may be a sum equal to twice the amount required by the ordinance to be paid for such license, unless otherwise provided.

e. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of such *Code* shall be deemed a public nuisance and may be abated as provided by law and each day such condition shall continue to be regarded as a new and separate offense. <sup>12</sup>

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<sup>9</sup> I.C., § 9-4-1-127.1, addresses Class C infractions; also see I.C., § 34-4-32-4.

<sup>10</sup> I.C., § 36-1-3-8, addresses the maximum ordinance violation amounts.

<sup>11</sup> I.C., § 36-1-6-2, addresses ordinance violations affecting real property and the City taking expenses of compliance as a lien against the property.

<sup>12</sup> I.C., § 36-1-6-4, addresses injunctions.

- f. The City may bring a civil action to enjoin any person from:
1. Violating any ordinance regulation or prohibiting a condition or use of property; or
  2. Engaging in conduct without a license if any ordinance requires a license to engage in the conduct.
- g. The Court may suspend all or any part of a penalty imposed for an ordinance violation and may require as a condition of such suspension that the defendant shall perform uncompensated work that benefits the community.
- h. Any person adjudged guilty of violating any provision of this *Code* may also be adjudged to pay the costs of prosecution. <sup>13</sup>

**Sec. 1-19 Designation of Violations and Penalties.**

Ordinance violations shall be designated or defined by ordinances of the City of Greencastle, and the penalties, judgments, and other liabilities for ordinance violations shall be fixed by ordinances of the City of Greencastle, statutes of the state, or both. (1986 *City of Greencastle Code*, § 110-5)

**Sec. 1-20 Violations Not Specifically Defined as an Ordinance Violation - Class E Ordinance Violation.**

If a person violates a provision of this *Code* and the violation is not specifically designated, defined, or classified as an ordinance violation, the person commits a Class E ordinance violation. (1986 *City of Greencastle Code*, § 110-10)

**Sec. 1-21 Specific Penalties for Violations - Class A through Class E Ordinance Violations.**

a. For a violation of this *Code* or any other ordinance of the City of Greencastle, a judgment or fine not more than:

1. two thousand five hundred dollars (\$2,500.00) may be entered for a violation constituting a **Class A** ordinance violation;
2. one thousand dollars (\$1,000.00) may be entered for a violation constituting a **Class B** ordinance violation;
3. five hundred dollars (\$500.00) may be entered for a violation constituting a **Class C** ordinance violation;

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<sup>13</sup> I.C., §§ 34-4-32-1 through 34-4-32-5, addresses infraction and ordinance violation enforcement proceedings.

4. one hundred dollars (\$100.00) may be entered for a violation constituting a **Class D** ordinance violation;

5. twenty-five dollars (\$25.00) may be entered for a violation constituting a **Class E** ordinance violation.

b. For a violation of this *Code* or any other ordinance of the City of Greencastle that is designated or defined as an ordinance violation:

1. the judgement or fine authorized in Subsection 'a'; and

2. all other penalties, judgments, and liabilities authorized by this *Code*, an ordinance of the City of Greencastle, and a statute of this state;

may be entered or applied. (1986 *City of Greencastle Code*, § 110-15)

#### **Sec. 1-22 Enforcement.**

This *Code* and ordinances shall be enforced in accordance with the authority and procedures established by state statute, including, but not limited to, *Indiana Code*, § 36-1-6. (1986 *City of Greencastle Code*, § 110-20)

#### **Sec. 1-23 Supplementation of the *Code*.**

a. By contract or by City personnel, supplements to this *Code* shall be prepared and printed whenever authorized or directed by the Common Council. A supplemental to the *Code* shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the *Code*. The pages of a supplement shall be so numbered that they will fit properly into the *Code* and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the *Code* will be current through the date of the adoption of the latest ordinance included in the supplement.

b. In preparing a supplement to this *Code*, all portions of the *Code* which have been repealed shall be excluded from the *Code* by the omission thereof from reprinted pages.

c. When preparing a supplement of this *Code*, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances include in the supplement, insofar as it is necessary to do so to embody them into a unified *Code*. For example, the codifier may:

1. Organize the ordinance material into appropriate subdivisions;

2. Provide appropriate catchlines, headings and titles for sections and other subdivi-

sions of the *Code* printed in the supplement, and make changes in such catchlines, headings and titles;

3. Assign appropriate numbers to Sections and other subdivisions to be inserted in the *Code* and, where necessary to accommodate new material, change existing section or other subdivision numbers;

4. Change the words "this Ordinance" or words of the same meaning to "this Chapter," "this Article," "this Division," etc., as the case may be, or to "sections \_\_\_ to \_\_\_" (inserting section numbers to indicate the sections of this *Code* which embody the substantive sections of the ordinance incorporated into the *Code*); and

5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the *Code*; but in no case shall the codifier make any change in the meaning or effect of Ordinance material included in the supplement or already embodied in the *Code*.

#### **Sec. 1-24 Severability of *Code*.**

a. If any provision of this *Code*, an ordinance, or a resolution, as originally adopted or as later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

b. Except in the case of an ordinance or resolution containing a non-severability provision, each part and application of every ordinance and resolution is severable. If any provision or application of an ordinance or resolution is held invalid, the invalidity does not affect the remainder of the ordinance or resolution unless:

1. the remainder is so essentially and inseparably connected with and so dependent on the invalid provision or application that it cannot be presumed that the remainder would have been adopted without the invalid provision or application; or

2. the remainder is incomplete and incapable of being executed in accordance with the intent of the adopting body without the invalid provision or application.

This subsection applies to every ordinance and resolution adopted before and after the effective date of this subsection. (1986 *City of Greencastle Code*, § 102-15)

#### **Sec. 1-25 *Codes* - Property of the City.**

All copies of the *Greencastle City Code* except those sold by the City to private individuals or given or sold to public libraries shall be the property of the City of Greencastle. Any such copies delivered to elected or appointed officials shall not be retained by said individuals after

the expiration of their term(s) of office appointment.

**Sec. 1-26 City Seal.** <sup>14</sup>

a. The City Seal of Greencastle, Indiana, is depicted on the Certification page of this *Code*.

b. The Clerk-Treasurer shall be the custodian of the City's Seal and affix it to such documents and instruments as required.

c. The official Seal of the City of Greencastle shall be the following:



(Ord. No. 1990-7, Chapter 230, § 230-5, 3-13-90)

**Sec. 1-27 Errors and Omissions.**

If a manifest error should 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 provision shall have the same effect as 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 of extent of such error.

**Sec. 1-28 Codification and Its Effects.** <sup>15</sup>

[Reserved]

**Sec. 1-29 through Sec. 1-35 Reserved for Future Use.**

**\*\*Page 20 through Page 24 Reserved for Future Use.\*\***

<sup>14</sup> I.C., § 36-1-4-4, authorizes a unit to have a corporate seal.

<sup>15</sup> Adoption of Ordinances and Resolutions and publication of a *City Code*, See: I.C., §§ 36-5-2-10 and 36-5-2-10.2.