

# CHAPTER 1

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# CHAPTER 1

## GENERAL PROVISIONS

### Sec. 1 – 1 *Code Citation and Designation.*

a. The ordinances of the municipality of a general and permanent nature, as codified and revised in the following chapters, articles, and sections are ordained as general ordinances and shall be adopted as "The Hudson Town Code", hereinafter referred to as the "Town Code".

### Sec. 1 – 2 *Effective Date of Codes; Repeal of General Ordinances in Conflict; Savings Clause.*

a. All of the provisions of this *Code* shall be in full force and effect from the date of passage and the filing of this *Code* in the offices of the Clerk-Treasurer, and all ordinances of a general and permanent nature in force at that time are hereby repealed from and after said date.

b. Such repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before said effective date; nor shall it affect any ordinance accepting gifts and dedications of real estate; nor any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of bonds of said Town; or other evidence of the Town's indebtedness, or any contract or obligation assumed by said Town; nor shall said repeal affect the administration ordinances or resolutions of the *Code*; nor shall it affect transfer and appropriation ordinances; nor shall it affect any ordinance concerning annexation or dis-annexation of territories to or from the Town, or any ordinances changing or concerning names of streets, or opening and closing streets, or ordinances commonly known as zoning may amendments; nor shall it affect any ordinance accepting, releasing or abandoning easements; nor shall it affect any right, easement or franchise, conferred by any person or corporation; nor shall it affect any prosecution, suit or proceeding pending on said date, except that the proceeding thereof shall conform as far as possible to the proceeding thereof shall conform as far as possible to the provisions of this *Code*.

c. Insofar as the provisions of the Town Code are the same as those of ordinances existing and in force at its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

d. Any printed copy of the Town Code certified under the facsimile signature of the Town Clerk shall be held to be a true and correct copy of such codification, and may be read in evidence in any court without further proof of the provisions contained therein.

### Sec. 1 – 3 *Definitions.*

In the construction of this *Code* and of all ordinances, the following definitions shall be applied:

a. **Board** shall mean the Board of Trustees of the Town, except where the context clearly indicates otherwise, now known as the “Town Council” or “Council”.

b. **Clerk-Treasurer** shall mean the Clerk and Fiscal Officer of the Town of Hudson.

c. **Code** shall mean the *Hudson Town Code*.

d. **Computation of Time** shall mean the time within which an act is to be done, as herein provided, and shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

e. **Council** shall mean the Town Council formally known as the Board of Trustees.

f. **County** shall mean the County of Steuben, State of Indiana.

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

h. **Gender** shall mean words used in the masculine gender shall include feminine and neuter.

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

j. **May** is permissive.

k. **Month** shall mean a calendar month.

l. **Must** and **shall** are each mandatory.

m. **Oath** includes an affirmation of declaration in all cases in which by law, an affirmation may be substituted for an oath, and in such cases the words “swears” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

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

o. **Person** shall mean any individual, firm, corporation, association, fiduciary, or governmental entity.

p. **Personal property** includes every kind of property except real property.

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

r. **Property** includes real and personal property.

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

t. **Real property** shall include lands, tenements, and hereditaments.

u. **Reasonable time** shall mean in all cases where any provision shall require any act to be done in a "reasonable time" or "reasonable notice" to be given 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.

v. **Sidewalk** shall mean any portion of the street between the curb line and the adjacent Property line, intended for the use of pedestrians excluding parkways.

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

x. **State** shall mean the State of Indiana.

y. **Street** shall mean to embrace streets, avenue, boulevards, roads, alleys, viaducts and all other public highways in the Town.

z. **Tenant** - the words "tenant" or "occupant" apply to a building of land and shall include any person holding a written or oral lease of, or who occupied the whole or a part of such building or land, either alone or with others.

aa. **Town** shall mean the Town of Hudson, Indiana, or the area within the territorial limits of the Town of Hudson, Indiana, and such territory, if any, outside the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

bb. **Written** includes printed, typewritten, or otherwise reproduced in permanent visible form.

cc. **Year** shall mean a calendar year.

#### **Sec. 1 – 4 Code Application.**

This *Code* shall refer only to the omission or commission of acts within the territorial limits of the Town of Hudson and to that territory outside this Town, if any, over which the Town has jurisdiction or control by virtue of any constitutional provision or law.

#### **Sec. 1 – 5 Interpretation of Each Component Part of the Code.**

a. *Title of the Code.* This code shall be known and may be designated and cited as "The Town Code of 2014." This codification has been made in one ordinance under appropriate titles, chapters, and sections by authority of I.C. 36-1-5-1 et seq.

b. *Reference to Other Sections.* 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, re-codified or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

c. *Reference to Offices.* Reference to a public office or officer shall be deemed to apply to any office or officer entitled to exercise the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or changes in the official title of the functionary.

d. Each chapter is comprised of "articles" which address subject matter classifications within the chapter. Articles may then be divided into "divisions" which further define the particular topic.

e. 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.

f. 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.

g. 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 Public Acts of the State of Indiana.

h. Footnotes, cross-references and other comments are by way of explanation only and shall not be deemed a part of the text of any section.

i. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

j. Words in the singular shall include the plural and words in the plural shall include the singular.

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

l. Either conjunction "and" or "or" shall include the other as if written "and/or".

m. *Application to Future Legislation.* All provisions of this Chapter not incompatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code, unless otherwise specifically provided.

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

**Sec. 1 – 6 Repeal Shall Not Revive Ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinances which have been repealed thereby.

**Sec. 1 – 7 Effective Date of Ordinance.**

Unless otherwise expressly provided, an Ordinance shall take effect when passed according to *I.C.* §§ 36-4-6-14(a) or 36-4-56-14(c); however an Ordinance prescribing a penalty or forfeiture for a violation must be published pursuant to *I.C.* §§ 36-4-6-14(b) or 36-4-6-14(c).

**Sec. 1 – 8 Severability of Code.**

Each section of the Town Code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable and the invalidity of any section, part, paragraph, sentence, phrase, or word in the Town Code shall not affect the validity of any other part of said Code, and only the part declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Sec. 1 – 9 General Penalties.**

- a. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this *Code* shall be guilty of an ordinance violation.
- b. Every day a violation of this *Code* is committed or permitted to continue shall constitute a separate offense.
- c. Except in cases where different punishment is prescribed by a specific section of this *Code*, any person convicted of an ordinance violation shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- d. The Town may bring a civil action to enjoin any person from:
  1. Violating any ordinance regulating or prohibiting a condition or use of property; or
  2. Engaging in conduct without a license if an ordinance requires a license to engage in the conduct.

**Sec. 1 – 10 Town Seal.**

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

- b. The Town Seal of Hudson shall be as follows:

It shall be in a disc circular in form on the margin of which shall be the words: "Hudson, Indiana", and in the center thereof, the word "Seal".

**Sec. 1 – 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, or 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 alteration shall be made or permitted if any questions exist regarding the nature or extent of the error.

**Sec. 1 – 12 Codes – Property of the Town.**

a. All copies of the *Hudson Town Code* except those sold by the Town to private individuals or given or sold to the public library shall be the property of the Town of Hudson. Any *Hudson Town Codes* delivered to elected or appointed officials shall not be retained by said individuals after the expiration of their term(s) of office or appointment.

b. Immediately upon adoption of the Town Code, it shall be reproduced in a loose-leaf form. The governing body by motion or resolution shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the Town Code and revisions thereto. After adoption of the Town Code, each general ordinance shall be adopted as amending, adding, or deleting a numbered section or sections of said code; immediately thereafter those affected pages of the Town Code shall be revised to reflect such amended, added or deleted material and shall be distributed to Town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the dates and numbers of ordinances making the amendments or adding the new sections, and such references shall be cumulative if a section is amended more than once, in order that the current copy of the Town Code will contain references to all ordinances passed since the adoption of the original Town Code.

**Sec. 1 – 13 Supplementation of the Code.**

a. By contract or by Town personnel, supplements to this *Code* shall be prepared and printed whenever authorized or directed by the Town Board. A supplement 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, non-substantive changes in ordinances and parts of ordinances included 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 catch lines, headings and titles for sections and other subdivisions of the *Code* printed in the supplement, and make changes in such catch lines, 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 non-substantive 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 – 14 Codification and Its Effect.**

a. The following codification and revision of Ordinances consisting of Chapter 1 through 12, Inclusive, entitled "*Hudson Town Code*," two (2) copies of which shall be kept on file in the office of the Clerk-Treasurer is adopted and enacted as the *Hudson Town Code*.

b. The format of the *Hudson Town Code* is as follows:

Title Page  
Table of Contents Page  
Code Recodification Ordinance  
Town Certification Page  
History of Hudson Pages  
Officials of the Town Page

Chapter 1 -	General Provisions	Chapter 6 -	Public Health and Safety
Chapter 2 -	Town Administration		Matters; Public
Chapter 3 -	Legislative and		Nuisances
	Judicial Branches		
Chapter 4 -	Fees, Licenses, and	Chapter 7 -	Traffic and Parking Regula-
	Permits		tions
Chapter 5 -	Parks and Recreation	Chapter 8 -	Utilities

c. All provisions of the *Hudson Town Code* shall be in full force and effect following publication of this ordinance, and all ordinances of a general and permanent nature of the Town of Hudson, Indiana enacted on final passage on or before January 1, 2015, are not incorporated in this *Code* or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as herein provided.

d. The repeal provided for in paragraph 'c' shall not affect any offense or act committed or done or any penalty or forfeiture incurred or imposed before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town, or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness, or any contract or obligation assumed by the town; nor shall such repeal affect the administrative ordinances or resolutions of the Board, no in conflict or inconsistent with the provisions of such *Code*; nor shall such repeal affect any right of franchise granted by any ordinance or resolution of the Board of any person, firm or corporation; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or establishing grades of any street or public way in the Town; nor shall such repeal affect any ordinance levying or imposing taxes not included herein; nor shall such repeal affect any ordinance or resolution relating to salaries of Town employees; nor shall such repeal affect any ordinance providing for local improvements and levying special assessments therefore; nor shall such repeal affect any ordinance dedicating or accepting any plat or ordinance extending the boundaries of the Town; nor shall such repeal affect any ordinance extending the boundaries of the Town; nor shall such repeal affect any ordinance or resolution establishing, or modifying the boundaries or zoning districts, or changing the zoning classification of any lot or parcel of land. Each of the above-mentioned ordinances shall in no way be repealed by this ordinance except as the same may be in conflict with the provision of such *code*.

e. Any and all additions or amendments to such *Code*, when passed in such form as to indicate the intention of the Board to make the same a part thereof, shall be deemed to be incorporated in such *Code*, so that reference to the *Hudson Town Code* shall be understood and intended to include such additions and amendments.

**Sec. 1 – 15 Role of the Clerk-Treasurer Regarding the *Town Code*.**

a. Three (3) copies of the *Hudson Town Code* shall be kept of file in the office of the Clerk-Treasurer, or someone authorized by her, to insert in their designated places all amendments or Ordinances which indicate the intention of the Board to make the same a part of such *Code* when the same shall have been printed or reprinted in page form, and to extract from such *Code* all

provisions which may be from time to time repealed by the Board. These copies of such *Code* shall be available to all persons desiring to use and/or examine the same and shall be considered the official *Code* of the Town of Hudson, Indiana.

b. It shall be unlawful for any persons, firm or corporation to change by additions or deletions, any part or portion of such *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 *Code*, any Ordinance, or the law of the Town of Hudson, Indiana, to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1-9 of such *Code*.

**Sec. 1 – 16 through Sec. 1-19 Reserved for future Use.**