

1st Reading 2/4/70
2nd Reading 2/18/70
Adopted 4/18/70

000083

ORDINANCE NO. 71- 3

AN ORDINANCE ADOPTING THE CITY CODE OF BLOOMINGTON AS THE CODIFICATION OF THE ORDINANCES OF SUCH CITY, PROVIDING CERTAIN STANDARDS FOR THE INTERPRETATION AND CONSTRUCTION OF SUCH CODE AND REPEALING ALL GENERAL ORDINANCES OF THE CITY NOT SET FORTH IN SUCH CODE

BE IT ORDNANIED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

SECTION 1. There hereby is adopted a Code which shall be known as the "City Code of Bloomington" and it shall be sufficient to refer to said Code as the "City Code of Bloomington" in any prosecution for violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "City Code of Bloomington." Further, reference may be had to the title, chapters, sections and subsections of the "City Code of Bloomington" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in said Code.

SECTION 2. Whenever a reference is made to said Code as the "City Code of Bloomington" or to any portion thereof, or to any ordinance or the City of Bloomington, Indiana, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made.

SECTION 3. Said Code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City of Bloomington, Indiana, codified pursuant to Sections 48-8301 through 48-8306 of the Indiana Statutes.

SECTION 4. The following words and phrases whenever used in said Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless

a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) "Capital Improvement" means a public improvement of a permanent nature, and may include land and equipment necessary for the functioning of a building or other capital improvement.

(2) "City" means the City of Bloomington, Indiana, or the area within the territorial city limits of the City of Bloomington, Indiana, and such territory outside of this City over which the City has jurisdiction or control by virtue of any Constitutional provisions, or any law.

(3) "Council" means the Common Council of the City of Bloomington. "All its members" or "all councilmen" means the total number of councilmen provided for in Section 48-1202, without regard to vacancies or absences.

(4) "County" or "this county" means the County of Monroe in the State of Indiana.

(5) "Law" denotes applicable federal law, the Constitution and statutes of Indiana, applicable common law, and ordinances of the City of Bloomington.

(6) "Local improvement" means public improvement specially beneficial to the property affected and also includes the abatement of such unsafe, unhealthful, or unsanitary conditions as the council shall determine to be a public nuisance.

(7) "Oath" includes affirmation.

(8) "Office". The use of the title of any officer, employee, or any office, or ordinance shall mean such officer, employee, office or ordinance of the City of Bloomington, Indiana, unless otherwise specifically designated.

(9) "Ordinance" means a law of the City; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(10) "Person" extends and applies to association, firm, corporation, government agency and unit of government as well as to an individual.

(11) "Public improvement" means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, harbor facilities and any other real property or appurtenances thereof of the City used by the public.

(12) "Public utility" includes all common carriers in the public streets, electric light, central heating, gas, electric power, telephone and telegraph lines and systems; and such other and different enterprises as the law or the council may determine.

(13) "State" means the State of Indiana.

(14) "Shall" and "must". Each is mandatory.

(15) "May" is permissive.

(16) "Written" shall include printed, typewritten, mimeographed or multigraphed.

SECTION 5. The following grammatical rules shall apply in said Code:

(1) Gender. Any gender includes the other genders.

(2) Singular and plural. The singular number includes the plural and the plural includes the singular.

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa.

(4) Use of words and phrases. Words and phrases used in said Code and not specifically defined shall be construed according to the context and approved usage of the language.

SECTION 6. The provisions of said Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

SECTION 7. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section thereof.

SECTION 8. The provisions of said Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within said Code, but such reference shall be construed to apply to the corresponding provisions contained within said Code.

SECTION 9. Neither the adoption of said Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date thereof, nor be construed

as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

SECTION 10. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

SECTION 11. All general ordinances of the City of Bloomington enacted prior to January 1, 1969, not included in said Code or excluded from the operation and effect of this section are hereby repealed.

SECTION 12. Every special ordinance of this City governing the following subject matter, whether contained in whole or in part within said Code is excluded from the operation and effect of Section 10 and is not affected by the repeal provisions hereof. Annexations; franchises; naming roads, streets and public places, acquisition or disposal of public property; vacation of streets, alleys, or acceptance of any gift, device, license or other benefit; provided that the foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from repeal any and all ordinances not of a general nature.

SECTION 13. Whenever in said Code any act or omission is made unlawful it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

SECTION 14. Said Code shall become effective on the date this ordinance adopting said Code as the "Code of Bloomington" shall become effective.

SECTION 15. If any section, subsection, sentence, clause or phrase of said Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of said Code. The council hereby declares that it would have passed said Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason said Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION 16. That this ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 18th day of February, 1971.

Ralph L. Johnson
Ralph L. Johnson, Council President

ATTEST:

Marian H. Tardy
Marian H. Tardy, City Clerk

Presented by me to the Mayor of the City of Bloomington upon the 19th day of February, 1971, at the hour of 9:00 o'clock a.m.

Marian H. Tardy
Marian H. Tardy, City Clerk

This ordinance approved and signed by me upon the 19TH day of Feb., 1971, at the hour of 3:30 o'clock P.m.

John H. Hooker, Jr.
John H. Hooker, Jr., Mayor

INTRODUCED BY:

REFERRED TO COUNCIL COMMITTEE:

APPROVED AS TO LEGALITY:

James R. Cotner, City Attorney