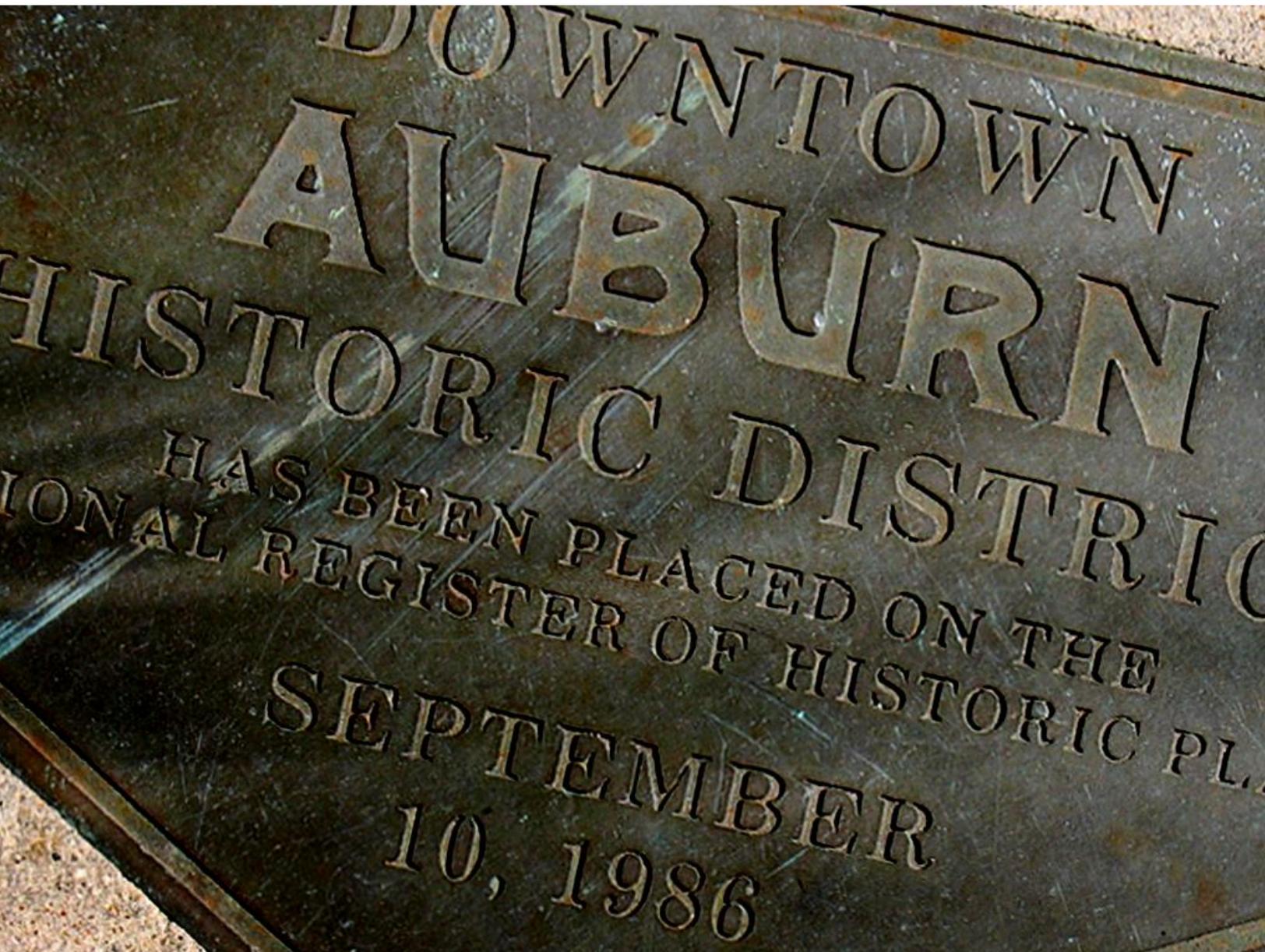




Code of Ordinances
CITY OF AUBURN





Rules of Construction

CHAPTER

10

AUBURN



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10.01 RULES OF CONSTRUCTION

The codified ordinances of the Municipal City of Auburn, Indiana, shall be designated as the Auburn City Code or the Auburn Municipal Code.

The codification of ordinances for the City of Auburn, Indiana shall be performed by the City Legal Department which shall provide the Clerk-Treasurer and City Information Technology Department with ordinances in codified form for publication. Said publication shall take place upon passage of each new ordinance or as soon as practical thereafter. The Auburn City Code shall be published on the City of Auburn Municipal web-site and a hardbound copy of the same shall be made available at the Clerk-Treasurer's Office.

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 the territorial boundaries of the municipal corporation although the provisions may not be so limited specifically.

10.03 APPLICATION TO FUTURE ORDINANCES

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

10.04 CAPTIONS

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

10.05 DEFINITIONS

A. General rule

Words and phrases shall be taken in their plain or ordinary and usual sense. But technical words and phrases which have a peculiar and appropriate meaning in law shall be understood according to their technical import.

B. For the purposes of this code, unless otherwise specifically provided, the following words and phrases shall have the following meanings ascribed to them respectively.

- CITY , MUNICIPAL CORPORATION or MUNICIPALITY
The City of Auburn, Indiana.
- THIS CODE or THIS CODE OF ORDINANCES
The Municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.
- COUNCIL
The Common Council of Auburn, Indiana.



- MAY
The act referred to is permissive.
- MONTH
A calendar month
- OWNER
Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or a part of the building or land, either alone or with others.
- PERSON
Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause which prescribes and imposes a penalty, the terms "PERSON" or "WHOEVER" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- PERSONAL PROPERTY
Every species of property except real property.
- POPULATION
Refers to the population according to the most recent federal special or decennial census. This definition applies even if the reference is to the most recent federal decennial census.
- PROPERTY
Real and personal property.
- REAL PROPERTY
Lands, tenements, and hereditaments and all chattels real.
- SHALL
The act referred to is mandatory.
- SIDEWALK
That portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- STATE
State of Indiana.
- STREET
Except as provided in the traffic code, the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right.
- YEAR
A calendar year unless otherwise expressed; equivalent to the words "YEAR OF OUR LORD."

10.06 RULES OF INTERPRETATION

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.



A. "AND" or "OR"

Either conjunction shall include the other as if written "and/or," if the sense requires it.

B. Acts 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, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy. (IC 1-1-4-1)

C. Gender; singular and plural; tenses

Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular (IC 1-1-4-1); the use of a verb in the present tense shall include the future, if applicable.

D. General term

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

E. Joint authority

Words importing joint authority to three or more persons shall be construed as authority to a majority of these persons, unless otherwise declared in the law giving the authority.

10.07 SEVERABILITY

If any provision of this code as now or 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.

10.08 REFERENCE TO OTHER SECTIONS

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

10.09 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.

10.10 ERRORS AND OMISSIONS

If a manifest error is discovered consisting of the misspelling of any 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 this intent, the 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 question exists regarding the nature or extent of the error.



10.11 OFFICIAL TIME

The official time, as established by applicable state and federal law, shall be the official time within the city for the transaction of all city business.

10.12 REASONABLE TIME

A. In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

B. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

10.13 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.

10.14 ORDINANCES UNAFFECTED

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

10.99 GENERAL PENALTY

Whoever violates any provision of this code for which another penalty is not specifically provided shall be fined not more than \$2,500 for each offense.