

## TITLE I: GENERAL PROVISIONS

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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 Long Beach 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.

(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.

**§ 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 unless otherwise specifically provided.

**§ 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.

**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.

**CITY, MUNICIPAL CORPORATION, MUNICIPALITY, or TOWN.** The municipality of Long Beach, Indiana.

**COUNCIL.** The Common Council of the city.

**COUNTY.** LaPorte County, Indiana.

**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.

**MONTH.** A calendar month.

**MUNICIPALITY.** The municipality of Long Beach, Indiana.

**OATH.** Includes an affirmation.

**OWNER.** When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

**PERSON.** Individual, firm, corporation, association, fiduciary, or governmental entity.  
(IC 36-1-2-12)

**PERSONAL PROPERTY.** Includes all property except real.

**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.

(IC 1-1-4-1)

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

**PROPERTY.** Includes real, personal, mixed estates and interests.

**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.

**REAL PROPERTY.** Includes lands, tenements, and hereditaments.

**REGISTERED MAIL.** Includes certified mail.

**SHALL.** The act referred to is mandatory.

**SIDEWALK.** That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

**STATE.** The State of Indiana.

**STREET.** Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the city.

**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.

**WRITING.** Includes any representation of words, letters, or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed; equivalent to the words **YEAR OF OUR LORD.**

(IC 1-1-4-1)

## § 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) *General.* 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)

(B) *Gender; singular and plural; tenses.* As used in the code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other gender.

(3) Words in the present tense include the future.

(C) *Calendar; computation of time.*

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(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.

(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)

(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)

(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.

### **§ 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)

**§ 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.

**§ 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 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.

**§ 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 HISTORICAL AND STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the 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 Town Council 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*

**§ 10.99 GENERAL PENALTY.**

Whenever in this code or in any ordinance of the town, or rule or regulations promulgated by an officer or an agency thereof under the authority invested by law or ordinance, any act is prohibited, required, or is made or declared unlawful or an offense, where no penalty is provided therefore, the violation of any such provision of this code, ordinance, rule or regulation shall be punished by a fine not to exceed \$2,500 for a first offense and a fine not to exceed \$7,500 for a second and subsequent offense. Each day any violation of this code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.  
(Ord. 15-07, passed 7-13-15)

**CHAPTER 11: ORDINANCES REPEALED AND SAVED**

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Section

- 11.01 Ordinances specifically repealed
- 11.02 Ordinances specifically saved

**§ 11.01 ORDINANCES SPECIFICALLY REPEALED.**

The following ordinances are to be specifically repealed.

<b><i>Ordinance No.</i></b>	<b><i>Date Enacted</i></b>	<b><i>Type of Ordinance</i></b>
180	1945	Inoculation of dogs
167	1942	Air-raids
87	1929	Ward districting
88	1929	Fire extinguishers
97	1930	Littering
109	1931	Open burning of leaves
116	1931	Establishment of Building Commission
117	1931	Disorderly conduct
133	1935	Garbage disposal
140	1936	Issuance of liquor permits
144	1937	Trailers

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<i><b>Ordinance No.</b></i>	<i><b>Date Enacted</b></i>	<i><b>Type of Ordinance</b></i>
13	1924	Parking cars on Lake Shore Drive
28	1926	Weight limits on certain roads
29	1926	Water use for lawn sprinkling
30	1926	Dogs running at large
41	1926	Weight limits on certain roads
Unknown	1945	Deputy Marshal
47	1927	Building permits
52	1927	Billboards and signs
113	1931	Hawking and peddling
Unknown	1950	Weight limits on certain roads
Unknown	1948	Vaccination of dogs

**§ 11.02 ORDINANCES SPECIFICALLY SAVED.**

The following ordinances are to be specifically saved.

<i><b>Ordinance No.</b></i>	<i><b>Date Enacted</b></i>	<i><b>Type of Ordinance</b></i>
Unknown	1971	Control of dog noise
Unknown	1950	Weights of vehicles on public ways
103	1931	Placing poles, posts, fences, or abutments on public highways
Unknown	1931	Prohibiting the running of a stop sign
12	1924	Changing name of Hermitage Avenue to Lake Shore Drive
20	1925	Regulating parking of cars on Lake Shore Drive
75	1964	Liquor licenses
223	1959	Ordinance regulating use of mufflers on motor vehicles
Unknown	1971	Ordinance providing for regulation of open storage of mobile homes, campers, and the like
Unknown	3-09-70	Re: Buildings
Unknown	3-09-70	Re: Location permits
Unknown	3-09-70	Re: Outdoor advertising
Unknown	3-09-70	Re: Subdivisions
Unknown	3-09-70	Zoning
Unknown	9-08-75	
Unknown	3-08-76	

<i>Ordinance No.</i>	<i>Date Enacted</i>	<i>Type of Ordinance</i>
7903	10-22-79	
8805	7-14-80	
8017	1-12-81	
8018	12-29-80	
8103	7-13-81	
8201	3-08-82	
8202	3-08-82	
8203	3-08-82	
8207	8-09-82	
8209	12-20-82	
8210	12-20-82	

Plus all ordinances enacted thereafter.

## **CHAPTER 12: ELECTIONS**

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Section

12.01 Registration of voters

### **§ 12.01 REGISTRATION OF VOTERS.**

It shall be unlawful for any person to vote at any general, primary, town, or county election unless such person is, at the time of such election or primary, a registered voter pursuant to the requirements of state law as particularly set forth in IC 3-7-1-1 through 3-7-9-16 as well as any other pertinent section of the statutes of the state.

(Ord. 8209, passed 12-20-82; Am. Ord. 9205, passed 12-29-92) Penalty, see § 10.99

***Cross-reference:***

*Election of Town Council, see § 30.04*