

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CITY BOUNDARIES

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Portland, shall be designated as the Code of Portland, and may be so cited.

§ 10.02 INTERPRETATION.

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 state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing 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. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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"CITY," "MUNICIPAL CORPORATION," "MUNICIPALITY," or "TOWN." The City of Portland, Indiana.

"CODE," "THIS CODE" or "THIS CODE OF ORDINANCES." This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

"COUNTY." Jay County, Indiana.

"MAY." The act referred to is permissive.

"MONTH." A calendar month.

"OATH." 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", "OFFICE", "EMPLOYEE", "COMMISSION", or "DEPARTMENT". An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

"PERSON." Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing 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 or agents thereof.

"PRECEDING" or "FOLLOWING." Next before or next after, respectively.

"SHALL." The act referred to is mandatory.

"SIGNATURE" or "SUBSCRIPTION." Includes a mark when the person cannot write.

"STATE." The State of Indiana.

"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.

"WRITTEN." 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."

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§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality 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 or ordinance 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.

(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; 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.

§ 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, 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.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this 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 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 question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state and federal law, shall be the official time within this municipality for the transaction of all municipal 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 such act or the giving of such 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 be 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.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anywise be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the

original ordinance, and the most recent three 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) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (IC 36-4-5-3) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

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(2) 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 MAYOR.

The Mayor shall preside at all Council meetings.
(Ord. 10, passed 1-1-80)

Statutory reference:

For powers and duties of the Mayor, see IC 36-4-5-3

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

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Section

11.01 Original corporate boundaries defined

§ 11.01 ORIGINAL CORPORATE BOUNDARIES DEFINED.

(A) The original corporate boundaries of the city are hereby defined and declared to be as follows, to-wit:

Starting at the northwest corner of the east half of the southeast quarter of Section 17, Township 23 north, Range 14 east, Wayne Township, Jay County, Indiana and running thence south on the west line of Creager Avenue, Portland, Indiana, 2450 feet to a point directly west of the south side of alley running east and west from Creager Avenue, thence west 237 feet, thence south 190 feet to the section line, being center line of Indiana State Road Nos. 67 and 26, running thence west on this line 3740 feet, more or less to the west side of Charles Street, thence south along west side of Charles Street 2076 feet to the north line of Crane Alley if extended, thence west 120 feet, thence south 549 feet to the center line of Water Street Road, thence east along center line of Highway 140 feet to north and south section line, thence south along said section line 957 feet more or less to the north property line of the L. E. and W. Railroad, thence northeasterly along this line 1383 feet, more or less to the north and south quarter section line, thence south along this line 1140 feet, to an east and west property line, thence east along this line 1296 feet to the center line of Blaine Pike, running thence northeasterly along center line of said Blaine Pike 762 feet, thence east 1048 feet more or less to the existing corporation line thence south along this line 274 feet to the south side of Union Street, if extended, thence east on this line 175 feet more or less to the west property line of the G. R. and I. Railroad, thence running south along the west property line of the Railroad 3928 feet, more or less to the half section line running east and west through the center of section 29 Wayne Township, thence east on this line 811 feet to the west side of N.R. Williamson tract, as recorded in Plat Record "C" Page 8, in the Jay County Recorder's office, running thence south along the west side of tract 696 feet to a point, (said point being 100 feet south of the southwest corner of Plat as recorded) running thence east 525 feet to the center of Indiana U.S. Highway No. 27, running thence south along the center line of said highway 1108 feet to the north end of Steel Bridge, thence east 491-1/2 feet, thence north on a line parallel with State Road No. 27, 1804 feet more or less to the half section line running east and west

through the center of section 28, Wayne Township, thence east on said half section line 2663 feet, more or less to the center line of Boundary Pike, thence northwesterly along the center line of said road 854 feet, thence northwesterly along an established property line 2215 feet, more or less to the north property line of the L. E. and W. Railroad, thence westerly on and along north right of way line 725 feet to a point that is 295 feet east from the center of Charles Street, thence running north on a line parallel with Charles Street 924 feet more or less to the southwest corner of the northeast quarter of the southwest quarter of Section 21, Township 23 north, Range 14 East, Wayne Township, Jay County, Indiana, thence east on the quarter section line 1320 feet more or less to the southeast corner of said northeast quarter of southwest quarter, thence north along the east line of said northeast quarter of southwest quarter, 1100 feet more or less to the south line of the Jack Addition, as recorded in Plat Book "C" Page 9, Recorder's office, Jay County, running thence east along said south line 983 feet to the east line of Lot 13 in the Jack Addition; thence north 220 feet to the center of Water Street, thence west along center line of said street 115 feet to a point 178 feet east of the east side of Pierce Street, thence north on a line parallel with Pierce Street, 738 feet, thence west 178 feet to the east side of Pierce Street, thence north along the east side of Pierce Street 1662 feet more or less to the south line of Lyons Addition as recorded in Plat Book "A" Page 101, Jay County Recorder's office, thence east 42 feet, thence north 240 feet more or less to the center of Votaw Street, thence west along the center line of Votaw Street 735 feet to the center line of Morton Street, thence north on center line of Morton Street, if extended, 3337 feet, thence west on a line parallel with Votaw Street 2926 feet, more or less to a point that is 320 feet west of the west property line of State Road Nos. 67 and 27, thence south 697 feet more or less to the center of 8th Street, thence west along center line of 8th Street 968 feet, more or less to the place of beginning at the west line of Creager Avenue. (Ord. 382, passed 11-5-58)

(B) An addition to the city to be known as Spencer's Addition being a part of the east half of the northeast quarter of Section 19, Township 23 north, Range 14 east, Wayne Township, Jay County Indiana, and described as follows: commencing at the intersection of the west side of Charles Street with the north line of Water Street, said point of beginning being 25 feet north and 20 feet west from the southeast corner of the east half of the northeast quarter aforesaid, thence north along the west line of Charles Street 732 feet to the south line of the former right-of-way of the Old Chicago, Bluffton and Cincinnati Railroad, thence northwesterly along said right-of-way line 136 feet, thence south on a line parallel with the west line of Charles Street 795 feet

to the north line of Water Street, thence east on this line 120 feet to the place of beginning. The street shown on the plat is 40 feet in width. The size of each lot is shown on the drawing which is contained on the original copy of the ordinance upon which this division (B) is based, and which is hereby incorporated by reference. Six feet is dedicated for utility easements and alley along the west side of each lot. Each of the eight lots in this addition shall be used for residential purposes only.

(C) For annexation ordinance descriptions, see Table of Special Ordinances I at the rear of this Code of Ordinances.