

**TITLE I: GENERAL PROVISIONS**

Chapter

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## **Hobart - General Provisions**





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**§ 10.01 TITLE OF CODE.**

(A) All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections, shall be known and designated as the “City of Hobart Municipal Code”, for which designation “code of ordinances”, “codified ordinances” or “code” may be substituted.

(B) Code title, chapter and section headings do not constitute any part of the law as contained in the code.

**§ 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 CONSTRUCTION OF CODE.**

(A) This code is a codification of previously existing laws, amendments thereto and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) The numerical order and position of sections in this code does not resolve a conflict between 2 or more sections.

(C) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.

(D) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(E) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of this code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(F) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

(I.C. 1-1-1-5)

**§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.**

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to 3 or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the section giving the authority.





(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) 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.

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

**CLERK-TREASURER**. The Clerk-Treasurer of the City of Hobart.

**COUNCIL**. The Common Council.

**COUNTY**. Lake County, Indiana.

**HIGHWAY**. Includes bridges, roads and streets, unless otherwise expressly provided.

**MONTH**. One calendar month.

**PERSON**. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, receiver and bodies politic. 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** and **FOLLOWING**. When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

**WRITTEN** and **IN WRITING**. Include printing, lithographing or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

**YEAR**. One calendar year, unless otherwise expressly provided.  
(I.C. 1-1-4-5)

#### **§ 10.06 SEVERABILITY.**

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a non-severability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:





(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(I.C. 1-1-1-8)

**§ 10.07 REFERENCE TO OTHER SECTIONS.**

Whenever in 1 section reference is made to another section hereof, the 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.

**§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.**

(A) *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.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers and rights were transferred.

(I.C. 1-1-6-1)

**§ 10.09 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 the intent, the spelling shall be corrected and the 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.





**§ 10.10 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 be a Saturday, Sunday or a state holiday, it shall be excluded.

**§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.**

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture or liability incurred under the section, unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture or liability.

(I.C. 1-1-5-1)

**§ 10.12 LIMITATION PERIODS.**

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code, shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

*Statutory reference:*

*Periods of limitation, see I.C. 1-1-1-7*

**§ 10.13 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.

**§ 10.14 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 the chapter or section. In addition to an 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.





**§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and section of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, § 1; Ord. 15, § 3; Ord. 20, § 1; Ord. 25, § 2)

(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: (I.C. 36-5-2-2)

(2) If a statutory 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:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*Inspection of public records, see I.C. 5-14-3 et seq.*

(C) If a section of this code is derived from the previous code of ordinances of the city published in a prior year and subsequently amended, the previous code section number shall be indicated in the history by “(Prior Code, § \_\_\_)”.

**§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

**§ 10.99 GENERAL PENALTY.**

(A) Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided shall be subject to the following:

(1) A fine not exceeding \$2,500 for the first violation; and

(2) A fine not exceeding \$7,500 for second and subsequent violations, except for violations of ordinances regulating traffic and parking.





(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.

***Statutory reference:***

*Authority, see I.C. 36-1-3-8(a)(10)*





## **Hobart - General Provisions**





Section

11.01 Districts established

**CHAPTER 11: COUNCILMANIC DISTRICTS**

**§ 11.01 DISTRICTS ESTABLISHED.**

(A) There are established and created 5 councilmanic districts within the city, as described below.

(1) *Councilmanic District One.* The boundary description of the first councilmanic district of the City of Hobart is as follows: Beginning at the intersection of Mississippi Street extended and 61st Avenue, thence east along the centerlines of 61st Avenue and 61st Avenue extended to Grand Boulevard, thence north along the centerline of Grand Boulevard to the intersection of Bracken Road, thence continuing north along the centerline of Lake Park Avenue to the centerline of 13th Street, thence east along the centerline of 13th Street to the centerline of Lincoln Street, thence north along the centerline of Lincoln Street to the centerline of Main Street, thence northeast to the centerline of Duck Creek, thence east and southeasterly along the centerline of Duck Creek to the centerline of Hobart Road extended, thence south along the centerline of Hobart Road extended and Hobart Road to the south boundary of the City of Hobart (this boundary being in the N 1/2 of Section 8-35-7), thence west, south, west, north, west, north and west along the city boundary in the N 1/2 of Section 8-35-7 to the east line of the west 1/2 of the west 1/2 of Section 8, in Township 35, Range 7, thence south along the east line and the east lines of the W 1/2 of the W 1/2 of Sections 17 and 20, Township 35, Range 7 to the south boundary of the City of Hobart, (the south boundary being the south line of Section 20-35-7), thence west along the south line and the south line of Section 1935-7 and the south line of Sections 24 and 23 of Township 35, Range 8, to the centerline of Mississippi Street, thence north along the centerlines of Mississippi Street, Mississippi Street extended and Mississippi Street to 61st Avenue, which is the point of beginning.

(2) *Councilmanic District Two.* The boundary description for the second councilmanic district is as follows: Beginning at the intersection of Lake Park Avenue and 37th Avenue, thence north along the centerline of Lake Park Avenue to the north city boundary which is between 34th Avenue and 34th Place, in the SW 1/4 Section 20-36-7, thence continuing east, north, east, north, east, south, east, north and east along the city boundary to the centerline of Deep River, thence north along the centerline of Deep River to the centerline of 33rd Avenue extended, thence east along the centerline of 33rd Avenue extended to the centerline of Randolph Street, thence north along the centerline of Randolph Street to the centerline of Deep River, thence north and northeasterly along the centerline of Deep River to the centerline of 29th Avenue extended, thence east along the centerlines of 29th Avenue and 29th Avenue extended to the east boundary of the City of Hobart (which is in the NE 1/4 of Section 21-36-7), thence south, east, south and east along the city boundary to the centerline of County Line Road, thence south along the centerline of County Line Road to the centerline of the CSX Railroad (formerly Penn Central Railroad), thence northwesterly along the centerline of the CSX Railroad to the centerline of Lake Park Avenue, thence north along the centerline of Lake Park Avenue to the centerline of Rand Street, thence east





along the centerline of Rand Street to the centerline of Hobart Road, thence north along the centerline of Hobart Road to the centerline of 37th Avenue, thence westerly along the centerline of 37th Avenue to the intersection of Lake Park Avenue, which is the point of beginning.

(3) *Councilmanic District Three.* The legal boundary description for the third councilmanic district of the City of Hobart is as follows: Beginning at the intersection of 37th Avenue and Wisconsin Street, thence east along the centerline of 37th Avenue to the centerline of Benedict Street extended, thence north along the centerline of Benedict Street extended to the centerline of Cleveland Street, thence east along the centerline of Cleveland Street to the centerline of Lake Park Avenue, thence south along the centerline of Lake Park Avenue to the centerline of 37th Avenue, thence east along the centerline of 37th Avenue to the centerline of Hobart Road, thence south along the centerline of Hobart Road to the centerline of Rand Street, thence west along the centerline of Rand Street to the centerline of Lake Park Avenue, thence south along the centerline of Lake Park Avenue to the centerline of the CSX Railroad (formerly Penn Central Railroad), thence southeasterly along the centerline of the CSX Railroad to the centerline of County Line Road, thence south along the centerline of County Line Road to the centerline of 61st Avenue, thence west along the centerline of 61st Avenue following the city boundary in Section 9-35-7 and the SE 1/4 of Section 8 until it intersects again with 61st Avenue (also known as the Supervisors Club Annexation), thence west along the centerline of 61st Avenue to the centerline of Hobart Road, thence north along centerlines of Hobart Road and Hobart Road extended to the centerline of Duck Creek, thence west and northwesterly along the centerline of Duck Creek to a point lying NE of the intersection of Main Street and Lincoln Street, thence SW to the intersection of Main Street and Lincoln Street, thence south along the centerline of Lincoln Street to the centerline of 13th Street, thence west along the centerline of 13th Street to the centerline of Lake Park Avenue, thence north along the centerline of Lake Park Avenue to the centerline of 10th Street, thence west along the centerline of 10th Street to the centerline of Ash Street, thence north along the centerline of Ash Street, to the centerline of the abandoned E.J.&E. Railroad right-of-way, thence west along the centerline of the abandoned E.J.&E. Railroad right-of-way to the centerline of Wisconsin Street, thence north along the centerline of Wisconsin Street to the centerline of 8th Street, thence east along the centerline of 8th Street to the centerline of Ash Street (Platted Riverside Drive), thence continuing east along the centerline of 8th to the centerline of Ash Street, thence north along the centerlines of Ash Street extended, Ash Street and Ash Street extended to the centerline of Lake George, thence westerly along the centerline of Lake George to the centerline of Wisconsin Street, thence north along the centerline of Wisconsin Street to the centerline of 37th Avenue, which is the point of beginning.

(4) *Councilmanic District Four.* The boundary description for the fourth councilmanic district of the City of Hobart is as follows: Beginning at the intersection of Mississippi Street and 53rd Avenue, thence east along the centerline of 53rd Avenue to the centerline of Liverpool Road, thence north, east, northeasterly, east and north along the centerline of Liverpool Road to the centerline of the Norfolk Southern Railroad (formerly Norfolk Western Railroad), thence southeasterly along the centerline of the Norfolk Southern Railroad to the centerline of Wabash Street extended, thence north along the centerlines of Wabash Street extended and Wabash Street to the centerline of Cleveland Avenue, thence east along the centerline of Cleveland Avenue to the centerline of Wisconsin Street, thence south along the centerline of Wisconsin Street to the centerline of Lake George, thence easterly along the centerline of Lake George to the centerline of Ash Street extended, thence south along the centerlines of Ash Street extended, Ash Street and Ash Street extended to the centerline of 8th Street, thence west along the centerline of 8th Street to the centerline of Wisconsin Street, thence south along the centerline of Wisconsin Street to the centerline of the abandoned E.J.&E. Railroad right-of-way, thence east along the centerline of the abandoned E.J.&E. Railroad right-of-way to the centerline of Ash Street, thence south along the centerline of Ash Street to the centerline of 10th Street, thence east along the centerline of 10th Street to the centerline of Lake Park Avenue, thence south along the centerline of Lake Park Avenue to the intersection of





Bracken Road, thence continuing south along Grand Boulevard to the centerline of 61st Avenue extended, thence west along the centerline of 61st Avenue extended and 61st Avenue to the centerline of Mississippi Street, thence north along the centerlines of Mississippi Street extended and Mississippi Street to the centerline of 53rd Avenue, which is the point of beginning.

(5) *Councilmanic District Five.* The boundary description for the fifth councilmanic district of the City of Hobart is as follows: Beginning at the intersection of Mississippi Street and the south right-of-way of Central Park Avenue, thence northeasterly along the south right-of-way of Central Park Avenue to the west right-of-way of Alabama Street (platted Roswell Street), thence south along the west right-of-way of Alabama Street to the centerline of the former Michigan Central Railroad right-of-way, thence northeasterly along the centerline of the former Michigan Central Railroad right-of-way to the east right-of-way of Tilden Street (platted Elbert Street), thence north along the east right-of-way of Tilden Street to a point that lies 125 feet south of the south right-of-way line of 35th Avenue (platted Liverpool Street), thence west to the centerline of Tilden Street, thence north to the south right-of-way of 35th Avenue, thence east along the south right-of-way of 35th Avenue to the west right-of-way line of I-65, thence south along the west right-of-way line of I-65 to the centerline of 37th Avenue, thence east along the centerline of 37th Avenue to the centerline of the CSX Railroad (formerly Penn Central Railroad), thence southeasterly along the centerline of the CSX Railroad to the centerline of Wilson Street, thence north along the centerline of Wilson Street to the centerline of 37th Avenue, thence east along the centerline of 37th Avenue to the centerline of Wisconsin Street (all description to this point follow the city boundary), thence south along the centerline of Wisconsin Street to the centerline of Cleveland Avenue, thence west along the centerline of Cleveland Avenue to the centerline of Wabash Street, thence south along the centerlines of Wabash Street and Wabash Street extended to the centerline of the Norfolk Southern (formerly Norfolk Western) Railroad, thence northwesterly along the centerline of the Norfolk Southern Railroad, to the centerline of Liverpool Road, thence south, west, southwesterly, west and south along the centerline of Liverpool Road to the centerline of 53rd Avenue, thence west along the centerline of 53rd Avenue to the centerline of Mississippi Street, thence north along the centerlines of Mississippi Street extended and Mississippi Street to the south right-of-way of Central Park Avenue, which is the point of beginning.

(Ord. 2002-45, § 1)

(B) The following list designates the current election precincts which are included in whole or in part within the boundaries of the foregoing councilmanic districts.

(1) Councilmanic District One is comprised of the following current election precincts 2, 3, 25 and 26 in whole.

(2) Councilmanic District Two is comprised of the following current election precincts 4, 10, 18, 20 and 21 in whole and current election precincts 5 and 19 in part.

(3) Councilmanic District Three is comprised of the following current election precincts 6, 7, 11, 27 and 28 in whole and current election precincts 1, 5 and 19 in part.

(4) Councilmanic District Four is comprised of the following current election precincts 13, 15, 16, 17, 22 and 24 in whole and current election precinct 1 in part.

(5) Councilmanic District Five is comprised of the following current election precincts 8, 9, 12, 14 and 23 in whole.

(Ord. 2002-45, § 2)





## **Hobart - General Provisions**

