

CHAPTER 10.  
GENERAL PROVISIONS.

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**Sec. 10.01. Title of code.**<sup>1</sup>

The ordinances embraced in the following chapters and sections shall constitute and be designated as "The West Lafayette City Code," and may be so cited. Such code may also be cited as the "West Lafayette City Code."

<sup>1</sup> For state law as to municipal codes generally, see Indiana Code §§ 36-1-5-1 to 36-1-5-4.

**Sec. 10.02. Captions of sections.**

In the construction of this code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the common council:

*Board.* The words "the board" or "such board" shall mean the board of public works and safety, except where the context clearly indicates otherwise.

*City.* The word "city" shall be construed as if the words of "West Lafayette, Tippecanoe County, Indiana," followed it.

*Computation of time.* 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 a Sunday, it shall be excluded. (Ord. No. 14-11, Appendix A, item 1.)

*Council.* The word "council" shall mean the common council of the City of West Lafayette.

*County.* The words "the county" or "this county" shall mean the County of Tippecanoe, State of Indiana.

*Gender.* Words used in the masculine gender shall include feminine and neuter. (Ord. No. 14-11, Appendix A, item 1.)

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Month.* The word "month" shall mean a calendar month.

*Number.* Words used in the singular include the plural and the plural includes the singular number.

*Oath.* The word "oath" shall be construed to include 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."

*Owner.* The word "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

*Person.* The word "person" shall include a corporation, firm, partnership, association, organization, trustee or any other group acting as a unit as well as a natural person.

*Personal property.* Includes every species of property except real property, as herein defined.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after respectively.

*Property.* The word "property" shall include real and personal property. (Ord. No. 14-11, Appendix A, item 1.)

*Public place.* The term "public place" shall mean any street or highway, sidewalk, park, cemetery, school yard or open space adjacent thereto and any lake or stream.

*Purdue.* Shall mean Purdue University.

*Real property.* Shall include lands, tenements, and hereditaments. (Ord. No. 14-11, Appendix A, item 1.)

*Reasonable time.* In all cases where any provision shall require any act to be done in a "reasonable time" or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signature or subscription.* Includes a mark when the person cannot write.

*State.* The words "the state" or "this state" shall mean the State of Indiana.

*STATE LAW REFERENCES:* Whenever reference is made to Indiana Code, it shall be construed to refer to Indiana Code, or to any subsequent amendment.

*Street.* The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, viaducts and all other public highways in the city.

*Tenant.* The words "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

*Time.* Words used in the past or present tense include the future as well as the past and present.

*University.* University shall mean Purdue University.

*Written.* The words "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year. (Code 1960, § 1-3.)

**Sec. 10.03. Definitions and rules of construction.**

The black letter headings of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not, be deemed or taken to be titles of such sections; nor as any part of the section, nor, unless expressly so provided shall they be so deemed when any of such sections, including the black letter headings are amended or re-enacted. (Code 1960, § 1-4.)

**Sec. 10.04. Severability of code.**

If any part or parts, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this code. (Code 1960, § 1-12.)

**Sec. 10.05. Certain provisions of code deemed restatements, re-enactments, etc., of existing ordinances, etc.<sup>2</sup>**

Each of the sections of this code at the end of which there appears in parentheses an historical citation indicating the section of the other ordinance existing at the time of the adoption of this code, from which such section derives, is hereby determined and declared to be a restatement and re-enactment or re-enactment of such section or ordinance and amendments thereto, heretofore properly adopted, and each such section shall be deemed reordained by the passage and adoption of this code. An historical citation at the end of a section of this code shall constitute the determination and declaration of restatement and re-enactment or re-enactment of such section required by law.

<sup>2</sup> For state law as to legal requirements on re-enactments of ordinances, see Indiana Code § 36-1-5-6. (Ord. No. 14-11, Appendix A, item 1.)

**Sec. 10.06. General penalty; continuing violations.**

Wherever in this code or in any ordinance of the city, or rule or regulation promulgated by an officer or agency thereof, under authority invested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor the violation of any such provisions of this code, ordinance, rule or regulation shall be punished by a fine not less than \$100 or more than \$300. Unless specifically provided by this code, there shall be no requirement of a complaint before the issuance of a citation by any officer under this code. Every day any violation of this code or any such ordinance, rule or regulation shall continue shall constitute a separate offense. In addition to any fine prescribed by this code, for all cases adjudicated in city court, there shall be due and owing all costs prescribed by state law. (Code 1960, § 1-10.; Ord No. 36-06)

**Sec. 10.07. Litigation Costs; attorney fees.**

In the event a person is found by a Court of competent jurisdiction to have violated any provisions of this code, in addition to any fine or other penalty assessed in such proceeding, the Court shall also award to the City reasonable costs of litigation, including a reasonable attorney fee. (Ord. No. 15-08)