

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers
- 1-4-4: Interference With Officers

1-4-1: **GENERAL PENALTY:**

A. Misdemeanor¹:

1. Definition: Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any provision of this code is guilty of a misdemeanor. When an act or omission is declared by ordinance to be a public offense, or to be unlawful, said act or omission is hereby declared to be a misdemeanor, and the act or omission is punishable as a misdemeanor.

2. Penalty: Every person who shall be convicted of a misdemeanor, shall, unless a different punishment be prescribed by the ordinance, be punished by paying a fine of not exceeding one thousand dollars (\$1,000.00) and/or confinement in jail for a period not to exceed six (6) months for any one offense, together with the costs of prosecution.

3. Separate Offense: Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this code is committed, continued or permitted by any such person, and shall be punishable accordingly.

4. License: When a person is convicted of a violation of any section of this code, any license previously issued to such person by the city

1. IC §§ 18-111B, 18-113, 50-302.

may be revoked by the court or by the city council. (Ord. 151, 6-9-1981; amd. 2010 Code)

- B. Infraction¹: When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable only by a penalty not exceeding one hundred dollars (\$100.00) and no incarceration may be imposed.
- C. Federally Mandated Programs: When the city is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the city may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six (6) months, or to include both a fine and imprisonment for criminal offenses. (2010 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

A. Application Of Penalty Provisions:

1. The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed or where any action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor unless otherwise provided. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

2. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

- B. One Recovery For Same Offense: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the

1. IC § 18-113A.

same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. (2010 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2010 Code)

1-4-4: **INTERFERENCE WITH OFFICERS:** Any person who interferes with, molests, resists or threatens any officer of the city while in the discharge of his official duties shall be guilty of a misdemeanor. (Ord. 10, 12-26-1952)