

MUNICIPAL CODE
FOR THE
TOWN OF MERIDIAN HILLS

1990
(Code Updated With All Subsequent
Ordinances to January 1, 2010)

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CHAPTER I

IMPLEMENTARY AND GENERAL PROVISIONS

ARTICLE 1

IMPLEMENTARY PROVISIONS

Sec. 1. Short Title; General Citation. This ordinance shall be known and may be cited as “**The Meridian Hills Municipal Code**”, and any citation or reference shall mean and include all supplements, supplementary ordinances, and amendments thereto.

Sec. 2. Legislative Intent to Exercise General Powers. It is declared to be the legislative intent of the Town Council, pursuant to the enactment of this Code, to invoke and exercise all lawful powers vested in or incumbent on the Town Council of a town to enact ordinances and to provide through legislation for the governance of the municipal corporation and its governmental jurisdiction, including but not necessarily limited to the following powers:

- a. all powers vested expressly by the Constitution and laws of Indiana;
- b. all general or residual powers conferred on the governing body of a town by the laws of the State of Indiana or by any other law;
- c. all implied powers incumbent on a municipality through the operation of common law, such as are necessary or dispensable to the purposes for which a municipal corporation is created.

Whenever any provision of this Code is a provision of any ordinance enacted prior to the enactment or taking effect of this Code, whether included in original or in substantially restated form, such a provision is intended and shall be construed to have been reaffirmed and re-enacted concurrently with the enactment of this Code, and shall be interpreted and applied in light of the above described powers as they are now in effect and vested in the Town Council, irrespective of whether any such provision could or might have been held invalid at the time it was originally enacted for want of then lawful authority of the Town Council to have enacted such a provision at that time.

Sec. 3. Continuity of Effect of Provisions. It is the legislative intent of the Town Council in adopting this Code to preserve the continuity of effect of all re-enacted or restated provisions included herein; and nothing in the re-enactment of any such provisions, nor in the repeal of any original ordinance per se, in which the provision was originally incorporated, shall be construed to nullify, terminate or render unlawful any official action performed, proceeding begun, governmental or corporate entity created, transaction made, or any contractual obligation, indebtedness, or other legal obligation or liability incurred by or to the Town under proper authority or operation of any such re-enacted or restated provision prior to its inclusion in and the taking effect of this Code.

Sec. 4. Publication of Municipal Code. This Code is declared to be a public document, and the Clerk-Treasurer shall provide for the making of printed copies thereof in booklet form,

and for the publication of such copies by the Town or by a private publisher so that any person who desires to obtain a copy for his/her own use and information may do so. The production of the printed Code in booklet form and publication thereof by making copies available for public acquisition and distribution as provided in this Section is for the purpose of and shall be construed to fulfill all printing and publication requirements as provided by the laws of the State of Indiana. If the printed Code is published and made available by and through the Town, the Council shall establish and collect a charge for each copy, which charge shall be sufficient to recoup the costs to the Town incurred for the printing of the Code volume and the administrative costs of publication. If the printed Code is published and made available by and through a private publisher, the private publisher may establish and charge a reasonable price for each copy of the Code ordered by a member of the public. In addition to such publication as provided above, at least one copy of the printed Code shall be filed and kept in the office of the Clerk-Treasurer, and the Clerk-Treasurer shall permit any person wishing to do so to examine the Code or make copies of any part thereof as provided by the laws of the State of Indiana (currently IC 5-14-3-3 and IC 5-14-3-8, as amended).

Sec. 5. General Repeal of Prior Ordinances. All ordinances or parts thereof, excepting those set forth and expressly saved in Section 6 of this Article, having been enacted prior to the adoption of this Code are hereby repealed, such repeals being effective upon the taking effect of this Code.

Sec. 6. Ordinances or Parts Saved From General Repeal. The following described ordinances or parts of ordinances are not repealed by Section 5, and shall remain in full force and effect until their natural expiration or until they are expressly repealed by another ordinance:

- a. the Ordinance for Appropriations and the Tax Levies for Fiscal Years 2009 and 2010 and any ordinances amendatory or supplementary thereto;
- b. any act fixing the salaries and wages of Town officers and employees for Fiscal Years 2009 and 2010;
- c. any other ordinance, whether explicitly or generally described, which is expressly incorporated by reference into this Code;
- d. Cable Television Franchise Ordinance and Agreement dated May 10, 1982; (see current [2000] Cable Television Franchise Ordinance dated July 8, 1996 – copy on file as public record with Town Clerk-Treasurer.)
- e. “General Ordinance #1 1946 Zoning Ordinance” as modified by subsequent Indiana statutes IC 36-3-1-1 et seq. (UNIGOV laws), as amended;
- f. all ordinances incorporating agreements with the City of Indianapolis relating to maintenance and traffic control of certain streets and rights-of-way in the Town.

Sec. 7. Conflict of Law. In the event the provisions contained in this Code conflict with another law, such conflict shall be governed by, and according to the following order, the provisions of (i) the Constitution of the United States, (ii) any federal law passed in pursuance thereof, (iii) the Constitution of the State of Indiana, (iv) the Indiana Code, (v) the municipal code of the consolidated city and county (hereinafter referred to as the “municipal code of the

city”), (vi) the laws and regulations of Washington Township, Indiana, (vii) this Code, and (viii) any other law not aforementioned.

Sec. 8. Code Effective Date. This Code shall take effect on the 1st day of January, 1991, as updated with all subsequent ordinances to January 1, 2010.

ARTICLE 2

GENERAL PROVISIONS

Scope of Governmental Activity of Town. The Town of Meridian Hills, a town located wholly within the boundaries of the consolidated City of Indianapolis, Indiana (“City”) has retained the following areas of governmental interest and supervision, which it exercises through its Town Council and designated agents, employees, consultants and independent contractors:

1. Public works, including street construction, repair, maintenance, lighting, snow removal and other matters relating to the streets or land within the public rights-of-way, all subject to compliance with the municipal code of the City and Marion County (“County”).

2. Public service relating to the health, safety and well-being of its citizens, including police protection supplementing such protection available through the principal police and fire agencies of the City and County or other similar governmental agency providing such service, from time to time.

3. Planning and development as such powers are reserved to the Town and described in Chapter IV, as amended.

Sec. 1. Definitions. The following terms are commonly used throughout this Code, and shall uniformly have the indicated meanings unless the particular Chapter or Article in which they are used defines a different meaning, or unless the context clearly indicates a broader, more narrow, or otherwise different meaning:

- a. **Town:** The term “Town” (or similar terms such as “municipality”) when used in a governmental or corporate sense means and refers to the Town of Meridian Hills, Indiana, a municipal corporation and body politic organized under the laws of Indiana; and includes, with respect to any particular matter and by representation, its Town Councilor such other officials, boards, commissions, departments, agencies, or other authorities which by act of the Town Council or by general law are empowered to exercise governmental or corporate authority on behalf of the Town of Meridian Hills with respect to such particular matters.

The term “Town” when used in a territorial or geographic sense, means or refers to that area included within the lawful municipal boundaries of the Town of Meridian Hills at that time in question, irrespective of the boundaries in existence at the time this Code or any included provision or amendment takes effect.

- b. **Town Council:** The term “Town Council” means and refers to the Town Council of the Town of Meridian Hills, Indiana and shall consist of three (3) persons.

- c. State: The term "State" means and refers to the State of Indiana in the senses analogous to those in which the term "Town" is used as described in subsection a. above.
- d. Law: The term "law" when used in reference or respect to any matter means any provision of the United States or Indiana Constitutions, federal or state statute, any applicable and enforceable federal or state regulations or administrative law, any applicable local ordinance or enforceable regulation, and the common law.
- e. Gender: All words having a masculine, feminine, or neuter connotation shall be construed to mutual entail and include each other.

Sec. 2. Conflicting or Contradictory Provisions; Resolution. In the event that two provisions of this Code or any supplementary ordinance are conflicting, mutually contradictory, or cannot consistently stand together and be coherently applied, either in general or with respect to any particular matter, then the most recently enacted provision shall prevail and be applied. In the case of any two such conflicting provisions of this Code which are re-enacted or restated provisions of any prior ordinances, the most recently enacted provision is that provision which was formerly part of the most recently adopted prior ordinance, notwithstanding the fact that such prior ordinance per se may have been repealed.

Sec. 3. Amendment and Repeal; Procedure; Limitation of Effect. The Town Council may add, amend, or repeal any chapter, article, section, or other part of this Code by adopting a supplementary ordinance setting forth the addition, amendment, or repeal and specifying the chapter, article, section, or other part of the Code to which the addition, amendment, or repeal applies. The repeal of any chapter, article, section, or other part shall be specific and not generally phrased; and any supplementary provision enacted with the intent to replace any existing provision of the Code shall include or be accompanied by a provision expressly identifying and repealing the provision intended to be replaced. The repeal of any current provision does not work to revive any prior provision which was repealed and replaced by the current provision being repealed; nor does the amendment or repeal of a provision serve to nullify, invalidate, terminate, or render unlawful any official act performed, proceeding begun, transaction made, contract or other legal obligation entered into, or liability incurred by or to the Town by virtue of the proper operation of the amended or repealed provision prior to taking effect of the amendment or repeal. A supplementary ordinance adding, amending, or repealing a provision of this Code shall be adopted in the same manner as other ordinances, except to the extent that an applicable special procedure for adoption is prescribed by this Code or statute.

Sec. 4. Severability. All chapters, articles, sections, or other portions of this Code are severable from each other as to matters of validity.

