

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application of Provisions
- 1-4-3: Liability of Officers

1-4-1: **GENERAL PENALTY¹:**

- A. Misdemeanor: Unless specifically provided elsewhere, any person convicted of a violation of any section or provision of this code deemed a misdemeanor may be fined in accordance with the City Fee and Fines Schedule as established by resolution of the Victor City Council which may be updated from time to time. for any offense and may be confined in jail for a period of not more than six (6) months. Either or both such fine and imprisonment may be imposed; and in addition thereto, any person so convicted shall pay such costs as the court may assess.
- B. Infraction: When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable by a penalty to be imposed in accordance with the City Fee and Fine Schedule as established by resolution of the Victor City Council which may be updated from time to time.
- C. Criminal or Civil Penalty; Federally Mandated Programs: Any city which is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, may enforce such requirements by ordinance, to include a criminal or civil monetary penalty to be imposed in accordance with the City Fee and Fine Schedule as established by resolution of the Victor City Council which may be updated from time to time or imprisonment for criminal offenses not to exceed the greater of six (6) months or such federal or state maximum prescribed periods, or to include both a fine and imprisonment for criminal offenses. (1996 Code)

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

- A. The general penalty as provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and

1. IC § 50-302.

every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation 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.

- B. 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 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.
- C. 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. (1996 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. (1996 Code)