

Ordinance 12-2005

AN ORDINANCE RESTRICTING THE WEIGHT OF VEHICLES ON TOWN STREETS

WHEREAS, the Town Council of the Civil Town of Mooresville is the legislative body for the purpose of enacting ordinances for the health, safety and general welfare of the residents of the Town of Mooresville;

WHEREAS, the Town owns and maintains certain streets, alleys and right-of-ways within the corporate limits of the Town of Mooresville;

WHEREAS, it is necessary to establish certain ordinances to regulate the use of the streets in a manner that protects the Town's investment in the streets and the citizens of the Town of Mooresville from uses that could be detrimental to the Town's streets and rights-of-ways;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Civil Town of Mooresville as follows:

Section I

The town enacts an ordinance restricting the use of the Town streets, alleys and rights-of-ways concerning the weight of vehicles that may travel on the Town's streets, alleys and rights-of-ways. The provisions of this Ordinance shall apply to all streets, alleys and rights-of-ways owned by the Town of Mooresville within the Civil Town of Mooresville, Morgan County, Indiana.

Section II. Definitions

"Town" means the municipal corporation known as the Civil Town of Mooresville, Indiana.

"Street" or "Alley" means the entire width between boundary lines (meaning the actual area owned by the Town of Mooresville) of every way dedicated, platted or owned by the Town of Mooresville when any part of the way is opened to the use of the public for purposes of vehicular traffic. The term includes an alley.

"Highway" means the entire width between boundary lines of State owned ways, which are part of the State system of ways through the Town of Mooresville open for vehicular traffic. This shall include portions of State Road 42, 267, 67 and 144.

"Right-Of-Way" means any property owned by the Town of Mooresville or the State of Indiana adjoining any street, alley or highway.

“Vehicle” means, except as otherwise provided herein, a devise in, upon or by which a person or property is, or maybe, transported or drawn upon a street.

- a. Vehicle, for purposes of this Ordinance, does not include a fire truck or apparatus owned by the Town of Mooresville.

“Declared Weight” means the declared weight as shown on the license plate of the vehicle or the weight shown on the vehicle’s registration or attached to the vehicle or at the discretion of the Mooresville Police Department as established by weighing or any other accurate documentation.

“Delivery” means the transporting of some commercial product by a vehicle to a specific location and shall include a pick up of an item for commercial purposes at a specific location.

Section III.

It shall be a violation of this Ordinance for any person, firm or corporation to operate or allow to be operated a vehicle over sixteen thousand (16,000) pounds on a Town street unless:

- a) Said vehicle is transporting freight or material to and from a business site within the Town of Mooresville and is using the shortest possible route upon the Town streets from the point of entry and shall then leave the Town right-of-way at the nearest available point of exit; and,
- b) That said freight carrying vehicle is making a delivery of material or supplies, including construction equipment, to a site within the Town of Mooresville and said vehicle must travel the shortest possible route upon the Town streets from the point of entry and shall then leave the Town right-of-way at the nearest available point of exit.

Section IV

Any person, business, corporation or other legal entity violating any of the provisions of this Ordinance shall be subject to a civil fine in an amount not to exceed Five Hundred Dollars (\$500.00) per violation. In addition, a violator that damages the Town’s property shall be subject to a civil enforcement for all damages which are directly attributable to the violation along with attorney fees and all other costs of enforcement of this action. Enforcement shall be by the Mooresville Police Department with all actions filed in Mooresville Town Court as violations of this Ordinance cited on the uniform traffic citation; however, civil enforcement actions for damages shall be in the Circuit or Superior Courts of Morgan County, Indiana.

The Mooresville Police Department shall also have the right to have any vehicle towed and placed in storage at the owner's expense for a violation of this Ordinance where the vehicle is parked in excess of the commercial purpose on a Town street, alley or right-of-way. The minimum fine shall be One Hundred Dollars (\$100.00) and shall be applicable to any vehicle with a declared weight of sixteen thousand (16,000) pounds or greater. For each increment of one thousand (1,000) pounds over and above the sixteen thousand (16,000) pounds, the fine shall increase One Hundred Dollars (\$100.00) with a maximum of Five Hundred Dollars (\$500.00)

If any Section of this Ordinance shall be held unconstitutional or invalid is shall not affect the validity of the remaining portion of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage and publication.

Mooresville Town Council

Troy Bryant

John L. Clark

Toby Dolen

Eric Shields

Tom Warthen

(All original signatures are on file at Town Hall)

Attest:

Sandra Perry, Clerk - Treasurer