

Ordinance 5 - 2003

An Ordinance restricting the Use of Town Streets Concerning Parking and Weight of Vehicles

WHEREAS, the Town Council of the Civil Town of Mooresville is the legislative body for 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 rights-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 investments in the streets and the citizens of the Town of Mooresville from the use of the streets;

NOW, THEREFORE, BE IT 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. The provisions of this Ordinance shall apply to all streets, alleys and rights-of-ways located 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.

“Right-Of-Way” means any property owned by the Town of Mooresville adjoining any street or alley.

“Vehicle” means, except as otherwise provided herein, a device 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.

“Length” means the length of a vehicle as measured from the furthest most projection of the vehicle in the front to the furthest most projection of the vehicle to its rear.

“Width” means the distance from the widest portion of the vehicle measured from side to side excluding the mirrors.

“Height” means the height of a vehicle as measured from its highest projection on the top of the vehicle to the ground, excluding antennas.

“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.

No vehicle has a capacity of eleven thousand (11,000) pounds or greater shall be parked on any street, alley or right-of-way. No vehicle with a length of twenty-five feet (25’) or greater, or with a width of eighty-two inches (82”) or greater, or a height of seven feet (7’) or higher shall be parked on any Town street, alley or right-of-way. A violation of any one of the above specifications (the weight portion of this Section, the length portion of this Section, the width portion of this Section or the height portion of this Section) shall be considered a violation.

An exception to this section would be commercial vehicles making deliveries in the due cause of business only.

SECTION IV.

No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, transportation device, motor or any other piece of equipment on any street, alley or right-of-way.

SECTION V.

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. Enforcement shall be by the Mooresville Police Department with all actions filed in the Mooresville Town Court as a violation of this Ordinance cited on a Uniform Traffic Citation. The Mooresville Police Department shall also have the right to have any vehicle towed and placed in storage at the owner's expense for violation of the Parking Ordinance section of this Ordinance. In addition, any vehicle that continues to violate the terms of this Ordinance for a period in excess of twenty-four (24) hours from receipt of the initial violation shall be deemed to have committed a separate offense, which can be enforced by a separate citation along with the vehicle towed and placed in storage at the expense of the owner. The amount of the fine shall be at the discretion of the Town Court Judge based upon the nature of the violation, prior violations and the seriousness of the offense based on safety issues and damage to Town property.

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

This Ordinance specifically repeals Ordinance Nos. 1-68, 22-1992, etc.

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

Mooresville Town Council

John L. Clark
Toby Dolen
Mark Mathis
Troy Bryant
Tom Warthen
(Original signatures on file at Town Hall)

Attest:

Sandra Perry, Clerk/Treasurer
(Original signature on file at Town Hall)