

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2020-11**

**AN ORDINANCE REVISING CHAPTERS 71 AND 72 OF THE WHITELAND TOWN
CODE TO REGULATE THE PARKING OF TRUCKS AND COMMERCIAL
VEHICLES IN CERTAIN AREAS**

(Oakville Boulevard and Hummingbird Lane)

WHEREAS, the Town Council (the "Town Council") of the Town of Whiteland (the "Town") believes that reasonable health and public safety regulations addressing parking are needed to protect and improve the quality of life, character, and safety of the Oakville residential neighborhood and the Town of Whiteland;

WHEREAS, the Town Council has determined that the parking of vehicles on Oakville Boulevard, which is the main access road to the Oakville subdivision off of U.S. Highway 31, poses a threat to the safety of the persons residing in that area and the Town; and

WHEREAS, the Town Council has determined that the parking of trucks and commercial vehicles along Hummingbird Lane between Clearwater Boulevard and West Street within the Town of Whiteland also poses a threat to the safety of the persons residing in that area and the Town.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA AS FOLLOWS:

SECTION 1. Section 72.01 of the Whiteland Town Code is hereby amended to read as follows:

§ 72.01 PURPOSE.

Pursuant to I.C. 9-21-1, the town adopts this chapter regulating the standing and parking of vehicles on town streets and rights-of-way; and prohibiting the continuous operation of vehicles overnight in a stationary position. For the purposes of this chapter the term "vehicle" shall have the definition set forth in I.C. 9-13-2-196(a). The term "street" shall mean the "paved" portion of a right-of-way. "Right-of-way" shall mean a strip of land 30 feet to 100 feet wide dedicated for public streets, sidewalks and utilities. The term "commercial motor vehicle" shall have the definition set forth in I.C. 9-13-2-31, and includes without limitation, a tractor as defined in I.C. 9-13-2-180 and a semitrailer as defined in I.C. 9-13-2-164, separately or when combined. The term "truck" shall mean a motor vehicle designed, used, or maintained primarily for the transportation of property.

SECTION 2. Section 72.05 of the Whiteland Town Code, concerning removal of vehicles parked in violation of Chapter 72, is hereby renumbered to be Section 72.98, and is also corrected to read as follows:

§ 72.05 REMOVAL OF VEHICLE.

Whenever a law enforcement officer locates a vehicle parked in violation of this chapter,

such officer is hereby authorized to request the driver or other person in charge of such vehicle to move the vehicle to a position which would not violate this chapter. If a person so directed fails or refuses to move the vehicle, or if the vehicle is unattended, then such officer is hereby authorized to provide for the removal of such vehicle to an appropriate garage, towing lot, or place of safety, and the owner of such vehicle shall be responsible for payment of all costs associated with the removal and storage of the vehicle.

SECTION 3. New Section 72.05 of the Whiteland Town Code shall now read as follows:

§ 72.05 TRUCK PARKING RESTRICTION ON HUMMINGBIRD LANE.

It shall be unlawful for the owner, operator, or driver of any truck or commercial motor vehicle, or for the person in charge thereof, to park such vehicle on or to permit it to be parked or to stand upon Hummingbird Lane between Clearwater Boulevard and West Street, except for:

- (A) pickup trucks not used for commercial purposes;
- (B) moving or delivery trucks while actually loading or unloading property for adjacent residences, or
- (C) service trucks of persons while actually engaged in service calls at adjacent residences.

SECTION 4. Schedule III of Chapter 71 of the Whiteland Town Code, concerning prohibited parking streets, is hereby deleted from Chapter 71, and the subject matter contained in such Schedule III shall be addressed in new Section 72.06, which shall read as follows:

§ 72.06 SCHEDULE OF PROHIBITED PARKING STREETS.

Except as otherwise provided in this Chapter 72, and unless otherwise directed by a police officer, it shall be unlawful for the owner, operator, or driver of any vehicle, other than official public vehicles, to park such vehicle or to permit the vehicle to be parked at any time in or upon any street listed in the schedule below.

<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>	<i>Passage Date</i>
South State Street	Main Street and Paris Lane	Both	2015-02	8-10-15
Oakville Boulevard	U.S. 31 and Hummingbird Lane	Both	2020-11	9-8-2020

SECTION 5. Section 72.99 of the Whiteland Town Code is hereby amended to read as follows:

§ 72.99 PENALTY.

(A) Persons violating the provisions of Sections 72.02, 72.03, and 72.04 of this chapter shall be subject to the penalty imposed for a Class C infraction, as set forth in I.C. 34-28-5-4(c). Accordingly, Sections 72.02, 72.03, and 72.04 of this chapter shall be enforced by the provisions of I.C. 34-28-5. Any person accused of a parking violation as described in the provisions of Sections 72.02, 72.03, and 72.04 of this chapter, may in lieu of having

the citation processed in a court of competent jurisdiction, compromise and settle the allegation by paying the Town Clerk-Treasurer \$25 within 48 hours (excluding weekends and legal holidays) of the time the alleged offense was committed and the citation was issued.

(B) Persons violating Section 72.05 or 72.06 of this chapter shall be subject to a fine of not less than \$50 and not more than \$500 per day for each day such violation exists or is permitted to continue.

SECTION 6. The Town Council hereby authorizes and directs the appropriate officials and representatives of the Town to take all necessary actions to implement this Ordinance following final adoption.

SECTION 7. All prior ordinance provisions in conflict herewith are repealed as of the effective date of this Ordinance.

SECTION 8. This Ordinance shall be in full force and effect immediately upon final adoption and publication in accordance with applicable law.

PASSED through first reading by the Town Council on the 8th day of September 2020, by a vote of 4 in favor and 0 against.

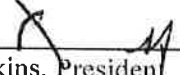
DULY ADOPTED on second and final reading this 8th day of September 2020, by a vote of 4 in favor and 0 against.

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TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

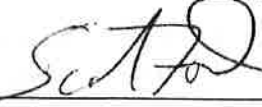
Voting In Favor

Voting Opposed




David Hawkins, President

David Hawkins, President



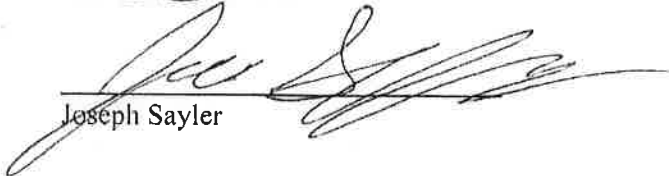
Scot Ford, Vice President

Scot Ford, Vice President



Brad Goedeker

Brad Goedeker




Joseph Sayler

Joseph Sayler

Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer