

**AN ORDINANCE TO RESTRICT AND REGULATE VEHICLE PARKING  
WITHIN THE TOWN OF MONROE, STATE OF INDIANA**

WHEREAS, Indiana Code §36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, Indiana Code §36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the town;

WHEREAS, the Town Board desires to adopt an ordinance restrict and regulate vehicle parking within a specific area of the Town of Monroe;

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

Section 1. Definitions: The definitions herein shall be applicable with respect to this ordinance only unless specifically incorporated by reference in another ordinance or resolution.

A. "*Vehicle*" means any means of locomotion that has four (4) or more wheels, regardless of whether it is propelled by electronic, motorized or animal power, that requires registration with any federal, state or local governmental agency or similar such entity.

B. "*Restricted Parking Areas*" means any alley, road, street or other thoroughfare that is within the Town of Monroe. Specifically Restricted Parking Areas include the following:

i. The East side of Memorial Drive from East Andrews Street to the cul de sac; and,

ii. The South Side of East Andrews Street from Keller Street to Memorial Drive.

C. "*Restricted Period*" means the period of May 1 through August 15 of any year or as may be amended from time to time.

D. "*Posted Restrictions*" means signage placed by and at the expense of the Town Board to provide the public with notice of the Restricted Parking Areas and the Restricted Periods described herein.

Section 2. Enforcement.

A. *Authority.* The Town Board shall have and does have the authority to enforce this ordinance and/or to delegate this authority to another local government unit located within the County of Adams.

B. *Citations.* The Town Board shall have and does have the authority to issue citations to owners of Vehicles that are in violation of this ordinance. Citations may be served on Vehicle owners personally, by leaving a copy attached to the Vehicle or by sending a copy of the citation via U.S. first-class Postal Mail; however, in the event that service of the citation is made personally or attached to the Vehicle, then the Town Board shall not be required to send a copy of the citation via U.S. first-class Postal Mail.

C. *Inspections.* The Town Board or its delegate shall have the authority to inspect any Vehicles located within Restricted Parking Areas during any Restricted Periods for purposes of determining whether there exists any Prohibited Parking.

D. *Appeal.* Each person who receives a citation from the Town Board for violations of this ordinance shall have the right to file a written appeal with the Town Board within five (5) days of the receipt of said citation.

Section 3. Violations.

A. *Per Se Violations.* The singular instance where the owner of a Vehicle receives a citation from the Town Board for parking of a Vehicle Within a Restricted Parking Area during a Restricted Period where there is a Posted Restriction for any Vehicle to park shall be per se violation of this ordinance.

B. *Willful and Intentional Violations.* It shall be a willful and intentional violation of this ordinance for a person to be cited two (2) or more times for violation(s) under this ordinance during a calendar year.

Section 4. Penalties.

A. *Fines.* The Town Board may fine Vehicle owners who violate this ordinance in the amount of One Hundred and 00/100 Dollars (\$100.00) for each separate offense, with a maximum penalty of One Thousand and 00/100 Dollars (\$1,000.00) per day. A Vehicle owner who commits a violation of this ordinance is subject to enforcement pursuant to the procedures provided in Indiana Code §34-28-5-1.

B. *Restraining Orders.* The Town Board may seek a temporary and/or permanent restraining order against any Vehicle owner who violates this ordinance in any court of competent jurisdiction.

C. *Cumulative Remedies.* The Town Board's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this ordinance.

Section 5. Effectiveness. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

ADOPTED, by the Town Board for the Town of Monroe, State of Indiana, this 7th day of July, 2016 at 7:00 PM by a vote of 3 ayes and 0 nays.

TOWN BOARD FOR THE TOWN OF  
MONROE, STATE OF INDIANA

Debra Giessler, President

Mike Geels

Jeffery L. Johnson

ATTESTED: Rachel Burkhart, Clerk/Treasurer