

ORDINANCE 2004 - 3

**SHORT TITLE:** AN ORDINANCE OF THE MONROE TOWN BOARD, COUNTY OF ADAMS, STATE OF INDIANA, WHICH FOLLOWS AND ENFORCES AND EMERGENCY ORDER BY SAID BOARD TO ESTABLISH A NO THRU TRUCK DESIGNATION ON VAN BUREN STREET DURING STATE HIGHWAY CONSTRUCTION UNDER INDIANA CODE 9-21-1-3(8) AND INDIANA CODE 9-21-4-7

WHEREAS, Indiana Code 9-21-1-2 authorizes a local authority to adopt by Ordinance traffic regulations with respect to streets and highways under the authority's jurisdiction; and

WHEREAS, Indiana Code 9-21-1-3(8) and Indiana Code 9-21-4-7 authorizes the authority to restrict the use of streets and highways by certain vehicles; and

WHEREAS, Indiana Code 9-21-4-3 authorizes the authority to place and maintain traffic control devices upon highways under its jurisdiction which are necessary to indicate and to carry out local traffic ordinances or to regulate, warn or guide traffic; and

WHEREAS, the Monroe Town Board, County of Adams, State of Indiana has determined that it is necessary for safety and to prevent destruction of Van Buren Street north of S.R. 124 and to restrict truck traffic on said street during the construction taking place on Polk Street and U.S. highway 27.

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE TOWN BOARD, COUNTY OF ADAMS, STATE OF INDIANA as follows:

1. Purpose. The purpose of this Ordinance is to designate a portion of Van Buren Street in the Town of Monroe as a No Trucks Thoroughfare pursuant to the powers vested in the Board under Indiana Code 9-21-1-2, Indiana Code 9-21-1-3(8) and Indiana Code 9-21-4-7(11). A further purpose of this Ordinance is to authorize the erection of official traffic control devices necessary to carry out the intent of this ordinance and to establish a civil penalty for violation of the terms hereof.

2. Definitions. Truck as used in this ordinance means a motor vehicle designed, used or maintained primarily for the transportation of property or goods. For purposes of this ordinance, truck also includes the following:

- (a) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
- (b) A non-cargo carrying power unit designed to operate in combination with a semi-trailer or trailer and includes a dromedary deck and plate.

3. Designation of No Trucks Thoroughfares. No trucks shall be operated on Van Buren Street north of State Route 124 which is located in the Town of Monroe which is hereby designated as a No Truck Thoroughfare.

4. Exemptions. No person operating a truck shall be permitted to operate such vehicle on said street at any time unless the use of such street is required and necessary and cannot be avoided in making a local delivery, sale or pick up of property to be transported on a truck in the normal course of business and such use is made by utilizing the shortest point of access from the nearest authorized truck route or highway.

5. Erection of Official Traffic Control Devices. The Highway and/or Street Supervisor is hereby authorized and directed to place traffic control signs designating such street as a No Truck Thoroughfare, which traffic control signs and the placement thereof shall comply with and shall follow the Indiana Manual on Uniform Traffic Control Devices.

6. Penalty for Violation. A person who disregards the designation of the foregoing street or portion thereof, as No Truck Thoroughfare and who operates a truck on such street for purposes other than making a local delivery, sale or pick-up violates this ordinance and commits a Class C infraction pursuant to Indiana Code 9-21-4-19 and a judgment of up to five hundred dollars (\$500.00) may be

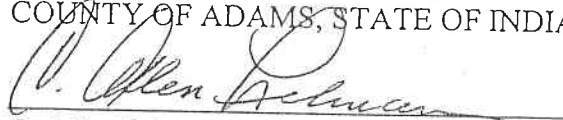
entered for such a violation plus costs pursuant to Indiana Code 34-28-5-4.

7. Deposit of Fines into General Fund. All fines assessed and collected for a violation of this ordinance shall be deposited into the Town of Monroe General Fund.

8. Effective Date and Expiration. Due to an emergency, herein declared by the Monroe Town Board, County of Adams, State of Indiana, this ordinance shall be deemed effective immediately upon its adoption by the Board and publication as required by law and the signing of such street herein declared as a No Truck Thoroughfare.

DULY PASSED, ADOPTED AND ORDAINED BY THE MONROE TOWN BOARD,  
COUNTY OF ADAMS, STATE OF INDIANA ON THIS 4<sup>th</sup> DAY OF NOVEMBER, 2004.

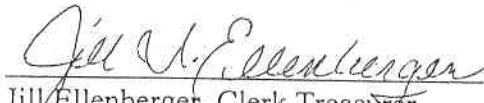
MONROE TOWN BOARD  
COUNTY OF ADAMS, STATE OF INDIANA

  
C. Allen Lehman

  
Michel Geels

  
Debra Burkhardt

ATTEST:

  
Jill Ellenberger, Clerk Treasurer

MONROE TOWN BOARD  
COUNTY OF ADAMS, STATE OF INDIANA  
C. Allen Lehman, President  
Attest: Clerk Treasurer