

**ORDINANCE 2010-04 OF THE TOWN COUNCIL OF
LEO-CEDARVILLE, INDIANA**

**AN ORDINANCE REGULATING THE USE OF ALLEYS WITHIN THE
CORPORATE BOUNDARIES OF THE TOWN OF LEO-CEDARVILLE**

WHEREAS, there are numerous alleys identified on the plat maps of Cedarville and Leo which have heretofore been unregulated as to use; and

WHEREAS, the Town Council of the Town of Leo-Cedarville has determined that it would be in the best interest of the Town to uniformly regulate the use of alleys within the Town's boundaries.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LEO-CEDARVILLE, ALLEN COUNTY, INDIANA:**

1. **Definition:** For purposes of this ordinance, the terms "alley" or "alleyway" shall mean a right-of-way other than a street, road, crosswalk, or easement which is designed for the special accommodation of the property it reaches. Such terms shall include all unnamed rights-of-way of less than twenty-five feet (25') in width platted on the plat maps for Cedarville and Leo, excluding any private drives.
2. **Use of Alleys:** No driver of any vehicle shall use an alleyway as a thoroughfare. Alleys may be used for purposes of going to or departing from a place or property abutting the section or block of such alley. This restriction shall not apply to emergency services vehicles (including police, firefighters, and Emergency Medical Services) that are responding to a call or emergency, nor to utility vehicles which are seeking access to utility lines or easements, nor to vehicles driven by municipal employees when performing inspections or other work for the Town.
3. **Speed Limit in Alleys:** When a driver is operating or driving a vehicle in, on or through any alley or portion thereof, the vehicle shall not exceed a speed of ten (10) miles per hour. This restriction shall not apply to emergency services vehicles (including police, firefighters, and Emergency Medical Services) that are responding to a call or emergency.
4. **Parking in Alleys:** No vehicle shall be stopped, left to stand, or parked within an alley except when loading and unloading for a period of no more than fifteen (15) minutes unless a permit is first obtained from the Town Administrator. No person shall stop, stand or

park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

5. **Obstructing Alleys:** No person shall obstruct an alley way with any object or property including but not limited to any building, fence, tree, shrub, shed, rock, post, snow-pile, dirt-pile, compost, mulch, equipment, automobile, or bicycle. No person shall alter or damage an alley in any manner that will prevent or obstruct use of the alley as a right-of-way.

Any vehicle parked or left standing in an alleyway in violation of this ordinance shall be considered an “abandoned vehicle” pursuant to Leo-Cedarville Code §91.02 and shall be subject to removal pursuant to that Code chapter.

Other movable objects that are found to be blocking or obstructing an alleyway shall be subject to being towed or removed by the Town without notice. The owner of the object shall be liable for the reasonable cost of removing and storing the object until it is claimed.

Structures or fixtures blocking an alley shall be subject to demolition and removal by the Town after reasonable notice has been provided to the owner (if known) to remove the structure or fixture from the alleyway. However, the Town may remove or demolish a structure without notice if it is determined that the presence of the structure in the right of way is creating a safety hazard or other emergency. Any person found to have violated this section shall be liable to the Town for the cost of removing the structure or fixture. This section shall not apply to any building with a foundation, fence, tree or other permanent fixture that was constructed, planted or erected in an alley prior to June 1, 1995.

Any person found to be responsible for the cost of demolition, removal and storage of a vehicle, structure or object hereunder, shall also be subject to any fine imposed pursuant to section 7 of this ordinance.

6. **Permits:** Any person wishing to use an alley for temporary parking, for loading and unloading for a period of more than fifteen (15) minutes, or for a neighborhood block party may apply to the Town Administrator for temporary permit. The Town Administrator shall issue a permit to any applicant applying for a permit for one of the above stated reasons provided that the use of the alley shall not block the driveway entrance to any property abutting the alley. The applicants shall bear the cost of mailing notice of the permit to each non-applicant property owner abutting the alley at least twenty four hours in advance of the activity in question. Permits shall be issued for no more than twelve (12) hours of duration. The applicants shall keep a copy of the permit available for inspection by any law enforcement officer during the period that the alleyway is being used.

7. **Violations:** Any person operating a vehicle in violation of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500) for each violation.

8. **Placement of Appropriate Signs:** No person shall be subject to any fine for violating Section 3 hereof (speed limit) until a proper traffic control device or sign has been erected on such alley. Any such sign shall comply with the requirements of the Indiana Uniform Traffic Control Devices Manual, if applicable.

9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

10. In the event any section, subsection, clause, phrase or portion of this chapter is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.

11. This ordinance shall be in full force and effect from and after its passage and approval by the Town Council, and after publication required by State law.

Passed and adopted by the Town Council of the Town of Leo-Cedarville, Indiana on this _____ day of _____, 2010.

FOR THE TOWN OF LEO-CEDARVILLE:

R. Paul Steffens
Council President

John Eastes
Council Member

John Clendenen
Council Vice-President

Mike Young
Council Member

Gordon Liechty, Jr.
Council Member

Attestation of Clerk-Treasurer

I, Pamela Spannuth, the Clerk-Treasurer for the Town of Leo-Cedarville, Indiana, hereby attest that the ordinance set forth above was adopted by the legislative body of the Town of Leo-Cedarville on _____ and signed by the Executive for the Town of Leo-Cedarville, and properly executed in my presence on _____.

Pamela Spannuth
Clerk-Treasurer