

**ORDINANCE 2008-02 OF THE TOWN COUNCIL OF
LEO-CEDARVILLE, INDIANA**

**AN ORDINANCE PROVIDING FOR THE TEMPORARY RESTRICTIONS ON
PARKING AND THE CLOSURE OF ROADS WITHIN THE TOWN OF
LEO-CEDARVILLE, INDIANA**

WHEREAS, Indiana Code Sections 36-9-2-7 and 9-21-1-3 allow the Town of Leo-Cedarville to regulate the flow of traffic on publicly maintained ways, including the ability to regulate the standing or parking of vehicles and the ability to restrict the use of public ways as authorized by I.C. 9-21-1-3 and 9-21-4-7; and

WHEREAS, Indiana Code Section 9-21-4-7(11) allows the Town to restrict the use of public ways located within the boundaries of the Town for certain periods of time; and

WHEREAS, The Town Council for the Town of Leo-Cedarville has determined that it is necessary for the health, safety and convenience of the citizens of the Town that the Council from time-to-time restrict the use of public ways and to restrict parking on public ways within the Town as the Council deems necessary.

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

Section 1. Road Closure by Resolution: The Town Council may, from time-to-time, close or restrict access to, or use of any road, or other public right-of-way, within the Town by adoption of a Resolution in compliance with this ordinance, except as otherwise specified herein.

Section 2. Temporary Regulation of Parking by Resolution: The Town Council may, from time-to-time restrict or regulate standing or parking of vehicles on any road or public right-of-way within the Town by adoption of a Resolution in compliance of this ordinance except as otherwise specified herein.

Section 3. Content of Resolution: Each resolution restricting access to or use of a public right-of-way or restricting or regulating standing or parking on a public right-of-way shall specify the name of the roads or rights-of-way to be restricted, the dates and times of the restriction, and the nature of the restriction. If only a portion of the road is restricted, the resolution shall describe in plain language which portions of the road shall be restricted.

Section 3. State Highways: No resolution shall restrict access to or the use of a highway within the state highway system unless written permission is first obtained from the Indiana Department of Transportation pursuant to Indiana Code Section 9-21-4-2.

Section 4. Published Notice: The Town Administrator shall cause to be published in the Allen County Courier notice of the passage of any Resolution adopted hereunder prior to the effective date of the road closure, parking or standing restriction, or right-of-way restriction.

Section 5. Violations: Any person operating a vehicle on or otherwise using any road or right-of-way in any manner in violation of a Resolution adopted hereunder, after the posting of any sign as required by this ordinance shall be subject to a fine of not more than seven hundred and fifty dollars (\$750.00) for each violation.

Section 6. Placement of Appropriate Signs: No person shall be subject to any fine pursuant to Section 5, hereof, until a proper traffic control device or sign has been erected on such street or right-of way. Any such sign shall comply with the requirements of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (“Traffic Manual”).

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. 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.

Section 9. 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 3rd day of June, 2008.

FOR THE TOWN OF LEO-CEDARVILLE:

John Clendenen
Council President

John Eastes
Council Member

R. Paul Steffens
Council Member

Mike Young
Council Member

Gordon Liechty
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