

ORDINANCE NO. 567

AN ORDINANCE PROVIDING FOR PARKING RESTRICTIONS DURING DECLARED  
SNOW EMERGENCIES IN THE TOWN OF MIDDLEBURY, INDIANA

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Middlebury Town Council is the Town legislative body and is by law authorized to adopt ordinances and resolutions under its police power to protect and enhance public health, safety, and general welfare;

WHEREAS the Town Council of the Town of Middlebury, Indiana declares it to be in the best interest of public safety to restrict and regulate the parking of vehicles on public streets within the Town of Middlebury, Indiana during declared snow emergencies;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Town Council of the Town of Middlebury, Indiana as follows:

1. Definition of Snow Emergency. A "snow emergency" is defined to be the period of time during and after a snowfall when vehicular traffic is expected to be particularly hazardous or congested due to the elements and when the parking of vehicles on the public streets could hinder, delay, interfere with, or obstruct the movement of traffic and the proper cleaning, clearing, and removal of snow and ice from the public streets in the Town of Middlebury, Indiana.

2. Declaration of Snow Emergency. A snow emergency will be declared by executive order issued by the Town Council President or his or her duly appointed representative when, based on reasonable judgment and discretion, the circumstances warrant the declaration of such emergency for the public safety in the Town of Middlebury, Indiana. The executive order will be filed in the office of the Middlebury Clerk-Treasurer, posted at the Middlebury Town Hall, and promptly communicated to local radio and television stations, news services, and social media either during or after a snowfall. A declared snow emergency will begin upon issuance of the executive order and will continue in effect until the Town Council President or his or her duly appointed representative terminates the snow emergency upon a determination that the

snow emergency conditions no longer exist. The termination of the declared snow emergency will be filed in the office of the Middlebury Clerk-Treasurer, posted at the Middlebury Town Hall, and communicated to the same media which were used to announce its declaration.

3. Parking Restrictions During Snow Emergency. During a declared snow emergency, parking will be regulated as follows:

a. Parking on all public streets within the Town of Middlebury, Indiana will be permitted only on the sides of the streets with even-numbered addresses on the days of the month with even-numbered dates; parking on all public streets within the Town of Middlebury, Indiana will be permitted only on the sides of the streets with odd-numbered addresses on days of the month with odd-numbered dates.

b. In areas where parking is already restricted by other regulation to one side of the street, the declaration of the snow emergency will override the preexisting designated no parking regulations for the duration of the declared snow emergency and allow parking in accordance with the provisions of subparagraph 3(a) above.

c. No parking will be allowed on either side of a dead-end street within one hundred feet (100') of the dead end.

d. No parking will be allowed within the circle of any cul-de-sac.

4. Snow Emergency Parking Exemptions. The following areas will be exempt from the parking restrictions and regulations contained in this Ordinance during a declared snow emergency:

a. All of Main Street/State Road 13.

b. E. Warren Street from State Street to Main Street.

5. Violations. Any police officer may remove or cause to be removed any vehicle found to be in violation of the parking restrictions and regulations contained within this Ordinance. Such vehicle or vehicles may be removed to any property owned by the Town of Middlebury or to a private garage or location authorized pursuant to a contract with the Town of Middlebury for vehicle impoundment and storage. Such vehicle or vehicles will be released only upon payment by the owner of the vehicle for all expenses of removal, impoundment, and storage.

6. Construction.

a. To the extent that any provision of this Ordinance is ultimately determined by a court of competent jurisdiction to be pre-empted by any state or federal law, this Ordinance

shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law.

b. Each provision of this Ordinance shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

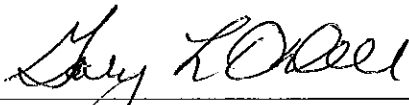
c. Compliance with the requirements of this Ordinance does not eliminate the need for complying with any other applicable federal, state, or local law or regulation concerning any declared federal, state, or local disaster emergency.

7. Authority of Town Council President. It is hereby acknowledged, understood, and declared by the Town Council of the Town of Middlebury, Indiana that under this Ordinance the Town Council President and his or her duly appointed representative is vested with the authority to exercise his or her discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizens of the Town of Middlebury, Indiana in implementing this Ordinance. The authority of the Town Council President and his or her duly appointed representative to issue, deny, suspend, or revoke, or fail or refuse to issue, deny, suspend, or revoke any snow emergency declaration under this Ordinance is hereby declared to be discretionary. The appointment of a representative by the Town Council President for purposes of implementing this Ordinance must be in writing, signed and certified to by the Town Council President, and filed with the Middlebury Clerk-Treasurer prior to the declaration of any snow emergency by such representative in reliance upon that appointment.

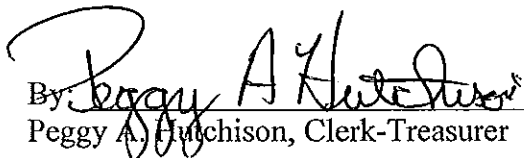
8. Effective Date. Following adoption, this Ordinance shall take effect immediately following publication in accordance with the requirements of law.

ORDAINED AND ADOPTED by the Town Council of the Town of Middlebury, Indiana this 3<sup>rd</sup> day of November, 2014.

TOWN OF MIDDLEBURY, INDIANA

By:   
\_\_\_\_\_  
Gary L. O'Dell, President

ATTEST:

  
By: \_\_\_\_\_  
Peggy A. Hutchison, Clerk-Treasurer