

TOWN OF CARLISLE, INDIANA
ORDINANCE NUMBER 2019- 3

AN ORDINANCE AMENDING ORDINANCE 2003-2
AN ORDINANCE PROVIDING FOR A HEAVY-DUTY VEHICLE ROUTE AND A
DELIVERY ROUTE THROUGH THE TOWN OF CARLISLE, INDIANA

WHEREAS, this Ordinance is adopted by the Town Board of the Town of Carlisle (the "Town"), County of Sullivan, State of Indiana,

WITNESSETH:

THIS ORDINANCE, made and established by the Town in a regularly scheduled meeting of the Town Board to ordain and regulate traffic on Town highways with respect to vehicle size and weight and to collect monies for the violation of the same, pursuant to the Town's authority to create ordinances relating to traffic upon highways under the jurisdiction of the Town and pursuant to Ind. Code 36-1-3-4 and Ind. Code 9-20-1-3.

NOW THEREFORE, LET IT BE ORDAINED BY THE TOWN BOARD OF THE TOWN OF CARLISLE, Sullivan County, Indiana, that this ordinance is hereby adopted this 7 day of May 2019. Regulation of traffic upon the highways of the Town of Carlisle shall be as follows:

1.01 DEFINITIONS. For the purposes of this ordinance, definitions are as follows:

- A. Heavy-Duty Vehicle.** Any vehicle with a Gross Vehicle Weight Ratio ("GVWR") greater than 26,000 pounds.
- B. Medium-Duty Vehicle.** Any vehicle with a GVWR of 10,001 pounds to 26,000 pounds.
- C. Heavy-Duty Vehicle Route.** This route shall run along Alexander Street and along Harrison Street. It shall also run from Alexander Street along East Saline Street to West Street where it will take a right turn and head down West Street back to Harrison Street. This is the route designated for use by Heavy-Duty Vehicles. Parking is allowed only for so long as is reasonably required to load or unload goods.
- D. Delivery Route.** This route shall run from Harrison Street along Ledgerwood Street to Eaton Street, where it will make a right hand turn and head back to Alexander Street. This is the route that is designated for "Medium-Duty Vehicles." Medium-Duty

Vehicles are naturally permissible on the Heavy-Duty Vehicle route as well. Parking is allowed only for so long as is reasonably required to load or unload goods.

- E. **Gross Vehicle Weight Ratio Limit.** Vehicles with a GVWR of 10,001 pounds or more are generally prohibited from travel on Town streets other than those designated as the Heavy-Duty Vehicle Route or the Delivery Route.

1.02 EXCEPTIONS.

A. If the owner/operator of a Heavy-Duty Vehicle or a Medium-Duty Vehicle can establish that the location it must reach in its regular course of business is not reachable by the enumerated Heavy-Duty Vehicle Route and/or Delivery Route, it may apply to the Clerk-Treasurer or Street Commissioner for a special use permit.

There is a \$5.00 administrative fee to apply for the special use permit. The permit application shall be completed by the applicant and delivered to the Clerk-Treasurer or the Street Commissioner for review. If approved, a copy of the permit shall be given to the applicant and the original retained by the Town. If not approved, the Clerk-Treasurer or Street Commissioner shall give a reason for the denial and a copy of the application shall be given to the applicant and retained by the Town.

If the application requires some correction or additional information or some other remedial action, then the applicant may make the necessary changes on a new application and re-apply for the special use permit. The \$5.00 fee is assessed with each new application.

If the applicant is denied and the applicant is unable or unwilling to remedy the application, the applicant may appeal the denial to the Carlisle Town Board at its regularly scheduled meeting. At the meeting the Town Board may approve the permit, deny the permit, or require reapplication with corrected information, additional information, or the remedying of the proposed route, the type or weight of the vehicle, the date or time of the delivery or any other action or condition. The Town Board may give its decision at the hearing or in writing at a later date.

The Town may deny a special use permit requested for the owner/operator of a Heavy-Duty Vehicle or Medium-Duty Vehicle to reach a residential destination. The Town may deny a special use permit for any owner/operator of a Heavy-Duty Vehicle or Medium-Duty Vehicle requesting to park or store the vehicle along any residential street.

B. No violation of this ordinance shall occur, and no special use permit is required, if the purpose of operating a Heavy-Duty Vehicle or Medium-Duty Vehicle is to move items into or out of a residence when a resident is moving into or out of a residence.

C. Certain vehicles are exempted from the definition of Heavy-Duty Vehicle or Medium-Duty Vehicle and are exempt from the requirement to obtain a special use permit and from the weight limits. Exempt vehicles include:

- i. Emergency vehicles
- ii. Wreckers

- iii. Trash trucks
- iv. Utility company trucks
- v. Vehicles going to a construction site in the Town
- vi. Deliveries made to the school
- vii. Moving vans
- viii. Agricultural vehicles
- ix. Campers and mobile homes
- x. School busses
- xi. Recreational vehicles
- xii. Delivery trucks

1.03 PENALTIES.

A. Any owner/operator of a Heavy-Duty Vehicle or Medium-Duty Vehicle that drives or parks his or her vehicle on a street not designated as a Heavy-Duty Vehicle Route or Delivery Route as required by this Ordinance will result in a warning or fine. For the first offense, the Town Marshal may issue a warning or impose a \$50.00 fine. The second time an owner/operator violates this Ordinance, the Town Marshal shall impose a \$100.00 fine. The third and any subsequent violations of this Ordinance shall result in the fine of \$300.00 being imposed.

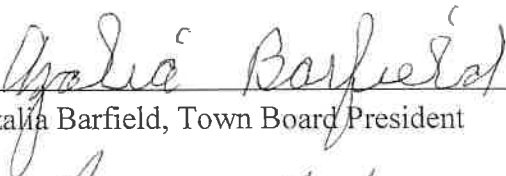
B. An owner/operator of a Heavy-Duty Vehicle or Medium-Duty Vehicle that receives a fine may appeal the fine by filing an appeal with the Carlisle Clerk-Treasurer no later than 10 days from the date of the violation. Said writing shall concisely state the basis for the appeal and must be timely filed to be valid and heard. The appeal shall be heard by the Carlisle Town Board at the next regularly scheduled Town Board meeting. The Town Board may give its decision on the appeal at the meeting or in writing at a later date.

C. The Town or its agent may collect on unpaid fines. As provided in I.C. 36-1-4-3 and 36-1-4-17, the Town or its agent may bring an action in a court of competent jurisdiction to collect the amount of the money owed, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the Town obtains a judgment, the Town may obtain a lien in the amount of the judgment on any real or personal property of the owner or operator of the vehicle.

1.04 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held 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 remaining portions thereof.

This ordinance is hereby adopted and passed by the Town Board of the Town of Carlisle this 7 day of May, 2019 and shall become effective two weeks after being recorded and published in the Town's ordinance book by the Clerk-Treasurer.


Azalia Barfield, Town Board President


Clint Durall


Harold Hatfield

Attested: 
Susan Ridgway, Town Clerk-Treasurer

Date of Entry into the Ordinance Book: 6-5-19