

ORDINANCE NO. 380

**AN ORDINANCE ESTABLISHING WEIGHT LIMITS  
AND NO THRU TRUCK RESTRICTIONS FOR VEHICLES ON  
PUBLIC ROADS, STREETS, ALLEYS, AND BRIDGES WITHIN THE  
INCORPORATED AREA OF THE TOWN OF MIDDLEBURY, INDIANA**

WHEREAS Indiana Law authorizes and permits local authorities, in their respective jurisdictions, to establish weight limits for vehicles and restrictions on thru trucks being operated upon public roads, streets, alleys, and bridges within such jurisdictions,

WHEREAS Indiana Law authorizes and permits local authorities to adopt and enforce local ordinances, and prescribe penalties for violations thereof, the same to include ordinances for the regulation of thru trucks and weight limits for vehicles on public roads, streets, alleys, and bridges;

WHEREAS it is in the best interests of the Town of Middlebury, Indiana, and the citizens thereof, for the Town Council of the Town of Middlebury, Indiana to establish weight limits for vehicles and restrictions on thru trucks on public roads, streets, alleys, and bridges within the incorporated areas of the Town of Middlebury, Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Middlebury, Indiana:

Section 1. This Ordinance is made pursuant to the general corporate powers of the Town of Middlebury, Indiana, including, but not limited to, those powers set forth and contemplated by Indiana Code Sections 36-1-3-8, 36-1-4-11, 36-1-6-3, 36-5-2 et seq., and 9-21-4 et seq.

Section 2. A weight limit of sixteen thousand pounds (16,000 lbs.) is hereby established for vehicles operated on any public road, street, alley, or bridge located within the incorporated areas of the Town of Middlebury, Indiana excepting any highway or street in the state highway system.

Section 3. No thru trucks shall be operated on any public roads, streets, or alleys within the incorporated areas of the Town of Middlebury, Indiana excepting any highway or street in the state highway system. A "truck" shall be defined for purposes of this Ordinance as any vehicle with a plated weight of sixteen thousand pounds (16,000 lbs.) or more. A "thru truck" shall be defined for purposes of this Ordinance as a truck traveling on any public road, street, or alley within the incorporated areas of the Town of Middlebury, Indiana exclusive of any highway or street in the state highway system where the truck is without a verifiable delivery or pick-up or that is not registered to an address on the traveled street, road, or alley.

Section 4. Appropriate signage to give notice of the restrictions and limitations contained in this Ordinance shall be posted in accordance with the requirements of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

Section 5. From and after the effective date of this Ordinance, any person operating a vehicle or a combination of vehicles upon a public street, road, alley, or bridge within the incorporated areas of the Town of Middlebury, Indiana in violation of this Ordinance shall be fined, or have a judgment entered against him or her, in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), and in addition thereto, shall be subject to such further penalties, as determined by the Court that hears and adjudicates violations of this Ordinance, as prescribed by Indiana Code Section 34-28-5 et seq., as now in force, or as hereafter amended.

Section 6. The provisions of this Ordinance are intended to be penal in nature. No cause of action, claim, suit, responsibility, or liability otherwise accruing to the Town Council of the Town of Middlebury, Indiana, or any department, agency, instrumentality, or division of the Town of Middlebury, Indiana, shall be modified, reduced, terminated, or affected in any fashion by virtue of the assessment of a fine, the entry of a judgment, or the imposition of any other form of punishment by any Court acting pursuant to this Ordinance.

Section 7. Should any provision (section, paragraph, sentence, clause, or any other portion) of this Ordinance be declared by a Court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected. To this end, the provisions of this Ordinance are deemed severable.

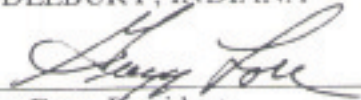
Section 8. The expressed or implied repeal or amendment by this Ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Ordinance.

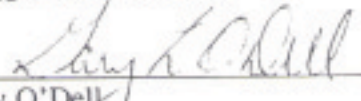
Section 9. An offense or infraction committed before the effective date of this Ordinance shall be prosecuted and remain punishable under the repealed or amended ordinance as if this Ordinance had not been adopted.


Section 10. This Ordinance shall be effective as of July 1, 1999, upon the meeting of the publication and notice requirements of Indiana law.

ORDAINED AND ADOPTED this 7<sup>th</sup> day of June, 1999.

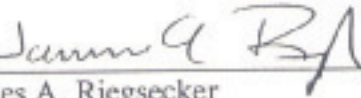
TOWN COUNCIL OF THE TOWN OF  
MIDDLEBURY, INDIANA

By   
Gregg Fore, President

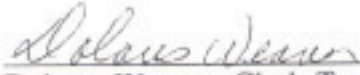
By   
Gary O'Dell

By   
Ruth A. Eash

By   
James L. Miller

By   
James A. Riegsecker

Attest:

  
Dolores Weaver, Clerk-Treasurer  
Town of Middlebury