ORIGINAL

ORDINANCE 2017-31

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, PROHIBITING OVERNIGHT PARKING AND OVERNIGHT CAMPING AT WHITESTOWN PARK FACILITIES

WHEREAS, the Town Council ("Town Council") of the Town of Whitestown, Indiana ("Whitestown" or "Town") finds that overnight parking and overnight camping should be prohibited in certain areas for public health, welfare and safety reasons; and

WHEREAS, the Town Council finds that uncontrolled parking of vehicles and overnight camping contributes to the declining appearance of our public parks and recreation areas, and therefore constitutes a public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. No Overnight Parking in Town Parks. No vehicle may park overnight, between the hours of 10:00 p.m. and 6:00 a.m., within any Town parks and recreation property or facilities. Vehicles may further be restricted, prohibited, or regulated on Whitestown parks and recreation property or facilities in any manner deemed necessary or appropriate for the public safety and welfare by order of the Parks and Recreation Director or the Whitestown Police Department.

Section 3. No Overnight Camping in Town Parks. No person shall establish or maintain any camp or other temporary lodging place, including a tent, vehicle, boat, or other artificial shelter, within Town parks and recreation facilities. Sleeping in parks, playgrounds, park lands or any bench or other equipment located in or on any park premises is prohibited.

Section 4. Exceptions. The Parks and Recreation Director and/or the Town Manager may grant permission for overnight parking and/or camping in Town parks and recreation property or facilities, as exceptions to the prohibitions set forth herein. Such permission must be in writing and issued prior to the parking and/or camping, and may include but is not limited to special events sponsored by Whitestown or the Parks and Recreation Department. This Ordinance shall further not apply to official Town vehicles and equipment.

Section 5. Enforcement Authority and Penalties. The Parks and Recreation Director and the Whitestown Police Department are authorized and empowered to enforce any and all provisions of this Ordinance, and laws of the state and Town, in all places under the control of the Parks and Recreation Department. Vehicles or equipment in violation of this Ordinance will be subject to having the vehicle or equipment towed by order of the designated enforcement officer. Persons in violation of this Ordinance may also be subject to a penalty of $33.50 and court costs of $116.50, for a total fine of $150.00 per day, per offense.

ORIGINAL

Section 6. Inconsistent Ordinances. All prior ordinances or parts thereof inconsistent with any term or provision of this Ordinance are hereby repealed. All other provisions of such ordinances shall remain unaltered and in full force and effect.

Section 7. Severability. In the event any one or more of the provisions contained in this Ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its passage as provided under applicable law.

APPROVED AND ADOPTED by the Town Council of the Town of Whitestown, Indiana, on this 16 day of August, 2017.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice-President	Yes
Kevin Russell	YAY
Clinton Bohm	YAY
Jeffrey Wishek	YAY

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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