

ORDINANCE 2023- 35

**AN ORDINANCE AMENDING THE WHITESTOWN TOWN CODE
CONCERNING PARKING REGULATIONS**

WHEREAS, the Whitestown Town Council (“Town Council”) desires to amend and restate the current Town Code concerning certain parking regulations within the Town of Whitestown, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. Title 10, Chapter 2 of the Town Code, titled “Stopping, Standing and Parking,” (restated in Sections 10.20.010 through 10.20.200 of the online compilation of the Town Code) is hereby amended and restated in its entirety (additions in underline, deletions in ~~strikethrough~~) as set forth in the attached **Exhibit A**, which is incorporated herein by this reference.

Section 2. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of such inconsistency or conflict.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to the laws of the State of Indiana.

Passed and adopted by the Whitestown Town Council on this _____ day of _____, 2023, by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

Eric Nichols, President

ATTEST:

Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana
4683143

Exhibit A

Amended Code Provisions

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10.20.010 Through streets and stop intersections.

When the proper signs are erected, vehicles shall be brought to a full stop at every intersection before entering any of the following streets or designated sections of streets:

A. Any street or highway which is now or which hereafter may be established as the route, or part of the route, for a state highway, unless specifically designated to the contrary herein or by amendment hereto.

B. Main Street has the right-of-way over all streets, from the north end of town to the south end of town, with the exception of Pierce Street, which intersection shall be a four-way stop intersection.

Pierce Street has the right-of-way over all streets, from the east end of town to the west end of town, with the exception of Main Street, which intersection shall be a four-way stop intersection.

Bowers Street has the right-of-way running north and south from Porter Avenue south to Smith Street over Turner Street and Neese Street and Laughner Street.

Buck Street has the right-of-way over Turner Street, Neese Street, and Laughner Street.

Smith Street has the right-of-way over the south end of Bowers Street.

Porter Avenue has the right-of-way over Bowers Street and Buck Street.

Uitts Street has the right-of-way over Bowers Street.

East end of town:

Four-way stop signs shall be erected [at] the intersection of Linville Avenue and Trout Street and at the intersection of Linville Avenue and Peters Street.

Any violation for failure to stop pursuant to said signage shall give rise to any applicable penalties and points with the Bureau of Motor Vehicles pursuant to Indiana Statute and/or the local traffic control ordinance.

C. The intersection of County Road 450 South and Perry Worth Road is hereby designated as an all-way stop intersection.

The Whitestown street department shall erect appropriate signage for the designation set forth in subsection (C)(1) of this section.

[Ord. 2013-15 §§ 1, 2; Ord. 2001-22; Ord. 1988-03 § 1; Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 7, § 1]

~~10.20.020 Sign standards.~~

~~Every sign erected pursuant to WMC 10.20.010 through 10.20.030 shall bear the word "STOP" in letters not less than six inches in height. Stop signs shall be located as near as practicable at the nearest line of the crosswalk on the near side of the intersection, or, if none, at the nearest property line of the highway.~~

~~[Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 7, § 2]~~

~~10.20.030 Required stops.~~

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1 ~~All traffic shall come to a complete stop before entering an intersection with a traffic-control device~~
2 ~~unless directed otherwise by a police officer or the traffic control device.~~

3 ~~[Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 7, § 3]~~

4 **10.20.0240 Parking.**

5 No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway
6 headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within
7 12 inches of the curb or edge of the roadway except as otherwise provided in this section.

8 The Town Council shall determine upon what street angle parking shall be permitted and shall mark or
9 sign such streets.

10 [Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 11, § 1]

11 **10.20.0350 Stopping, standing, or parking prohibited in specified places.**

12 A. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other
13 traffic or in compliance with law or the directions of a police officer or traffic-control device in
14 any of the following places:

- 15 1. In front of a public or private driveway;
- 16 2. Within an intersection;
- 17 3. On a crosswalk;
- 18 4. Within 20 feet of any intersection or of a crosswalk at an intersection;
- 19 5. Within 20 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal
20 located at the side of a roadway;
- 21 6. Within 20 feet of a driveway entrance to any fire station and on the side of a street opposite
22 the entrance to any fire station within 75 feet of said entrance (when properly sign posted);
- 23 7. Alongside or opposite any street excavation or obstruction when stopping, standing or
24 parking would obstruct traffic;
- 25 8. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- 26 9. In any alley except for the purpose of loading or unloading;

27 10. Any other location designed by resolution of the Town Council.

28 ~~10.11.~~ No parking on the south side of Harrison Street between [Main Street] and Pierce
29 Street;

30 ~~11.12.~~ No parking in the north/south alley between Harrison Street and Pierce Street;

31 ~~12.13.~~ On the North Side and South Side of Pierce Street, running from the intersection of
32 [Main Street] to the Alley East;

33 ~~13.14.~~ On the South Side of Pierce Street running west to Bower[s] Street;

34 ~~14. No parking in front of the Town Hall except that of a police car or cars;~~

35 15. Parking on the north side of Uitts Street is prohibited from one-half block west of [Main
36 Street] west to the former railroad right-of-way;

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~~16. The Town Council is hereby granted authority to establish additional no-parking locations by resolution adopted at a regular or special town board/Town Council meeting. Such additional no-parking locations shall become effective when inserted into the Town Code as an addendum to said Section 1.~~

- B. Parking near Fire Hydrant. No person shall park or stop a vehicle within 12 feet of a fire hydrant (either direction).
- C. Parking on Sidewalk, Etc. No person shall park or stop on sidewalk, grass plot, crosswalk, or in public right-of-way area between curb-line of road and adjacent property line.
- D. Parking in Emergency Lane. No person shall park or stop in an emergency vehicle lane except for the time necessary to load or unload passengers.
- E. Parking in Fire Lane. No person shall park or stop in a fire lane.

[Ord. 2012-18 § 1(g); Res. 1987-01 § 1; Ord. 1986-03 §§ 2, 3; Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 12, §§ 1, 101 – 104]

10.20.03151 Stopping, standing, or parking prohibited in specified places – Trailers and Recreational Vehicles.

- A. No person shall park an unattached automobile trailer, boat trailer, recreational vehicle, and/or house trailer, semi-tractor trailer, utility trailer, recreational vehicle, or the like on any street or alley for greater than 48 hours.
- B. No person shall stop, stand, or park an automobile trailer, boat trailer, recreational vehicle, and/or house trailer, semi-tractor trailer, utility trailer, recreational vehicle, or the like attached to a licensed towing vehicle on any street or alley, for over 72 consecutive hours.
- C. At no time should stopping, standing, or parking restrict the movement of traffic or unreasonably obstruct line of sight at intersections or driveways.
- D. Penalty for violation.
 - 1. Any person who violates the provision of WMC 10.20.051 shall be fined the sum of \$50.00 per automobile trailer, boat trailer, recreational vehicle, and/or house trailer, semi-tractor trailer, utility trailer, recreational vehicle, or the like.
 - 2. Furthermore, the Whitestown Metropolitan Police Department and- Whitestown code enforcement shall have authority to remove the offending trailer, or recreational vehicle and the violator or person seeking recovery of the trailer, or recreational vehicle shall pay the fine and costs of moving and storage of such trailer, or recreational vehicle before recovery of such trailer, or recreational vehicle.

10.20.060 Unauthorized movement.

~~No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.~~

~~[Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 12, § 2]~~

10.20.0470 Exceptions.

Nothing in this section shall be construed to repeal or restrict the right of ~~the suburban bus lines~~public transit service or ~~physicians~~first responders or other persons specifically designated by town ordinances

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1 to stop and park their respective vehicles ~~in spaces specifically provided for that purpose~~ within a
2 roadway.

3 [Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 12, § 3]

4 **10.20.0580 Special enforcement procedure.**

5 ~~The [chief of police] and his deputies~~ Police officers and code enforcement officers are hereby
6 authorized to move or cause to be moved and properly stored, at the owner's expense, any vehicle
7 improperly parked, parked overtime, or abandoned, if, after reasonable effort, the owner or operator of
8 such vehicle cannot be found or refuses or fails, upon proper notification, to move such vehicle.

9 [Ord. 2008-11 § 5; Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 12, § 4]

10 **10.20.0690 Stopping for loading or unloading only – Establishment of zones.**

11 The ~~board~~ Town Council is hereby authorized to determine the location of curb loading zones and shall
12 have placed and maintained appropriate signs indicating the same.

13 [Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 13, § 1]

14 **10.20.1070 Standing in curb loading zones.**

15 No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the
16 expeditious loading or unloading of passengers or materials in any place marked as a curb-loading zone
17 during the hours when the regulations applicable to such curb-loading zone are effective.

18 [Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 13, § 2]

19 **10.20.1180 Stopping, standing, or parking restricted or prohibited on certain 20 streets – Posted locations.**

21 When proper signage is in place, no person shall park a vehicle at any time upon any of the streets or
22 parts of streets described in this code in violation thereof.

23 [Ord. 2002-11; Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 14, § 1]

24 **10.20.1290 Time periods.**

25 When proper signs are in place in each block, no person shall park a vehicle for longer than the period
26 which this ~~board~~ Council shall herein, or in the future, designate.

27 It shall be prohibited to park for more than 30 minutes on the east side of Main Street between Pierce
28 Street and the first alley south of Pierce Street from the hours of 9:00 a.m. to 5:00 p.m., Monday
29 through Friday.

30 [Ord. 2002-11; Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 14, § 2]

31 **10.20.1300 Parking on street during street cleaning.**

32 No vehicle shall park on a street identified for cleaning by signage posted by the town.

33 [Ord. 2012-18 § 1(h). Prior code Title 7, Ch. 2, Art. 14, § 101]

34 **10.20.1410 Parking on closed street.**

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1 No person shall park a vehicle on a street temporarily closed to parking against posted order or against
2 order of an authorized agent of the town.

3 [Ord. 2012-18 § 1(h). Prior code Title 7, Ch. 2, Art. 14, § 102]

4 **10.20.1520 Parking during snow emergency.**

5 No person shall park or stop on a prohibited street during snow emergency.

6 [Ord. 2012-18 § 1(h). Prior code Title 7, Ch. 2, Art. 14, § 103]

7 **10.20.1630 Commercial vehicles – Parking prohibited.**

8 Freight carrying vehicles of one-ton capacity or more or vehicles more than 20 feet in length shall not
9 park within the business district on Main Street of this town or in any residential neighborhood except
10 for the purpose of loading or unloading freight.

11 [Ord. 1985-04 § 9. Prior code Title 7, Ch. 2, Art. 15, § 1]

12 **10.20.1740 Weight restrictions.**

13 A. Notice of Restrictions. When signs give notice of a weight restriction, no person shall operate a
14 vehicle exceeding a gross combination vehicle weight rating of 20,000 pounds upon any street
15 within the corporate limits of Whitestown, including, but not limited to, streets within the area
16 commonly known as Old Town Whitestown, CR 300 South, CR East 550 South, CR 650 East, and
17 that portion of CR 450 South that lies between CR 575 East and a point that is 750 feet west of
18 CR 500 East right-of-way, as designated on Exhibit A attached to the ordinance codified in this
19 section (the “450 South Segment”), except as provided in WMC 10.20.180; provided, that when
20 a parcel adjacent to and south of CR 450 South along 450 South Segment is rezoned for any
21 purpose other than residential or farming use, these weight restrictions shall not apply to the
22 portion of CR 450 South immediately adjacent to the rezoned parcel, and the town will adjust
23 signage as appropriate.

24 B. Weight Determination. In determining compliance with WMC 10.20.170 through 10.20.200, the
25 town will use the gross combination vehicle rating as displayed on the manufacturer’s vehicle
26 identification number (“V.I.N.”) plate (i.e., the total weight of the vehicle and any trailer). If no
27 manufacturer’s weight is provided on the V.I.N. plate, the town shall determine the weight of
28 the vehicle (and trailer) by using the weight listed on the license plate(s) of the vehicle (and
29 trailer).

30 [Ord. 2009-09 § A; Ord. 2001-08. Prior code Title 7, Ch. 2, Art. 15, § 2]

31 **10.20.1850 Commercial and other vehicles.**

32 A. Commercial and Other Vehicles Prohibited From Using Certain Streets. When signs give notice of
33 the following weight restrictions, no person shall operate any vehicle exceeding a gross
34 combination vehicle weight rating of 20,000 pounds upon any street within the corporate limits
35 of Whitestown, except that such vehicles may be operated on CR 300 South, CR East 550 South,
36 and CR 650 East for the purpose of delivering or picking up materials or merchandise and then
37 only by entering such street at the intersection nearest the destination of the vehicle and
38 traveling no further than the nearest intersection after the destination, and such commercial
39 vehicles may also be operated on the 450 South Segment for purposes of delivering or picking
40 up materials or merchandise at the residences immediately adjacent to and south of the 450
41 South Segment. In addition, the weight restrictions enacted in WMC 10.20.170 through

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1 10.20.200 shall not be applicable to farm-related vehicles or equipment traveling upon CR 450
2 South.

3 B. Penalties and Procedures. Any person who violates the provision of WMC 10.20.170 through
4 10.20.200 shall be guilty of an infraction punishable by a fine of not more than:

5 First offense: Up to \$250.00.

6 Second offense: Up to \$500.00.

7 Third offense: Up to \$1,000.00.

8 Fourth and subsequent offenses: Up to \$2,000.00.

- 9 1. The Whitestown town court shall be the proper venue and jurisdiction for enforcement of
10 WMC 10.20.170 through 10.20.200. Citations for violation of WMC 10.20.170 through
11 10.20.200 may be issued by the Whitestown police department ("police department").
12 Persons charged with a violation under WMC 10.20.160 through 10.20.200 shall be given
13 appropriate notice of such charge by personal service or by placing said notice in or upon a
14 vehicle parked or stopped in violation of any provision hereof. Any person so charged may
15 appear at the office of the clerk-treasurer within 48 hours of the issuance of notice and
16 make payment to the Whitestown clerk-treasurer of the penalty and fine set out in
17 subsection B of this section, as same may be amended from time to time. Payment of the
18 fine shall be an acknowledgment of such violation and offense. If in the opinion of the police
19 department, any person charged with violating WMC 10.20.160 through 10.20.200 is about
20 to leave the jurisdiction, such officer may institute action forthwith before a court of law,
21 magistrate or judge for the collection of such fine or penalty.
- 22 2. Nothing in WMC 10.20.170 through 10.20.200 shall be construed to limit any other rights or
23 actions that may exist in law or equity.
- 24 3. If any portion of WMC 10.20.170 through 10.20.200 shall be declared unconstitutional or
25 invalid, such decision shall not affect the remaining portions of WMC 10.20.170 through
26 10.20.200 so long as enforcement of same can be given the intended effect.
- 27 4. All prior ordinances or parts thereof inconsistent with WMC 10.20.170 through 10.20.200
28 are hereby repealed.
- 29 5. All monies collected pursuant to a violation of WMC 10.20.170 through 10.20.200 shall be
30 deposited by the clerk-treasurer in the Whitestown motor vehicle highway fund.

31 [Ord. 2009-09 § A; Ord. 2001-08. Prior code Title 7, Ch. 2, Art. 15. § 3]

32 **10.20.1960 Truck route.**

33 When signs are erected giving notice thereof, any person operating any vehicle exceeding a gross
34 combination vehicle weight rating of 13 tons shall utilize the following truck route in and around the
35 corporate limits of the town of Whitestown, except as provided under WMC 10.20.180:

36 South-North – Vehicles exceeding the aforementioned weight limits shall use I-65 or US 421.

37 East-West – Vehicles exceeding the posted weight limit shall use [Whitestown Parkway] or SR 32.

38 [Amended during 2015 reformat; Ord. 2009-09 § A; Ord. 2001-08. Prior code Title 7, Ch. 2, Art. 15, § 4]

39 **10.20.200-170 Termination of restriction on 450 south segment.**

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1 At such time as the entirety of the approximately 46-acre tract of land commonly known as 4995 East
2 450 South, Whitestown, Indiana (the "Protected Tract") is conveyed by the current owner thereof (i.e.,
3 the owner of the Protected Tract at the time of this amendment) to a third party, the amendments set
4 forth herein adding the 450 South Segment to WMC 10.20.170 and 10.20.180 shall automatically
5 become null and void and shall be of no further force or effect. The protected tract is generally depicted
6 on Exhibit A attached to the ordinance codified in this section and is more particularly described in Deed
7 Book 230, Page 408; Deed Book 230, Page 657; Deed Book 252, Page 449, an[d] Instrument No.
8 9607191, all recorded in the office of the recorder of Boone County, Indiana.
9 [Ord. 2009-09 § B. Prior code Title 7, Ch. 2, Art. 15, § 5]