

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	May 14, 2014	Meeting Date:	May 19, 2014
Contact Information:			
Requested by:	Travis Underhill, City Engineer		
On Behalf of Organization or Individual:			
		Dept. of Planning & Engineering	
Telephone:	317-736-3631		
Email address:	tunderhill@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2014-07: Truck Weight Fines (Amending Ord. 2005-10)			
List Supporting Documentation Provided:			
1. Ordinance 2014-07 (PROPOSED)			
2. Chapter 10.48.110(B)(11) – Violation of Truck Weight Fines (current regulations)			
Who will present the request?			
Name:	Travis Underhill	Telephone:	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

**ORDINANCE NUMBER 14-07
OF THE CITY OF FRANKLIN, INDIANA**

**An Ordinance Amending Ordinance 2005-10
Regulating Traffic, Vehicles, Streets, Sidewalks, and Public Places
(Truck Weight Fines)**

WHEREAS, the Common Council of the City of Franklin, Indiana, finds that the municipal regulations relative to fines for violation of truck weight limits should be revised in order to more appropriately govern and regulate truck traffic:

WHEREAS, the Common Council finds that Ordinance No. 2005-10 requires certain amendments and revisions;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1) **Amendment.** Section 10. Penalties – Specific Penalties shall be amended to read as follows:
 - a. Delete “The fine for violation of truck weight limits shall be \$100.00” and replace with “The fine for violation of truck weight limits shall be \$250.00”.
- 2) **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
- 3) **Repeal of Conflicting Provisions of Prior Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance, specifically the provisions of Ordinance 2005-10 referenced above are amended hereto. To the extent prior provisions are inconsistent with this amendment, said prior provisions are repealed.
- 4) **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.
- 5) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) thirty (30) days after the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-15,16.

Introduced and Filed on the _____ day of _____, 20____. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of _____ in Favor and _____ Opposed, pursuant to Indiana Code § 36-4-6-13].

DULY PASSED on this _____ day of _____, 20____ by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote _____ in Favor and _____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Steve Barnett, President

Steve Barnett, President

Joseph P. Abban, Vice President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

Joseph R. Ault, Member

Kenneth Austin, Member

Kenneth Austin, Member

Robert Henderson, Member

Robert Henderson, Member

Stephen Hougland, Member

Stephen Hougland, Member

Richard Wertz, Member

Richard Wertz, Member

Attest:

Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this _____ day of _____, 20____ at _____ o'clock _____.M.

Janet P. Alexander
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this _____ day of _____, 20_____ at _____ o'clock _____M.

Joseph E. McGuinness, Mayor

Attest:

Janet P. Alexander,
City Clerk Treasurer

Prepared by:

Lynnette Gray
Attorney No.: 11567-41
JOHNSON GRAY & MacABEE
63 E. Court Street
P.O. Box 160
Franklin, IN 46131
Ph.: (317) 738-3365
Fax: (317) 738-3862

Franklin, Indiana, Code of Ordinances >> - CODE >> Title 10 - VEHICLES AND TRAFFIC >> Chapter 10.48 - ENFORCEMENT AND PENALTIES >> Article II. Penalties >>

Article II. Penalties

[10.48.080 Deposit and administration of money from fines.](#)

[10.48.090 Prosecution and court penalties.](#)

[10.48.100 General penalty.](#)

[10.48.110 Specific penalties.](#)

10.48.080 Deposit and administration of money from fines.

All money received by the city clerk-treasurer or the city from violators of all sections of this title shall be deposited in the general fund of the city, all in accordance with state law.

(Prior code § 70.96)

10.48.090 Prosecution and court penalties.

- A. If a violation of this title is not adjudicated within the terms of this title within thirty (30) days, such violation will be referred to the city attorney for prosecution.
- B. The failure of a violator to pay voluntarily the penalty at the office of the city clerk-treasurer within thirty (30) days of the issuance of the notice of violation shall result in the violator's being arraigned in the city court and, upon conviction, becoming liable for cost of prosecution and penalties:
 - 1. For all sections except [10.28.010](#), [10.28.030](#), [10.28.040](#) and [10.28.050](#), if the penalty provided is not paid within thirty (30) days after notification, then the violator, upon conviction thereof, shall be fined in any sum not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00).
 - 2. For [Section 10.28.040](#), if the penalty provided is not paid within thirty (30) days after notification, then the violator, upon conviction thereof, shall be fined not less than five hundred fifty dollars (\$550.00), nor more than one thousand dollars (\$1,000.00).
 - 3. For Sections [10.28.010](#), [10.28.030](#) and [10.28.050](#), if the penalty provided is not paid within thirty (30) days after notification, then the violator, upon conviction thereof, shall be fined in any sum not less than one hundred twenty-five dollars (\$125.00), nor more than five hundred fifty dollars (\$550.00).

(Prior code § 70.97)

10.48.100 General penalty.

When a penalty for violation of a provision of this title is not specifically provided for, the violator, upon conviction, may be fined in the city court a sum not exceeding five hundred dollars (\$500.00) and shall be required to pay the cost of prosecution and court costs.

(Prior code § 70.98)

10.48.110 Specific penalties.

- A. The failure of a violator to pay in lieu of fine within forty-eight (48) hours, excluding weekends and holidays, shall result in the violator's becoming liable to the full penalty provided in this section.

B. The following specific penalties are established:

1. The fines for a violation of [Section 10.36.020](#)(A)—(C) or (E)—(M) shall be fifteen dollars (\$15.00).
2. The fine for a violation of Sections [10.36.020](#)(D) or [10.36.030](#)—10.36.060 shall be twenty-five dollars (\$25.00).
3. The fine for improper parking (Sections [10.36.120](#) or [10.36.130](#)) shall be twenty-five dollars (\$25.00).
4. The fine for unauthorized parking in handicapped zone (Section [10.36.140](#)) shall be fifteen dollars (\$15.00).
5. The fine for illegal parking of vehicles near intersections, driveways and alleys shall be fifteen dollars (\$15.00).
6. The fine for overtime parking within the central business district area of the city (Section [10.36.150](#)) shall be fifteen dollars (\$15.00).
7. The fine for illegal parking at curb loading zone (Section [10.36.170](#)) shall be twenty-five dollars (\$25.00).
8. The fine for illegal parking in taxi zone (Section [10.36.180](#)) shall be fifteen dollars (\$15.00).
9. The fine for excessive traffic noise (Chapter [10.32](#), Article I) shall be twenty-five dollars (\$25.00).
10. The fine for overtime parking city parking lots (Section [10.36.190](#)) shall be five dollars (\$5.00).
11. The fine for violation of truck weight limits (Section [10.28.010](#)) shall be one hundred dollars (\$100.00).
12. The fine for violation of limits upon construction vehicles and moving vans on curbs, sidewalks and rights-of-way (Section [10.28.020](#)) shall be one hundred dollars (\$100.00).
13. The fine for damage to curbs and rights-of-way (Section [10.28.020](#)) shall be one hundred dollars (\$100.00).
14. The fine for illegal parking of trucks, trailers and truck cabs (Section [10.28.030](#)) shall be one hundred dollars (\$100.00).
15. The fine for illegal parking or storing of hazardous waste and dangerous materials (Section [10.28.040](#)) shall be five hundred dollars (\$500.00).
16. The fine for illegal parking or garaging of tankers (Section [10.28.050](#)) shall be one hundred dollars (\$100.00).
17. The fine for violation of rules for marking on tank vehicles (Section [10.28.060](#)) shall be twenty-five dollars (\$25.00).
18. The fine for illegal parking of recreational vehicles and boats (Section [10.28.070](#)) shall be twenty-five dollars (\$25.00).
19. The fine for illegal parking of buses and trucks (Section [10.28.080](#)) shall be twenty-five dollars (\$25.00).
20. The fine for violations of truck parking restrictions shall be twenty-five dollars (\$25.00).
21. The fine for exceeding school or park or playground speed zones limits (Sections [10.16.020](#) and [10.16.030](#)) shall be thirty dollars (\$30.00).
22. The fine for illegal turns (Section [10.20.030](#)) shall be fifteen dollars (\$15.00).
23. The fine for failure to stop at stop signs or signalized intersections (Sections [10.20.040](#) and [10.20.060](#)) shall be twenty dollars (\$20.00).
24. The fine for failure to yield (Section [10.20.050](#)) shall be fifteen dollars (\$15.00).
25. The fine for illegal parking in one-way streets or alleys (Section [10.32.070](#)) shall be fifteen dollars (\$15.00).
26. The fine for violations of routes for hazardous and dangerous materials (Section [12.04.030](#)) shall be twenty-five dollars (\$25.00).

27. The fine for violations of regulations upon placement of poles and wires (Section [12.04.050](#)) shall be twenty-five dollars (\$25.00).
 28. The fine for games prohibited on public ways (Section [12.04.060](#)) shall be ten dollars (\$10.00).
 29. The fine for hanging on moving vehicles (Section [10.32.100](#)) shall be twenty-five dollars (\$25.00).
 30. The fine for obstructing streets (Section [12.04.070](#)) shall be fifteen dollars (\$15.00).
 31. The fine for illegal use of vehicles on sidewalks and rights-of-way (Section [12.04.080](#)) shall be twenty-five dollars (\$25.00).
 32. The fine for skateboarding on public ways (Section [10.32.110](#)) shall be ten dollars (\$10.00).
 33. The fine for unsafe billboards, signs or fences (Section [12.04.090](#)) shall be fifty dollars (\$50.00).
 34. The fine for unsafe advertising in streets (Section [12.04.100](#)) shall be ten dollars (\$10.00).
 35. The fine for soliciting in a roadway (Section [12.04.110](#)) shall be ten dollars (\$10.00).
 36. The fine for vehicular habitation (Section [12.04.120](#)) shall be ten dollars (\$10.00).
 37. The fine for illegal vehicular use in city parks (Section [10.32.090](#)) shall be fifteen dollars (\$15.00).
 38. The fine for littering of streets during construction (Section [12.04.150](#)) shall be twenty-five dollars (\$25.00).
 39. The fine for illegal barricades (Section [12.04.170](#)) shall be fifteen dollars (\$15.00).
 40. The fine for the illegal burning of leaves and rubbish on streets or walks (Section [12.04.180](#)) shall be ten dollars (\$10.00).
 41. The fine for illegal signs on poles and trees (Section [12.04.210](#)) shall be ten dollars (\$10.00).
 42. The fine for placing an obstruction in a fire lane (Section [12.04.230](#)) shall be twenty-five dollars (\$25.00).
- C. Citizens who have received notice of violation and who have not made payment in lieu of fine may pay the prescribed penalty by mail or in person at the office of the city clerk-treasurer within thirty (30) days of the issuance of the notice of violation.

(Amended during 2005 codification; prior code § 70.99)