

TOWN OF MORGANTOWN, INDIANA

ORDINANCE NO. 2018-11

**AN ORDINANCE AMENDING ORDINANCE 2015-6
RELATING TO THE ENFORCEMENT OF SPEED LIMITS ON
LOCAL STREETS AND ALLEYS IN THE TOWN OF MORGANTOWN**

WHEREAS, the Morgantown Town Council (the "Council"), with input and support from the Morgantown Town Marshal and Street Superintendent, on August 3, 2015, adopted Ordinance 2015-6 to set maximum speed limits on highways located in and under the jurisdiction of the Town;

WHEREAS, pursuant Ordinance 2015-6, as permitted by Indiana Code Section 9-21-5-6, the Council set the maximum speed limit for all streets located within the annexed territory of Morgantown, exclusive of alleys, at twenty five (25) miles per hour;

WHEREAS, pursuant Ordinance 2015-6, as permitted by Indiana Code Section 9-21-5-2, the Council set the maximum speed limit for all alleys located within the annexed territory of Morgantown at fifteen (15) miles per hour;

WHEREAS, pursuant Ordinance 2015-6, any person who operates a motor vehicle, including motorcycles, upon any street or alley within the Town at a speed in excess of the maximum speed limits determined and declared by the Morgantown Town Council commits a class C infraction;

WHEREAS, Indiana Towns, pursuant to Indiana Code 36-1-3-8(a)(8), may not prescribe a penalty for conduct that constitutes an infraction.

ACCORDINGLY, the Council may not designate, as an infraction, a violation of a local Town ordinance;

WHEREAS, pursuant to Indiana Code Section 36-1-6-3 (a)(c) an ordinance defining a moving traffic violation must be enforced, by the municipal attorney, in accordance with Indiana Code Chapter 34-28-5.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORGANTOWN, INDIANA, THAT:

Section 1. Except for specially designated and marked areas such as school zones, parks, and worksites, the maximum speed limit for all streets located within the annexed territory of Morgantown, which are not a part of the state highway system, exclusive of alleys, shall be twenty five (25) miles per hour.

Section 2. The maximum speed limit for all alleys located within the annexed territory of Morgantown shall be fifteen (15) miles per hour.

Section 3. This ordinance shall be enforced, by the municipal attorney, in accordance with Indiana Code Chapter 34-28-5.

Section 4. A person who violates this Ordinance shall be subject to a fine of Seventy-Five Dollars (\$75.00) for each violation.

Section 5. This Ordinance shall be in full force and effect from and after its publication and upon appropriate signs, giving notice of the maximum speed limits as set herein, being erected on the affected streets and alleys. This Ordinance repeals and replaces Ordinance 2015-6, and all other ordinances and parts of ordinances with which it may be in conflict.

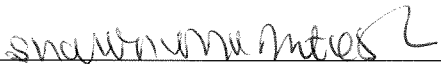
Introduced and adopted, by affirmative vote of the Town Council of the Town of Morgantown, at its regular meeting on the 3rd day of October, 2018.

Adopted, upon suspension of rules, on second and final reading, by affirmative vote of the Town Council of the Town of Morgantown, on the 3rd day of October, 2018



Mike Day, President
Morgantown Town Council

Attest:



Sharon McIntosh, Clerk Treasurer