

ORDINANCE NO. 2021-11-CM
AMENDING TIPPECANOE COUNTY CODE CHAPTER 74
REGULATION OF TRAFFIC IN A RESIDENTIAL COMPLEX

WHEREAS, the Board of Commissioners of County adopted Ordinance 2020-02-CM on March 16, 2020 concerning regulation of Traffic in a Residential Complex; and

WHEREAS, the General Assembly previously authorized such regulation pursuant to IC 9-21-18-4.1 but recodified that authority under IC 9-21-18-4.3; and

WHEREAS, the Board of Commissioners wish to amend Sections 74.02 and 74.03 to reflect the correct statutory citation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that sections 74.02 and 74.03 of the Tippecanoe County Code be amended to read as follows:

74.02 AUTHORITY TO ENTER INTO CONTRACTS

(a) The Sheriff is hereby authorized to enter into enforcement contracts on behalf of Tippecanoe County with an owner of the residential complex who submits in writing to the Board of Commissioners of Tippecanoe County a request that Tippecanoe County enforce this residential complex traffic regulation ordinance.

(b) An enforcement contract must comply with the requirements of IC 9-21-18-4.3 and this section.

(c) The enforcement contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant portions of this Chapter. Such signs must be placed in a sufficient number of locations to clearly mark where this Chapter applies. A sign placed at the entrance to the complex does not satisfy this subdivision.

(d) The enforcement contract may not charge the owner of the residential complex a fee for enforcing this Chapter.

(e) Enforcement of this Chapter may not begin until the enforcement contract is executed by the owner and the Sheriff or the Sheriff's designee.

(f) All revenue derived from fines, penalties, or other charges shall be distributed in the same manner as if the fines, penalties, or other charges arose out of violations committed on a public roadway.

74.03 LIABILITY

(a) Pursuant to IC 9-21-18-4.3(i), an owner that enters into an enforcement contract is not subject to liability or other adverse legal consequence arising out of the manner in which a law enforcement agency discharges its duties under the enforcement contract.

(b) Pursuant to IC 9-21-18-4.3(j), a residential complex or its owner is not subject to liability or adverse legal consequence for not entering into an enforcement contract. The failure to enter into an enforcement contract is not admissible in any legal proceeding brought against a residential complex or its owner.

BE IT FURTHER ORDAINED that the remainder of Chapter 74 remains in full force

and effect and that this Ordinance shall be effective upon passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this ____ day of _____, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy A. Brown, Member

ATTEST:

Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this ____ day of _____, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Thomas P. Murtaugh, President

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ATTEST:

Robert Plantenga, Auditor of Tippecanoe County