

**FLOYD COUNTY ORDINANCE 1994-VI
AN ORDINANCE REGULATING CONGREGATING AND LOITERING
IN AND AROUND SCHOOLS, DRIVE-IN RESTAURANTS, AND
SHOPPING CENTERS**

WHEREAS, The behavior of certain persons patronizing drive-in restaurants and shopping centers, and frequenting school grounds has tended toward disorderliness; and

WHEREAS, The promulgation of reasonable rules and regulations governing such conduct is deemed necessary by the Board of Commissioners of the County of Floyd for the promotion of the safety and welfare of the citizens of Floyd County.

NOW THEREFORE, BE IT ORDAINED:

Section 1. The terms, provisions, and limitations contained in this Ordinance shall be applicable only within the unincorporated areas of Floyd County, Indiana.

Section 2. For purposes of this Ordinance, the term 'drive-in restaurant' shall mean any restaurant serving meals, sandwiches, ice cream, or other food or beverages directly to customers in motor vehicles, including any restaurant which customarily permits patrons to consume food or beverages in motor vehicles parked on the premises of such restaurant.

Section 3. For purposes of this Ordinance, the term 'shopping center' shall mean any combination of two or more retail stores, restaurants, offices or other commercial enterprises which are located either in a single structure or in close proximity to one another, and which share a common means of vehicular access and/or parking.

Section 4. For purposes of this Ordinance, the term 'premises' shall mean those driveways, sidewalks, parking lots, and grounds being a part of, situated adjacent to, or otherwise used by the patrons, customers, or invitees of any drive-in restaurant, shopping center or school, and shall include the rights-of-way of public streets and roads within 1000 feet of any such facility.

Section 5. For purposes of this Ordinance, to 'loiter' shall mean to stand around, remain, linger or idle, individually or in groups, either before or after transacting business at or entering the building(s) of a drive-in restaurant or shopping center, or before or after attending classes, sports events or functions at a school, PROVIDED, persons seated in a legally parked motor vehicle shall not be deemed to loiter.

Section 6. No person shall loiter on the premises of any drive-in restaurant, shopping center, or school.

Section 7. No person shall consume any alcoholic beverage upon the premises of any drive-in restaurant, shopping center, or school, PROVIDED, that if a drive-in restaurant is duly licensed by the State of Indiana to serve and dispense beer, wine, or other alcoholic beverages 'on premises', alcoholic beverages may be consumed by patrons of legal age within those areas authorized by such license and designated by the proprietor.

Section 8. Enforcement of this Ordinance shall be in accordance with the provisions of I.C. 34-4-32, et. seq. An action to enforce this ordinance shall be brought by the prosecuting attorney in the name of Floyd County, Indiana, and upon proof by a preponderance of the evidence of a violation hereof, judgment shall be entered against the defendant for the sum of not less than \$25.00 for the first violation; not less than \$50.00 for the second violation; and, not less than \$100.00 for the third or subsequent violation hereof, to which judgment shall be added costs of the action.

Section 9. This Ordinance shall be in full force and effect upon its passage and publication as required by law.

SO ORDAINED, this 16th day of September, 1994,

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

Lewis R. Dennis
MEMBER

Marjorie L. Herndon
MEMBER

William R. Bunkert Jr.
MEMBER

ATTEST:

Beth Sharp
FLOYD COUNTY AUDITOR

I approve this ordinance
and I believe it is a good
idea. The fine ought to
be established to give the
court & system credibility in
dealing w offenders.
Wm Faith

**NEW ALBANY-FLOYD COUNTY
CONSOLIDATED SCHOOL CORPORATION**

P.O. Box 1087 • New Albany, IN 47151-1087

Administrative Services Center
2813 Grant Line Road • New Albany, IN 47150
(812) 949-4200

Tomorrow... Together

Edward R. Adams
Superintendent

R. Dennis Renshaw
Associate
Superintendent

Herman D. Healy
General Counsel
and Assistant to
the Superintendent

Bradley J. Snyder
Director of Business

Tommy L. Paul
Assistant to
the Superintendent
for Area Vocational &
Continuing Education

**BOARD OF SCHOOL
TRUSTEES**

Donald Farnsley
President

Dr. Carl Christenson
Vice President

Gary Jacobi
Secretary

Jerol Miller
Member

Patricia Spaulding
Member

August 10, 1994

Floyd Co. Commissioners
City-County Building
New Albany, IN 47150

Dear Commissioners:

I am indeed pleased, on behalf of our Board of School Trustees, to support and advocate your proposed ordinance "regulating congregating and loitering in and around schools, restaurants and shopping centers." We believe that the ordinance will help deter disturbances in public locations and interface quite smoothly with our own policies at school sites in Floyd County.

We do appreciate the fine communication and relationships fostered by Sheriff Leland Watson and Chief Ricke Meyer in this matter, as well as their overall cooperation in other mutual public safety issues at Floyd Central High School. Please consider us as enthusiastic supporters of the plan and of enhanced cooperation between Floyd County government and the New Albany-Floyd County Schools.

Sincerely,



Edward R. Adams, Ed.D.
Superintendent

ERA/vp
7760C

cc: John Marsh
Chief Ricke Meyer

FC Auditor
(Governmental Unit)

Floyd County, Indiana

NEW ALBANY TRIBUNE
303 SCRIBNER DR.
P. O. BOX 997
NEW ALBANY, IN 47150-0997

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head — number of lines

Body — number of lines

Tail — number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

126 lines, columns wide equals equivalent lines at 34.1 cents per line

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 42.97

\$ 42.97

DATA FOR COMPUTING COST

Width of single column 8.6 ems

Size of type 6 point

Number of insertions 2

Pursuant to the provisions and penalties of Chapter 155, Acts 1958,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Sara Chenault

Date September 30, 1994

Title Bookkeeper

PUBLISHER'S AFFIDAVIT

State of Indiana

Floyd County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Sara Chenault who, being duly sworn, says that she is Bookkeeper of the

Tribune a daily newspaper of general circulation printed and published in the English language in the (city) (town) of New Albany in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

Sept 12, 19

Sara Chenault

Subscribed and sworn to before me this 30 day of September, 1994

Rochelle Bennett
Notary Public
Rochelle Bennett
Notary Public, State of Indiana
Floyd County
My Commission Expires 04/21/98

My commission expires

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