

**TOWN OF PLAINFIELD**

**ORDINANCE NO. 21-2008**

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE  
ESTABLISHMENT OR OPENING OF CERTAIN BUSINESSES  
WITHIN THE TOWN OF PLAINFIELD**

WHEREAS, The Town is charged with the responsibility of providing for the health, safety, convenience and welfare of its citizens; and

WHEREAS, the Town has all powers necessary or desirable for the conduct of its affairs; and

WHEREAS, the Town may exercise any power it has to the extent that the power is not expressly denied by the Indiana Constitution or by statute and is not expressly granted to another entity; and

WHEREAS, there is no constitutional or statutory provision requiring a specific manner for exercising the power to declare a moratorium on the establishment or operating of certain businesses within the Town, the Town must exercise such power by adopting an ordinance; and

WHEREAS, the Town believes that it is in the best interest of the Town of Plainfield that the Plainfield Zoning Ordinance and other Plainfield ordinances be reviewed and examined for revisions relating to the following types of businesses in the Town of Plainfield: massage parlors, adult entertainment businesses, lingerie modeling and escort services; and

WHEREAS, the Town believes that a moratorium should be established regarding the establishment or opening of massage parlors, adult entertainment businesses, lingerie modeling and escort services for a reasonable period of time to enable the Plainfield Plan Commission and the Town of Plainfield to examine, review and amend its ordinances.

**NOW, THEREFORE, BE IT ORDAINED By the Town Council of the Town of Plainfield, Hendricks County, State Of Indiana, that:**

1. A moratorium is hereby established for the establishment or opening of a business that provides services as a massage parlor, adult entertainment business, lingerie modeling and escort service.

2. This moratorium shall commence upon the passing and adoption of this Ordinance by the Town Council of the Town of Plainfield and shall continue for a period of One Hundred Eighty (180) days or the adoption of amendments to the Plainfield Zoning Ordinance and general ordinances of the Town of Plainfield relating to these businesses, whichever event occurs first.

3. In the event the Town of Plainfield, through its staff, determines that a business has been established or opened or is attempting to become established or opened in violation of this Ordinance, the Director of Planning shall have the authority to preliminarily determine that the Ordinance is being violated; to issue a stop work order or cease and desist order; and order that the business be closed until the moratorium is lifted or a court of competent jurisdiction overturns the order of the Director of Planning.

4. In addition to the authority of the Director of Planning of the Town of Plainfield to order a business violating this Ordinance to cease and desist, any business violating this moratorium shall be subject to a fine of One Hundred Dollars (\$100.00) and each day the business is open in violation of the moratorium shall constitute a separate offense. The fine for the violation shall be assessed, jointly and severally, against the owner of the property and the operator of the business.

5. If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, such section's invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

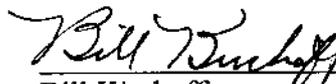
6. This Ordinance shall be effective upon its passage and adoption by the Town Council of the Town of Plainfield.

SAID ORDINANCE IS HEREBY PASSED AND ADOPTED by the Plainfield Town Council this 14 day of July 2008.

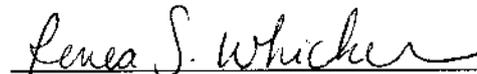
TOWN COUNCIL, TOWN OF PLAINFIELD  
HENDRICKS COUNTY, INDIANA

  
Robin G. Brandgard, President

  
Kent McPhail

  
Bill Kirchoff

Edmund L. Gaddie, Jr.

  
Renea S. Whicker

ATTESTED BY:

  
Wesley R. Bennett, Clerk-Treasurer  
Town of Plainfield, Hendricks County, Indiana