

## ORDINANCE NO. 2013-1

### ORDINANCE PROHIBITING PARKING OF MOTOR VEHICLES IN LAWNS AND GREENWAY

WHEREAS, parking of motor vehicles throughout the Town of Wakarusa has been problematic, namely vehicles owners have parked in the lawn areas and greenway areas throughout the Town; and

WHEREAS, the Town Council believes that reasonable health and public safety regulations addressing parking are needed to protect and improve the quality of life, character, and safety of the residential neighborhoods throughout the Town; and

WHEREAS, the Town Council supports the police using their discretionary powers to work with residents in enforcement by educating residents and by issuing warnings in situations deemed appropriate by the enforcement officer, but by the same token, the Town Council believes it is essential that the police have the power for full enforcement for repeat violators or imminent safety issues.

NOW, THEREFORE, BE IT ORDAINED by the Wakarusa Town Council that Section 92.100 is hereby established in Title IX, Chapter 92 and that Section is to read as follows:

#### **Section 92.100      Driving/Parking Prohibited in Lawn and Greenway.**

(a) Definitions.

- (1) *"Front yard"* means a yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building.
- (2) *"Greenway"* means the area, excluding the sidewalk, if any, between the property line and the curb or in the absence of a curb, between the property line and the nearest edge of the street paving, which is usually used for planting lawn, low ground cover and/or street trees.
- (3) *"Motor Vehicle"* means every vehicle which is self-propelled, including but not limited to, an automobile, truck, recreational vehicle, antique motor vehicle, motorcycle, private bus, school bus, low speed vehicle, or other vehicle specifically defined in I.C. 9-13-2, et seq.
- (4) *"Permanent Parking Area"* means an area or portion of a zoning lot with definite and identifiable boundaries and which is improved with either hard surface or gravel or stone regularly used for driveways and parking areas, is regularly maintained as a parking area and is intended to be permanently and continually used as a parking area.
- (5) *"Rear yard"* means a yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.
- (6) *"Side yard"* means that part of the yard lying between the nearest line

of the principal building and a side lot line, and extending from the required front yard, or from the front lot line, if there is no required front yard, to the required rear yard.

- (7) "Yard" means an open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Section, and which extends along a lot line and at right angles to it to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

- (b) Public Nuisance. Parking of any motor vehicle in violation of the regulations set forth in this Section is deemed a public nuisance.
- (c) Parking Prohibited in Lawn Areas. It shall be unlawful to drive and/or park a motor vehicle (i) in the front yard, side yard or rear yard unless the motor vehicle is driven over or parked on a permanent parking area on or about a lot zoned for a residential use or a dwelling or (ii) in a greenway area which abuts a street of a lot zoned for a residential use or a dwelling, except for the following uses:
- (i) washing the vehicle;
  - (ii) overflow parking for a single purpose, short-term family gathering; and
  - (iii) loading or unloading objects from a vehicle.
- (d) Curb cuts. No person shall operate or park any motor vehicle on any portion of a lot in any residential district whereby the motor vehicle is driven over the curb instead of through a curb cut.
- (e) Enforcement; Violation; and Towing Vehicle. This Section shall be enforced by the Wakarusa Police Department. The owner of any motor vehicle which is parked or driven in violation of this Section shall be subject to the penalties set forth in Section 92.101.

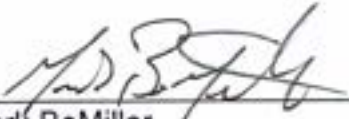
Furthermore, if in the opinion of the Wakarusa Police Department, a motor vehicle parked in violation of this Section is substantially interfering with the ingress or egress of any foot or vehicular traffic by preventing free movement of traffic and/or pedestrians and the owner fails to cure the violation within twenty-four (24) hours of the issuance of a citation for violation of this Section, the vehicle may be towed and impounded. The owner of any vehicle which has been towed pursuant to this Section shall be responsible for all storage and towing charges. The Town, its agents, servants or employees, shall not be responsible or liable in any manner for the damage incurred in the towing, storage, possession or disposition of such vehicle.

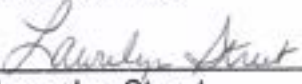
#### **Section 92.101      Fine for Driving/Parking Violation in Lawn and Greenway.**

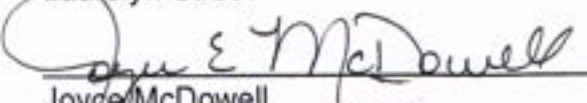


The fine required for a violation of Section 92.100 shall be \$50.00.

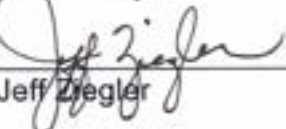
IN WITNESS WHEREOF, the above stated Ordinance has been duly adopted and ordained this 7<sup>th</sup> day of May, 2013.

  
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Mark BeMiller

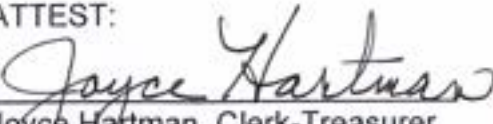
  
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Laurelyn Street

  
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Joyce McDowell

  
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Fred Avery

  
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Jeff Ziegler

ATTEST:

  
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Joyce Hartman, Clerk-Treasurer