

CHAPTER 62 - PARKING

Vehicles

62.01. Method of Parking. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12") inches of the curb or edge of the roadway except as otherwise provided in this article.

Notwithstanding the above paragraph, no person shall stand or park a vehicle on the left hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway.

Upon those streets which have been signed or marked by the Town Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. The vehicle must enter the parking space with a forward movement.

62.02. Stopping, Standing or Parking Prohibited. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk or between sidewalk and curb;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15') feet of a fire hydrant;
5. On a cross walk;
6. Within twenty (20') feet of a cross walk at an intersection;

7. Within thirty (30') feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty (30') feet of points on the curb immediately opposite the ends of a safety zone, unless the Town Traffic Engineer has indicated a different length by signs or markings;
9. Within fifty (50') feet of the nearest rail of a railroad crossing;
10. Within twenty (20') feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75') feet of said entrance (when sign properly posted).
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping;
15. On the traveled portion of any roadway, which does not have a curb or gutter, when such stopping, standing or parking would obstruct traffic.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

16. In the front yard in a residential district except upon a paved driveway or paved parking area.

- 62.03. Parking in Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10') feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
- 62.04. Night Parking Prohibited. No person, except physicians on emergency calls, shall park a vehicle on any street in the central business district for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.
- 62.05. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon any street or highway for the principal purpose of:
1. Displaying such vehicle for sale; or
 2. Washing, greasing, or repairing such vehicle except for repairs necessitated by an emergency.
- 62.06. Parking Prohibited on Certain Streets. The Chief of Police/Town Traffic Engineer is hereby authorized to erect signs indicating no parking up either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon such streets, no person shall park a vehicle in any such designated place. The Chief of Police/Town Traffic Engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20') feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty-three (33') feet. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. The Chief of Police/Town Traffic Engineer is authorized to erect signs upon either or both sides of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such side in violation of any such sign. The Chief of Police/Town Traffic

Engineer is hereby authorized to prohibit parking on either or both sides of any street in the Town between the hours and on days of the week specified by him, and to erect signs so indicating.

- 62.07. Parking in Congested Locations. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10') feet of the width of the roadway for free movement of vehicular traffic. The Town Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred fifty (150') feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.
- 62.08. Parking on One-Way Roadways. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon either or both sides of such one-way roadway unless signs are erected to permit such standing or parking. The Town Traffic Engineer is authorized to determine when standing or parking may be permitted upon the side of any such one-way roadway and to erect signs giving notice thereof.
- 62.09. Municipal Off-Street Parking. The Chief of Police and Traffic Engineer are hereby authorized to erect signs in "off-street" parking areas maintained by the Town designating parking time limits in certain portions so designated and the time limits adopted by resolution of the Town Board.
- 62.10. Parking Time Limited -- Posted Areas. When appropriate signs are erected in "off-street" parking areas giving notice thereof, no person shall park a vehicle for longer than the time specified.
- 62.11. Parking Limited. No person shall park or leave a vehicle unattended for more than twenty-four (24) hours in any municipal "off-street" parking area nor shall any person park or leave unattended a disabled or inoperable vehicle or a

vehicle with an expired license or registration in any municipal "off-street" parking area.

62.12.

Authority to Impound Vehicles. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by this Town under the following circumstances:

1. When a vehicle is found unattended in any place as may be prohibited by this Code.
2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of such vehicle are, by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
3. When any vehicle is left unattended upon a street or alley or is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
4. When any vehicle is left unattended upon a street, alley, or municipal parking lot and is parked illegally or parked in a place as may be prohibited by this ordinance and such vehicle interferes with snow plowing, snow removal, leaf removal, street cleaning or maintenance of streets or public utilities.
5. When any vehicle is left unattended upon a municipal parking lot and remains there twenty-four hours after being tagged with a notice to remove by the police department or such vehicle is inoperable, disabled, or not currently licensed and registered.

62.13.

Notice of Impoundment. Whenever an officer removes a vehicle from a street as authorized in this section, or other place as is authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give, or cause to be given, notice in writing to

such owner of the fact of such removal and the reasons therefore and the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

62.14. Cost of Impoundment. The cost of such removal and the cost of such storage shall be borne by the owner thereof and such vehicle shall be entitled to be held until such costs are paid in full.

62.15. Penalties. Any person who violates the provisions of this section shall be fined Ten (\$10.00) Dollars, provided that said fine shall be reduced to One (\$1.00) Dollar if such person shall pay within forty-eight (48) hours after such violation the sum of One Dollar (\$1.00) to the Office of the Clerk-Treasurer of the Town of Walkerton, Indiana, provided, however, that in the event of a second offense during any calendar year the fine shall be reduced to Five (\$5.00) Dollars if paid within forty-eight (48) hours at the Office of the Clerk-Treasurer as provided above. The fine for third and subsequent offenses in any calendar year may not be reduced.

62.20. Snow Emergency. The following is applicable to snow emergencies:

62.21. Definitions. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates and requires a different meaning.

"Primary snow emergency routes" - Those streets generally traversing the Town and which are considered essential to the rapid movement of emergency vehicles which normally carry the heaviest traffic volumes.

"Roadway" - That portion of a street or highway improved, designed or ordinarily used for vehicular traffic, exclusive of the berm or shoulder.

"Secondary snow emergency routes" - Those streets which provide access to primary snow emergency routes and are frequently used by emergency vehicles.

"Snow tires" - Tires mounted on drive wheels of motor vehicles which are specifically designed to give effective traction on snow, mud, or ice-covered streets by means of extra heavy-duty treads with special high-traction; however, no tires so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired.

"Street" or "Highway" - The entire width between the boundary lines of every way, publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic, including street parking easements.

"Tire chains" - Any metal chains mounted on drive wheel tires of motor vehicles which cross the tread of each tire laterally in at least three (3) different places.

62.22.

Parking on Snow Emergency Routes

1. Whenever the Town Council President, Superintendent of Streets or Town Marshal finds on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet or freezing rain that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on Town streets be prohibited or restricted for snow plowing or other purposes, he shall put into effect the parking prohibition on primary snow emergency routes, as necessary, by declaring it in the manner prescribed in this chapter. This parking prohibition shall automatically go into effect on any part of any primary snow emergency route in the Town when there has been an accumulation of snow of four (4") inches or more, or ice and snow combined.
2. Once in effect, a prohibition under this section shall remain in effect until the street has been cleared. If an additional four (4") inches or more of snow or ice has accumulated then the parking prohibition shall automatically take effect again. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any which it applies.

62.23.

Parking on Secondary Snow Emergency Routes

1. Whenever the Town Council President, Superintendent of Streets, or Town Marshal finds on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet, or freezing rain that weather conditions will make it necessary that motor vehicle traffic be expedited and that the parking on Town streets be prohibited or restricted from snow plowing, safety or other purposes, he shall put into effect a parking prohibition on the secondary snow emergency routes as necessary by declaring in a manner prescribed by this chapter.
2. Once in effect, a prohibition under this section shall remain in effect until terminated by announcement by the Town Council President in accordance with this chapter. While the prohibition is in effect, no person shall park or allow to remain parked, any vehicle in any portion of a secondary snow emergency route to which it applies.

62.24.

Condition of Motor Vehicles. It shall be unlawful for any person to operate a motor vehicle on a primary snow emergency route on which there is a covering of snow, sleet, or ice, which shall allow the vehicle to become stalled, wholly or partly because the drive trains thereof are not equipped with effective tire chains or snow tires. It shall be unlawful for any person operating a motor vehicle on a primary snow emergency route on which there is a covering of snow, sleet, or ice, upon which there is a parking prohibition in effect to allow the vehicle to become stalled because motor fuel is exhausted or the battery has become inoperative.

62.25.

Stalled Vehicles. Whenever a vehicle becomes stalled for any reason, whether or not in violation of this chapter, or any part of a primary snow emergency route during a declared snow emergency when a parking prohibition is in effect, the person operating the vehicle shall take immediate action to have the vehicle pushed or towed off the roadway and the primary snow emergency route. No person shall abandon or leave his vehicle

in the roadway of a primary snow emergency route regardless of whether he indicates, by reasons or otherwise, that the vehicle is stalled, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay. In no event shall a vehicle be abandoned for the purpose of getting assistance for more than thirty (30) minutes. Operators of vehicles must notify or contact the police department within thirty (30) minutes that they have secured service or have been promised service or assistance to occur within a reasonable time.

62.26.

Declaration of Snow Emergency. In the event that the Town Council President, Superintendent of Streets or Town Marshal determines because of weather conditions listed in Section 2 make it necessary to have motor vehicle traffic expedited in the Town and parking prohibited, he may declare a snow emergency. The Town Council President, Superintendent of Streets or Town Marshal shall cause such declaration made pursuant to this chapter to be publicly announced by means of broadcast or telecast from stations with a normal operating range covering the Town, and he may cause the declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Town Council President, Superintendent of Streets or Town Marshal including the time it became or will become effective, and shall specify the streets where it is effective. A designation of primary, secondary or snow emergency route shall be sufficient designation of the streets to be effective. A parking prohibition declared by the Town Council President shall specify whether it is applicable to primary snow emergency routes only or both primary and secondary snow emergency routes and shall not go into effect until at least two (2) hours after it has been announced or at least two (2) times between 6:00 A.M. and 11:00 P.M. on any day. Confirmation of a snow emergency can be obtained from the Town Dispatcher. The Town Council President shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

62.27.

Termination of Parking Prohibition. Whenever the Town Council President, Superintendent of Streets or Town Marshal

shall find that some or all of the conditions which give rise to a parking prohibition in effect because of the snow emergency declared pursuant to the terms of this chapter no longer exist, he may declare the prohibition terminated, in whole or in part, in the manner prescribed by this chapter, effective immediately upon announcement.

- 62.28. Interpretation Any provision of this chapter which becomes effective by declaration of the Town Council President upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedent over other conflicting provisions of the law normally in effect. However, it shall not take precedent over provisions of the law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.
- 62.29. Signs The Town shall post signs signifying that a route is a primary snow emergency route at intervals not exceeding four hundred (400) feet. Such signs posted in accordance with this section shall be distinctive and inform in appearance and shall be plainly visible and readable to persons traveling on the street of highway.
- 62.30. Impounded Vehicles Any vehicle parking on a primary or secondary snow emergency route in violation of any of the provisions of this chapter may be impounded by the Town Police and no person shall recover any vehicle removed pursuant to this section without first paying the costs of removal and the cost of storage. Any payments required by this section shall not be construed as a penalty so as to preclude prosecution for violation in the provisions of this chapter.
- 62.31. Evidence In any prosecution with regard to a vehicle parked or left in a place where any condition in violation of any of the provisions of this chapter prove that the particular vehicle described in the complaint was parked or left in violation of a provision of this chapter, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute prima fascia evidence that the defendant was the person responsible for having the vehicle parked or left in violation of this chapter. It is the specific intent of this provision to make the owner of a

motor vehicle responsible for the use and operation of the motor vehicle regardless of who actually parks the vehicle in violation of this chapter for it is the owner who has control over who drives or operates his motor vehicle.

62.32.

Primary Snow Emergency Routes

- A. The following streets or portions of streets within the Town are designated as primary snow emergency routes:

The Town Street commonly referred to as Highway 6 and the Town Street commonly referred to as State Road 23 all running within the Town limits;

Washington Street between Highway 6 and State Road 23; and Michigan Street running between Highway 6 to Washington Street

- B. All other streets or portions of street within the Town are designated as secondary snow emergency routes.
- C. Primary and secondary snow emergency routes may be designated by resolution of the Town Council.

62.33.

All secondary snow emergency routes will be plowed and cleared first for traffic. Upon such streets after the initial plowing and clearing and twenty-four (24) hours after the initial snow or ice accumulation, said streets will be open and cleared back to the curb on an odd even basis. The Town will open up the odd numbered side of the secondary snow emergency routes first and all cars and other vehicles shall be removed from said side of the street twenty-four (24) hours after said snow accumulation so that said street can be cleared back to the curb. Secondary snow emergency routes shall then be plowed and cleared back to the curb on the even numbered side of the streets. It shall be unlawful for anyone to park any motor vehicle on the even numbered side of the street after the odd numbered side of the street has been cleared.

62.34.

Penalty Any person, firm or corporation violating any provision of this chapter shall be fined in accordance with the penalty provisions contained in Chapter 62.15.

62.50. Parking for Sale, Washing or Maintenance of Vehicles Prohibited No person shall park any motor vehicle, motorcycle, truck trailer, semi-trailer, tractor, farm tractor, bus, school bus, house car or farm machinery on any street, alley, roadway or highway for any of the following purposes:

1. Displaying the vehicle for sale, trade, exchange or storage. Storage means parking of new or used motor vehicles on public streets, alleys, roadways or highways by new or used motor vehicle dealers or garage owners or operators.
2. Washing, greasing or repairing the vehicle except for repairs necessitated by breakdown, accident or other emergency to the extent necessary to remove the vehicle from the street, alley, roadway or highway.

62.60. Handicapped Parking

Definitions

1. A parking area -- any area or combination of areas for motor vehicle parking which contains parking space for the public. This shall include a privately owned area which is normally used for parking and which is accessible to the public. This does not include a parking facility which charges a fee for parking spaces.
2. A physically handicapped person -- a person who has been issued a special registration plate or a decal for a motor vehicle by the Bureau of Motor Vehicles under I.C. 9-7-4.1-1 or a person who has been issued a handicapped person parking permit by the Walkerton Town Council.

62.61. Reserve The Town Council shall reserve parking spaces, on municipally owned parking areas, or town streets, as needed, to be used for the exclusive use of physically handicapped persons.

62.62. Identification The Town Council is authorized to issue decals or other means of identification to physically handicapped persons which shall authorize their use of special

reserve parking spaces. The handicapped person shall furnish to the Town Council, a letter from a physician that the handicapped person has one of the following handicaps:

1. Has suffered the permanent loss or use of one or both feet;
2. Has permanent loss of sight in both eyes or suffered permanent impairment of vision in both eyes, to the extent of meaning the need to use the facilities.
3. Has suffered the loss of one or both hands or the permanent use of one or both hands;
4. Has suffered disability resulting in a physical condition that precludes the applicant from being able to walk more than two (2) city blocks;
5. The Town Council may also issue a temporary permit to a person who is found to be temporarily handicapped when that person submits to the Town Board a letter from their physician. The permit will be issued for a period of three (3) months, then that person may re-apply should the handicap extend beyond this period.

62.63. Plates A vehicle bearing a registration plate or decal issued by the Bureau of Motor Vehicles, which designates this vehicle as one used to transport handicapped persons need not display a decal issued by the Town Council.

62.64. It shall be unlawful for any person to park a motor vehicle, motorcycle, moped, bicycle or other vehicle which does not have a displayed handicapped persons' decal or registration plate as set forth above in a parking space reserved in a parking area for a handicapped persons' vehicle.

62.65. If any vehicle is parked unlawfully in violation of any of the provisions of this ordinance and the identity of the driver cannot be determined, the owner or person in which name the vehicle is registered shall be held prima facia responsible for violation.

62.66 In addition to any fine which may be given as a result of the violation of this ordinance, any vehicle which is parked in any manner in violation of this Ordinance may be towed to an area designated by the Chief of Police of the Town of Walkerton, Indiana at the owner's expense. The owner shall also be required to pay any and all storage fees resulting from this action.

62.67 Penalties Any person receiving a citation as the result of a violation of handicapped parking regulations shall be fined in accordance with the penalty provisions in Chapter 62.15.

Mobile Homes, House Trailers

62.71. Definition From and after passage of this Ordinance, it shall be unlawful to park a house trailer, mobile home, house car, house bus or other portable housing facility upon any lot or land within the corporate limits of the Town of Walkerton, St. Joseph County, Indiana with the intention of residing therein or as provision for others to reside therein for a period of more than two (2) weeks unless such lot or land shall have first been approved by the State Board of Health as a "mobile home park" and all conditions and facilities required by Indiana law have first been provided.

62.72. Violation Each day a violation shall be and constitute a separate and specific offense.

62.73. Penalty Violation of this Ordinance by any person, firm or corporation shall be punishable by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) and may be confined to the County Jail not to exceed ten (10) days, or both.

62.74. Utilities From and after passage hereof, any person, firm or corporation who furnishes utilities to such mobile home while in use in violation of this ordinance shall be guilty of a misdemeanor and shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).