

ORDINANCE 2003-29-CM

TIPPECANOE COUNTY PARKING ORDINANCE

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of Commissioners relative to the adoption of ordinances; and

WHEREAS, the Tippecanoe County Board of Commissioners has determined the need to establish certain restrictions on parking on county roadways and to establish limited non-resident parking areas in proximity to secondary schools for the protection of motorists and pedestrians and the protection of public and private property in general, and

NOW THEREFORE, be it ordained by the Board of Commissioners of Tippecanoe County, State of Indiana, that:

1. Generally parking restrictions are as follows:
 - A. A person operating a vehicle on a county highway or on county property shall comply with the county highway or property parking restrictions.
 - B. The county has determined that the operator of a vehicle shall not stop, stand, or park a vehicle on certain county highways or property. The county shall post signs or pavement markings indicating the parking restrictions in effect for the highways or property under IC 9-22-16.
 - C. The county highways and property subject to parking restrictions are set forth in a document entitled "Tippecanoe County Traffic Control Devices," which is to be maintained by the county highway department.
 - D. The Board of Commissioners may approve, by motion made in open meeting, amendments to the list contained in the "Tippecanoe County Traffic Devices."
 - E. The parking of vehicles in the right-of-way of any road in the county is unlawful while the road is being paved, repaired, or repaved.
 - F. The County Highway Department or the department's contractors or assigns may post temporary no parking signs, clearly and consciously, along any road or right-of-way in the county when they consider it necessary that parking not be permitted to allow work within the right-of-way.
 - G. If a road or street in the county has been posted with no parking signs for a period of 24 hours, the county highway department or any contractor or designee of the department may order vehicles to be towed from the right-of-way.
 - H. If a vehicle is towed pursuant to this section, the costs of towing and storage become a lien upon the vehicle as permitted by law. The owner of the vehicle is required to pay the costs of towing and storage.
 - I. If any vehicle is found upon a street, alley, highway or public place in violation of any provision of this ordinance, and the identity of the operator of the vehicle cannot be ascertained, the owner, or person in whose name the vehicle is registered, shall be prima facie liable for the violation.
2. Limited non-resident parking on certain streets and roadways in proximity to County high schools:
 - A. As used in this section, the following terms shall have the meanings ascribed to them:
 1. "Resident" shall mean a person who maintains their true, fixed, and permanent home to which the person has, whenever absent, the intention of returning, adjacent to the streets and roadways hereinafter described.

2. "High School" shall mean and include any public or parochial school within the County and within one (1) mile of the streets and roadways hereinafter described, in which there are enrolled any children from grade 10 through grade 12.

B. It shall be unlawful for the operator of any vehicle, other than official public or emergency vehicles, or a vehicle registered a resident, to park a vehicle or to permit it to be parked in or on the following streets and roadways within the County between the hours of 7:00 a.m. and 4:00 p.m., inclusive, on all days that the County high schools are in operation:

1. Buckingham Subdivision
2. J & J Subdivision
3. Mayflower Mill Subdivision
4. McCutcheon Heights Subdivision
5. Prairie Oaks Subdivision
6. Sheffield Subdivision Part I
8. Stratford Glen Subdivision
7. Traumer's Subdivision
9. Old Romney Road (Old US 231 to County Road 400 South)
10. County Road 400 South (Old Romney Road to US 231)
11. County Road 500 South (from US 231 to East of Mayflower Mill School)
12. Old US 231 (from Wea Creek to end)

C. No parking prohibition under this section 2 shall be applicable until the Tippecanoe County Highway Department shall post reasonable and adequate signs indicating the existence and extent of such "limited parking area-school" and stating the parking limitations therein imposed.

3. The provisions of this ordinance prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this article or indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device, or in an unavoidable emergency.
4. The provisions of this ordinance shall not be construed to prohibit the standing at or adjacent to the curb of any streets or roadways described herein of a passenger vehicle temporarily for the reasonable and expeditious loading or unloading of passengers, if such loading or unloading shall not consume more than five minutes; nor the standing at or adjacent to the curb of any such streets of a commercial vehicle or of any vehicle actually used for a commercial purpose, whether occupied or not, temporarily for the reasonable and expeditious loading, unloading, delivery or pickup of materials or merchandise, if such loading, unloading, delivery or pickup shall not consume more than twenty (20) minutes; nor the standing of a passenger or commercial vehicle upon any such roadway while such vehicle is temporarily disabled and during the time reasonably necessary for its removal therefrom, if such standing shall not consume more than thirty (30) minutes.
5. Any person who violates this Ordinance shall be deemed guilty of an infraction and may be fined up to \$150.00 and all costs, including court costs, for each violation.
6. Any deputy of the county sheriff's department or a member or designee may issue a citation under the terms and conditions of this section.
7. All fines and court costs imposed for parking citations shall be payable to the general fund of the County of Tippecanoe.
8. This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this Ordinance shall supersede such conflicting provisions.

BE IT FURTHER ORDAINED that this Ordinance shall be effective July 1, 2003.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 2nd day of June, 2003, by the following vote:

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes

KD Benson
KD Benson, President

Yes

Ruth E. Shedd
Ruth E. Shedd, Vice President

Yes

John L. Knochel
John L. Knochel, Member

ATTEST:

Robert A. Plantenga
Robert A. Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 16th day of June, 2003, by the following vote:

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes

KD Benson
KD Benson, President

Yes

Ruth E. Shedd
Ruth E. Shedd, Vice President

Yes

John L. Knochel
John L. Knochel, Member

ATTEST:

Robert A. Plantenga
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