

ORDINANCE NO.: 2015-1

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTVILLE,
INDIANA, ESTABLISHING CERTAIN PARKING REGULATIONS WITHIN THE
GEOGRAPHICAL BOUNDARIES OF TOWN**

WHEREAS, the Town Council of the Town of Westville, Indiana, and the Town Marshal have recently completed a review of the Town's various parking ordinances; and

WHEREAS, as a result of the aforementioned review, the Town Council and Town Marshal have discovered that revisions need to be adopted to the Town's current parking ordinances; and

WHEREAS, the Town Council of the Town of Westville, Indiana, is desirous of adopting this Ordinance in order to implement the revisions to the Town's current parking regulations in order to address the parking needs of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LAPORTE COUNTY, INDIANA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recital (or "whereas clauses") are findings of fact by the Town Council and are incorporated into this Ordinance by reference.

Section 2. Definitions. For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Alley" – means every way or place in public ownership and customarily used for vehicular travel, wide enough for one lane of vehicles to travel at any one time.

"Authorized emergency vehicle" – means vehicles of any fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Town Marshal.

"Commercial vehicle" – means every vehicle designed, maintained or used primarily for the transportation of property.

"Driver" – means every person who drives or is in actual physical control of a vehicle.

"Motor vehicle" – means every vehicle which is self-propelled.

"Park or Parking" – means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading and unloading merchandise or passengers.

“Private road or driveway” – means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons.

“Right-of-way” – means the privilege of the immediate use of the roadway.

“Roadway” – means that portion of a street or highway exclusive of berms or shoulders improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not collectively.

“Sidewalk” – means that portion of a street or highway between the curb lines of the lateral lines of the roadway and adjacent property lines intended primarily to be used by pedestrians.

“Street” or “highway” – means the entire width between the boundary lines of every way publicly maintained including those in public parks when any part thereof is open to use of the public for the purpose of vehicular traffic.

“Vehicle” – means every device in, on or by which any person or property is or may be transported or drawn on the highway, except a device moved by human power or used exclusively on stationary rails or tracks.

Section 2. Parking Not to Obstruct Traffic. No person shall stand or park any vehicle upon a street or alley or in any part of the traveled portion of the roadway, except as required by other stopped traffic. No person shall stand or park any vehicle upon a street or alley in such a manner or under such conditions as would leave available less than ten (10) feet of the width of the street or alley for free movement of traffic.

Nothing in this Section shall be construed to prohibit the temporary stopping, standing or parking of a passenger vehicle for the reasonable and expeditious loading or unloading of passengers, if such loading or unloading shall not consume more than five (5) minute; nor the standing at or adjacent to the curb or any such streets of a commercial vehicle or 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 pick up 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; nor the standing of a regularly licensed taxicab stand or bus zone, as permitted in this Ordinance or other ordinances of the Town, or while such taxicab or bus is taking on or discharging passengers in such zone or stand, the taking on or discharging of which does not consume more than five (5) minutes.

Section 3. Standing or Parking Close to Curb. Unless otherwise approved by the Town Council, no person shall stand or park a vehicle in a street or alley other than parallel with the edge of the street or alley, headed in the direction of lawful traffic movement and with the right-

hand wheels of the vehicle within twelve (12) inches of the curb and/or edge of the street or alley. No person shall park any vehicle between the curb and sidewalk on any street right-of-way in the Town, unless permission is given by the Town Council.

Section 4. Parking for Certain Purposes Prohibited. No person shall park a vehicle on the streets or roadway for the purposes of: (1) displaying the vehicle for sale; (2) washing, greasing or repairing such vehicle, except repairs necessitated by an emergency; (3) displaying advertising of any nature. No person shall permit a vehicle to leak, drop or otherwise be involved in depositing or placing fluids or chemicals on any public street, alley or right-of-way.

Section 5. Parking Prohibited in Specified Places. 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) within five (5) feet on either side of a public or private driveway; (3) within an intersection; (4) on a crosswalk; (5) within ten (10) feet of a crosswalk at an intersection; (6) within fifteen (15) feet of a fire hydrant.

Section 6. Parking on Public Property Prohibited. No person shall park a vehicle which is not driveable or is out of commission nor shall any person store any vehicle, whether in running order or not, on any street, alley or Town parking lot for a period of longer than five (5) continuous days. Any unauthorized vehicle found in violation of this Section shall be removed under proper order of any police officer at the expense of the owner of such vehicle.

Section 7. Yard Parking Prohibited. No person shall operate or park any motor vehicle on any portion of a residential lot other than on a drive or approved parking area. No person shall operate or park any vehicle on a portion of a residential lot in a way requiring driving the vehicle over the curb instead through a curb cut.

Section 8. Boats, Campers, Recreational Vehicles and Trailers Prohibited. No boat, camper, recreational vehicle or trailer, of any kind, shall be parked or stored on any public street, highway or right-of-way. This Section shall not be interpreted so prohibit temporary loading or unloading.

Section 9. Towing. Members of the police department are hereby authorized to immediately remove a vehicle under the circumstances herein enumerated as determined by the officer: (1) when a vehicle upon a street, alley or right-of-way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to provide for its custody or removal; (2) when any vehicle is left unattended within fifteen (15) feet of any fire hydrant; (3) when any vehicle is left unattended upon a street or alley and is parked illegally so as to constitute a hazard or obstruction to the normal movement of traffic; (4) when the illegal parking of a vehicle is causing an emergency situation by preventing proper ingress or egress of any foot or vehicular traffic or by preventing free movement of traffic.

In the event a vehicle is towed pursuant to this Ordinance, the owner of the vehicle shall be liable for all tow-in and resulting storage charges.

Section 10. Presumption in Reference to Illegally Parked Vehicle. In any proceeding for violation of this Ordinance, the registration plate displayed on such vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the point where such violation occurred.

Section 11. Traffic Parking Ticket on Illegally Parked Vehicle. Whenever any vehicle is found in violation of the restrictions imposed by this Ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a parking ticket or summons.

Section 12. Penalty. A violation of this Ordinance shall be punishable by a fine of \$25.00. In the event that any fine as provided in this Ordinance is not paid within fifteen (15) days of the date of issuance, the fine for such violation shall be doubled every fifteen (15) days of non-payment up to a maximum amount of \$250.00.

Section 13. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14. Repealer. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 15. Effective Date. This Ordinance shall be in full force and effect from and after its passage and any publication required by law.

DULY PASSED AND ADOPTED this 13TH day of January, 2015, by the Town Council of the Town of Westville, LaPorte County, having been passed by a vote of 5 in favor and 0 opposed.



Town Council Member



Town Council Member



Town Council Member




Town Council Member



Town Council Member

ATTEST:



Carol Rotzien, Clerk-Treasurer of the Town
of Westville, Indiana