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CHAPTER 72: STOPPING, STANDING OR PARKING

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GENERAL PROVISIONS

§ 72.01 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

The Common Council shall determine upon what streets angle parking shall be permitted and mark or sign such streets. Such angle parking shall not be indicated upon any federal-aid or state highway within this city.

(Ord. 81986-1, passed 8-19-86)

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Cross-reference:

Streets upon which angle parking is permitted, see Ch. 76, Sched. I

§ 72.02 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Ord. 81986-1, passed 8-19-86; Am. Ord. 2004-17, passed 2-17-03) Penalty, see § 72.99

§ 72.03 PARKING RESTRICTED IN ALLEYS.

It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle in any alley for a period of time longer than is necessary for the loading or unloading of passengers or freight. No vehicle shall stand or park in any alley for any such purpose so as to leave available less than ten feet of the width of the alley for the free movement of traffic or if less than ten feet of the width of the alley is available, the operator of the parked or standing vehicle shall immediately move it upon the approach of another vehicle.

(Ord. 81986-1, passed 8-19-86; Am. Ord. 2004-17, passed 2-17-03) Penalty, see § 72.99

§ 72.04 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale, greasing, or repairing such vehicle except repairs necessitated by an emergency.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

§ 72.05 OBEDIENCE TO PARKING SIGNS OR MARKINGS.

In those locations that have been officially signed or marked for parking on the streets or in municipal parking lots, no person shall park or stand a vehicle other than within any markings and at the orientation indicated by such signs or markings.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 72.06 PARKING IN RESIDENTIAL AREAS.

(A) The only vehicles permitted to be parked in residential areas in the city shall be:

(1) Operable automobiles, vans, motorcycles, and trucks (panel or pickup one ton or less), which shall only be parked in the driveway, street, or alley of the residential

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areas and no other place.

(2) Operable recreational vehicles, campers, boats, and trucks (panel or pickup larger than one ton) which shall only be parked in the driveway or alley of the residential area but not in the street.

(B) The following vehicles will not be permitted to be parked in said residential areas; semi-trucks, farm tractors, road tractors; semitrailers, pull-trailers (except for operable pull trailers 30 ft. or less in length as otherwise provided in this section), or other commercial vehicles and commercial pull trailers; school buses, church buses (except operable mini buses as otherwise provided in this section); or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks, and all other vehicles not included in division (A) of this section.

(C) Permitted and prohibited parking in residential areas is summarized as follows ["Y" means yes; "N" means no]:

Parking of Vehicles in Residential Areas

	<i>Driveway</i>	<i>Street</i>	<i>Alley</i>	<i>Yard</i>
Section (1)(A)				
Operable Automobiles	Y	Y	Y*	N
Operable Vans	Y	Y	Y*	N
Operable Motorcycles	Y	Y	Y*	N
Operable Trucks (panel or pickup none ton or less)	Y	Y	Y*	N
Section (1)(B)				
Operable Recreational Vehicles	Y	N	Y*	N
Operable Campers, Boats	Y	N	Y*	N
Operable Trucks (panel or pick-up larger				

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than one ton)	Y	N	Y*	N
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Parking of Vehicles in Residential Areas

	<i>Driveway</i>	<i>Street</i>	<i>Alley</i>	<i>Yard</i>
Section (2)				
Inoperable Automobiles	N	N	N	N
Inoperable Vans	N	N	N	N

Parking of Vehicles in Residential Areas

	<i>Driveway</i>	<i>Street</i>	<i>Alley</i>	<i>Yard</i>
Inoperable Motorcycles	N	N	N	N
Inoperable Recreational Vehicles	N	N	N	N
Inoperable Campers, Boats	N	N	N	N
Inoperable Trucks (panel or pickupnany size)	N	N	N	N
Operable or Inoperable Semi-trucks	N	N	N	N
Inoperable Truck-tractors	N	N	N	N
Operable Truck-tractors	Y	N	N	N
Operable or Inoperable Farm Tractors	N	N	N	N
Operable or Inoperable Road Tractors	N	N	N	N
Operable or Inoperable Semi-trailers	N	N	N	N

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Operable or Inoperable Pull Trailers of more than 30 ft. in length	N	N	N	N
Operable Pull Trailers 30 ft. or less in length	Y	N	N	N
Operable or Inoperable Other Commercial Vehicles	N	N	N	N
Operable or Inoperable School Buses	N	N	N	N
Operable or Inoperable Church Buses	N	N	N	N
Operable Mini Buses	Y	N	N	N

*The method of parking in an alley where permitted by this section must be done so that at least ten feet of the width of the traveled portion of the alley is available for free movement of traffic. Parking in an alley contrary to the requirement of this free movement of traffic provision is prohibited and a violation of this section.

(D) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **DRIVEWAY.** A driveway is as defined in § 153.03.3(a) of the Zoning Code.

(2) **RESIDENTIAL AREA** shall include a residential area is defined to include all those areas within the corporate limits of the city carrying any residential zoning designation, as they now exist or as they may from time to time be amended in the future, and any other area, lot, or location that has a residential structure thereon and has characteristics consistent with and similar with residential areas as described in the Zoning Code.

(E) Parking in yards is prohibited except as provided in this division (E).

(1) A yard is as defined in § 153.03.3(a) of the Zoning Code.

(2) Trucks larger than one ton, panel or pick-up, shall not be parked in any yard.

(3) Vehicles defined in division (A) of this section, except trucks larger than one ton, panel or pick-up, for which parking is prohibited, may be parked in a back yard only,

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provided however, in those cases where there is no back yard or where a fence, building or a permanent obstruction or lack of an alley prohibits access to the back yard, parking of vehicles under this division (E)(3) may be in a side yard.

(4) Off-street parking for parcels adjoining rear alleys is to be assessed from such alleys only and not from adjoining streets.

(F) In the business core district, no truck (panel or pick-up) larger than one ton, trailer, bus, recreational vehicle, tractor, or tractor/trailer shall park upon any street or alley longer than one hour. However, such vehicles may park for a sufficient time to make deliveries or pick up merchandise in the regular course of business provided such parking does not interrupt the regular flow of traffic and does not create a hazard for the safety of others and provided such parking complies with all other parking regulations in force in the city.

(G) Vans, trucks, panel or pick-up, of any size, that are owned or leased and used as a commercial vehicle by a licensed contractor, are permitted as provided in this division (G):

(1) At a job site provided that permission has been obtained from the Chief of Police, which permission shall stipulate the location and length of time during which the commercial vehicle may be parked.

(2) In the driveway of the residence of the contractor provided such vehicle is one ton or less in size.

(H) Notwithstanding the provision of division (A)(2), such permitted recreational vehicles, boats, and campers may park upon a street in any residential area after obtaining permission from the Chief of Police, which permission shall stipulate the location and the length of time (not to exceed five days) during which the vehicle may be parked. The Chief of Police shall issue a written permit.

(I) No vehicles shall be parked in such a manner, on an adjoining street, so as to block a driveway.

(J) No vehicles shall be parked in a driveway in such a manner as to block an intersecting sidewalk.

(K) No vehicles shall be parked on a side of a street in such a manner to face oncoming traffic in the adjoining traffic lane.

(L) All violations of this section shall be enforced by the Garrett Police Department and may be processed through the Ordinance Violations Bureau.
(Ord. 96-12, passed 50-23-96; Am. Ord. 98-11, passed 5-5-98; Am. Ord. 2004-17, passed 2-17-04)

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§ 72.07 STANDING OR PARKING PROHIBITED OFF ROADWAY.

No person shall stand or park a vehicle on a street other than on the roadway or paved shoulder.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

§ 72.08 STANDING OR PARKING PROHIBITED AT ALLEYS.

No person shall stand or park a vehicle in a street in any manner which would restrict full access to any alley.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

§ 72.09 PARKING RESTRICTED IN BUSINESS DISTRICT.

No person shall park a vehicle for a period longer than 12 consecutive hours in a business district.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

§ 72.10 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS.

(A) The provisions of this title prohibiting the standing or parking of a vehicle shall apply at all times or at those times specified in the parking schedules or as 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.

(B) The provisions of this title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

Cross-reference:

Parking schedules, see Ch. 76

See also Schedule of Civil Penalties in § 35.03

§ 72.11 PARKING SIGNS REQUIRED.

Whenever, by this traffic code or any other traffic ordinance of the city, any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Common Council to erect appropriate signs giving notice thereof. No such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

(Ord. 81986-1, passed 8-19-86)

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§ 72.12 CITY PARKING LOTS.

(A) Eight spaces in the city parking lot located on Lots 15 and 16 in Block numbered 25 in the Original Plat of the City of Garrett are hereby designated as City Hall employee parking only.

(B) The times for City Hall employee parking only shall be Monday through Friday, 7:00 a.m. to 4:30 p.m., except those days when the City Hall is closed.

(C) Appropriate signs shall be posted by the Garrett Police Department designating which of the eight parking spots are City Hall employee parking only.

(D) The Clerk-Treasurer's office shall issue a permit to each City Hall employee applying for such a permit, which permit shall be prominently displayed in the vehicle so that the Police Department may determine whether vehicles are parked in compliance with or in violation of the provisions of this section.

(E) The Police Department is authorized to tow or cause to be towed vehicles parked in violation of the provisions of this section, and the cost of towing shall be charged to and collected from the violator.

(F) Every person violating the provisions of this § 72.12 shall be fined \$30 per offense. Each and everyday a violation of any provision of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 71189-1, passed 7-11-89; Am. Ord. 2002-29, passed 12-3-02) Penalty, see § 72.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 72.13 PARKING RESTRICTED IN HANDICAPPED PARKING SPACES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HANDICAPPED PARKING PERMIT. A decal or other devise issued in accordance with state law to any handicapped driver using the international handicapped symbol consisting of a stylized wheelchair on a blue background.

MOTOR VEHICLE. Every devise in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devises moved by human power or

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used exclusively upon stationary rails or tracks. This definition would include, but is not limited to, a moped, power-driven bicycle, motorcycle, motor scooter, automobile, truck or other vehicle propelled by a motor of any kind.

RESIDENTIAL DISTRICT. Includes all those areas within the corporate limits of the city carrying any residential zoning designation, as they now exist or as they may from time to time be amended in the future, and any other area, lot, or location that has a residential structure thereon and has characteristics consistent with and similar to residential areas as described in the Zoning Code.

(B) *Unauthorized use of parking space prohibited.* No person except a person driving pursuant to a handicapped parking permit shall park any motor vehicle in any parking space marked as Areserved for handicapped persons@. This provision shall apply not only in parking lots owned or operated by the city, but also in all private parking areas in the city and also on all city streets with a permitted handicapped parking space.

(C) *Handicapped person without sticker.* No person shall be convicted of violating this section if such person, in fact, met the criteria for obtaining a handicapped parking permit at the time of the parking, even if the handicapped parking permit had not been obtained or was not displayed on the vehicle.

(D) *Handicapped parking permit issued by another state.* Any handicapped driver exhibiting a handicapped parking permit issued by another state may park a vehicle in a space reserved for vehicles of handicapped drivers.

(E) *Nuisance, injunction.* Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the City Legal Department may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(F) *Requirements for handicapped parking space in residential area.* Handicapped parking spaces upon public streets in residential areas shall be designated by the Chief of Police only upon full compliance with the terms and provisions of this section regulating the designation of handicapped parking spaces in residential areas upon city streets. The parking, loading, unloading or standing of any vehicle in a parking space in a residential area designated as a handicapped parking space is prohibited unless a permit is issued pursuant to this section.

(G) *Permit requirements.*

(1) Any person seeking the designation of a parking space on a public street in the city as a handicapped parking space must first submit a written application to the

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Police Department containing the name of handicapped driver, name of the driver of the handicapped person if different from the handicapped person, the street address of the residence of the handicapped person, social security number and driver's license number of the handicapped driver, and any other information required by the Police Department. The applications shall also be accompanied by a site plan showing the location of the street, the residence of the handicapped driver, the space sought to be designated as a handicapped parking space, and any other information required by the Police Department.

(2) No permit shall be issued pursuant to this section if the applicant has off-street parking available or sufficient space which may be used for off-street parking upon the applicant's premises.

(3) The Chief of Police or his designee shall review all applications and shall have the authority to approve or disapprove the application and issue or refuse to issue the permit designating a handicapped parking space in a residential area. All permits granted shall be for one year, and each applicant shall reapply for a permit before the expiration of the current one year period.

(4) The applicant, if the application for a permit is granted, shall pay an annual fee of \$20 for the permit and shall pay the costs of obtaining and erecting proper signage and the costs of proper road markings. The fees and costs shall be paid through the Clerk-Treasurer's office.

(5) The Chief of Police, or his designee, in connection with all of those applications approved under this section, shall assign an identification number to the handicapped parking space and shall assign the same number to the permit issued in connection with that parking space. Only the vehicle operated by the handicapped driver or operated on his behalf shall be allowed to park in such handicapped parking space. It shall be a violation for any vehicle to park in handicapped parking space except for that vehicle bearing the identification number assigned to that space pursuant to the provisions of this section.

(Ord. 8691-4, passed 8-6-91; Am. Ord. 2000-25, passed 12-5-00; Am. Ord. 2000-27, passed 10-19-00) Penalty, see § 72.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 72.135 HANDICAPPED PARKING SPACE CREATED.

(A) (1) The first vehicular parking space on the west side of Randolph Street south of its intersection with King Street is hereby designated as a handicapped parking space. Parking is restricted in this space to ten minutes.

(2) One vehicular parking space on the west side of Randolph Street south of its intersection with Dennis Street is hereby designated as a handicapped parking space (one

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space in front of Ray Manor - formerly McKee Miles Funeral Home.

(3) The first vehicular parking space on the south side of Keyser Street west of its intersection with the alley between Randolph Street and Cowen Street is hereby designated as a handicapped parking space. Parking is restricted in this space to ten minutes.

(B) A decal or other device issued in accordance with state law to any handicapped driver using the international handicap symbol consisting of a stylized wheel car on a blue background must be displayed on any vehicle using the handicap space created hereby.

(C) No person except a person driving pursuant to a handicap parking permit shall park any motor vehicle in the handicapped space created hereby.

(D) Any handicapped driver exhibiting a handicapped parking permit issued by another state may park a motor vehicle in the space created hereby.

(E) Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the Legal Department of the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief includes seeking a temporary restraining order, temporary injunction and permanent injunction.

(F) Violations of this section shall also be processed through the Ordinance Violations Bureau and shall carry a civil penalty of \$50 per violation.

(Ord. 2003-21, passed 12-16-03; Am. Ord. 2004-21, passed 9-7-04)

§ 72.14 PARKING PROHIBITED NEAR FIRE HYDRANT.

(A) No person shall stop, stand, or park a vehicle within 15 feet of a fire hydrant.

(B) Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the city legal department may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(Ord. 2000-12, passed 6-20-00; Am. Ord. 2000-26, passed 12-5-00) Penalty, see § 72.99

STOPPING FOR LOADING OR UNLOADING

§ 72.20 STANDING IN LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose or period of time, other

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than for the expeditious loading or unloading of passengers or materials in any place marked as a loading zone during hours and days when the regulations applicable to such curb loading zone

are effective, and then only for a period not to exceed three minutes for passengers or 20 minutes for materials.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 72.99

§ 72.21 COMMON COUNCIL TO DESIGNATE LOADING ZONES.

The Common Council is authorized to determine the location of loading zones and shall place and maintain appropriate signs indicating the same and stating the hours and days during which the provisions of this section are applicable.

(Ord. 81986-1, passed 8-19-86)

Cross-reference:

Loading zones, see Ch. 76, Sched. II

ENFORCEMENT

§ 72.30 CITATION OF ILLEGALLY PARKED VEHICLE.

Whenever any motor vehicle without a driver is found parked, standing or stopped in violation of any of the restrictions imposed by the parking regulations of the city or by state law, the officer finding such vehicle shall take its registration number; take any other information displayed on the vehicle which may identify its user; and conspicuously affix to such vehicle traffic citation, on a form provided by the City Clerk-Treasurer, for the driver to answer to the charge against him within five days, during the hours and at a place specified in the citation.

(Ord. 81986-1, passed 8-19-86)

§ 72.31 FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the City Clerk-Treasurer shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that, in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

(Ord. 81986-1, passed 8-19-86)

§ 72.32 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

(A) In any prosecution charging a violation of any law governing the standing or

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parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(B) The foregoing presumption shall apply only when the procedure prescribed in this subchapter has been followed.

(Ord. 81986-1, passed 8-19-86)

§ 72.99 PENALTY.

(A) Every person convicted of a violation of any provision of this chapter for which no other penalty is set forth shall be subject to the penalty provisions of § 70.99.

(B) Every person convicted of violating the provisions of § 72.12 shall be subject to a fine of \$30 per day for each violation, which fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 71189-1, passed 7-11-89)

(C) Every person violating the provisions of § 72.10 shall pay a fine of \$30.
(Ord. 4489-1, passed 4-4-89; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 8691-3, passed 9-6-91; Am. Ord. 11392, passed 11-3-92; Am. Ord. 2002-29, passed 12-3-02)

(D) Any person violating any provision of § 72.06 shall be immediately fined, without prior notice, as follows:

Inoperable and/or abandoned vehicles	\$100
Illegal vehicles in residential area	\$50
Operable vehicles in yard	

\$50

(Ord. 96-12, passed 5-23-96; Am. Ord. 2002-29, passed 12-3-02)

(E) Every person violating any provision of § 72.13 shall be fined \$150 per violation.
(Ord. 2000-25, passed 12-5-00; Am. Ord. 2000-27, passed 10-19-00; Am. Ord. 2002-29, passed 12-3-02)

(F) Every person violating any provisions of § 72.14 shall be fined not less than \$50 or more than \$100 for each offense, and a separate offense shall be deemed committed on each day during which an offense occurs or continues. Violations of § 72.14 shall be enforced through the Ordinance Violations Bureau.

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(Ord. 2000-12, passed 6-20-00; Am. Ord. 2000-26, passed 12-5-00; Am. Ord. 2002-29, passed 12-3-02)

(G) Each and every day a violation of any provision of Chapter 72 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 2002-29, passed 12-3-02)

(H) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including attorney fees.

(Ord. 2003-06, passed 4-15-03)