

**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: GENERAL PROVISIONS

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### § 70.01 DEFINITIONS.

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

(B) Whenever any words and phrases used herein are not defined herein, but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

**ABANDONED.** Any vehicle:

(1) Located on public premises that does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways of the state.

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(2) That is left on public premises continuously without being moved for a period of seven days.

(3) Located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) That has remained on private premises without the consent of the owner or person in control of premises for more than 48 hours.

(5) From which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises.

(6) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this title, the violation of which may require the removal or impoundment of the motor vehicle, and which motor vehicle once impounded is not claimed or redeemed by the owner or his agent within 30 days of its removal.

**ALLEY.** A street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

**AUTHORIZED EMERGENCY VEHICLE.** Vehicles of the Fire Department, police vehicles, and such ambulances as are operated by or for health and hospital corporations pursuant to IC 16-12-21; provided, however, that ambulances and other vehicles which are owned by persons, firms or corporations other than hospitals and are used in emergency services, may be designated as emergency vehicles, if such vehicles are authorized to operate as such by the Public Service Commission of Indiana.

**Editor's Note:**

*IC 16-12-21 as set forth in the definition **AUTHORIZED EMERGENCY VEHICLE** above has been repealed. For provisions concerning standards for emergency vehicles, see IC 16-31-3-2(3), (4).*

**AUTOMOBILE WRECKER.** An automobile wrecking and parts business.

**BICYCLE.** Any foot propelled vehicle, irrespective of the number of wheels in contact with the ground.

**BUREAU.** The bureau of motor vehicles of the state.

**BUSINESS DISTRICT.** The territory contiguous to and including a street when 50% or more of the frontage thereon for a distance of 500 feet or more is occupied by building in use for business.

**COMMISSIONER.** The commissioner of the bureau.

***CROSSWALK.***

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, regardless of the presence of pavement markings

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface



**DISPOSAL AGENT.** Any firm or individual engaged in business as a scrap metal processor or automobile wrecker.

**DRIVER.** Every person who drives or is in actual physical control of a vehicle.

**HANDICAPPED PARKING.** Any space so designated by the Police Department for parking of vehicle bearing a handicapped license plate or placard issued by the Bureau.

**HOLIDAY.** The following days of the year shall be designated as holidays:

- (1) The first day of January, commonly known as New Years' Day;
- (2) The last Monday of May, commonly known as Memorial Day;
- (3) July Fourth, commonly known as Independence Day;
- (4) The first Monday of September, commonly known as Labor Day;
- (5) The fourth Thursday of November, commonly known as Thanksgiving Day; and
- (6) December 25, commonly known as Christmas Day.

**INTERSECTION.**

(1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

(2) The junction of any alley with a street shall not constitute an intersection.

**LOADING ZONE.** A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

**OFFICER or POLICE OFFICER.** Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**OFFICIAL TIME STANDARD.** Eastern Standard Time.

**OFFICIAL TRAFFIC-CONTROL DEVICES.** All signs, signals, markings and devices not inconsistent with this title placed or erected, by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

**OWNER.** The last known record title holder to a vehicle according to the records of the bureau under the provisions of IC 9-14-3-1 et seq.

**PARK or PARKING.** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

**PARKING SPACE** or **PARKING PLACE.** A designated portion of the surface of a street of sufficient length and depth to accommodate a vehicle of reasonable dimensions to be parked. Such designated portion shall be specified and marked off as provided in this title.

**PARTS.** All component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which in their state of assembly, do not constitute a complete vehicle.

**PEDESTRIAN.** Any person afoot.

**PERSON.** Every natural person, firm, copartnership, association, or corporation.

**PRIVATE PREMISES.** All privately-owned property which is not classified within the definition of "public premises."

**PUBLIC AGENCY.** The Police Department of the city which is assigned the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the Common Council.

**PUBLIC PREMISES.** Any public right-of-way, street, highway, alley, park, or other state-, county- or municipally-owned property.

**RESIDENCE DISTRICT.** The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of 500 feet or more, is, in the main improved with residences or residences and buildings in use for business.

**RIGHT-OF-WAY.** The privilege of the immediate use of the street.

**ROADWAY.** That portion of a street improved, designed or ordinarily used for vehicular travel.

**SCRAP METAL PROCESSOR.** An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for remelting purposes.

**SIDEWALK.** That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property line, intended for use by pedestrians.

**STAND** or **STANDING.** The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers

**STATE LAW.** Indiana laws regulating and relating to motor vehicles and their operation.

**STOP.** When required, means complete cessation from movement.

**STOP** or **STOPPING.** When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

**STREET.** The entire width between boundary lines of every way publicly maintained, when



any part thereof is open to the use of the public for purposes of vehicular travel.

**TOWING SERVICE.** A business organized for the purpose of moving or removing disabled motor vehicles and once removed, to store or impound such motor vehicles.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street for purposes of travel.

**TRUCK.** Every motor vehicle designed, used or maintained primarily for the transportation of property.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.  
(Ord. 81986-1, passed 8-19-86; Am. Ord. 8691-4, passed 8-6-91)

**§ 70.02 VEHICLES SHALL NOT BE DRIVEN OR PARKED ON A SIDEWALK.**

(A) A vehicle shall not be driven over, on, and across any sidewalk within the city except to the extent that the sidewalk intersects with and continues across a driveway, whether the driveway is permanent or temporary, and then only and for such time as it takes to drive the vehicle across the sidewalk area.

(B) A vehicle shall not be parked on a driveway so as to block in any manner a sidewalk intersecting and crossing the driveway. It is the intent of this section that vehicles shall not, in any manner connected with the parking with the vehicle, obstruct, interfere, or impede pedestrian traffic, over, on, and through the sidewalks.

(C) The penalties for violation of this section shall be as otherwise contained within the Garrett City Code including, but not limited to, the schedule of civil penalties found currently in § 35.03 of the Garrett City Code.  
(\*79 Code, § 19-124) (Ord. passed 12-4-62; Am. Ord. 4489-1, passed 4-4-89; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2008-4, passed 4-1-08)

**Cross-reference:**

*For fine, see Schedule of Civil Penalties in § 35.03*

**§ 70.03 REGULATING THE USE OF GOLF CARTS WITHIN CITY.**

(A) For purposes of this section, **GOLF CARTS** are defined as a four-wheeled motor vehicle originally and specifically intended to transport one or more individuals and golf clubs for the purpose of playing golf. Any motor vehicles not meeting this definition are prohibited from being operated upon the streets, alleys and highways under the jurisdiction of the city, except as otherwise provided by other provisions of the Indiana Code.

(B) The provisions of this section shall apply to owners of golf carts and to operators of golf carts leased or rented from a vendor.

(C) Only persons with a valid operator's license issued by the State of Indiana or by the state of residence of the operator of the golf cart may operate a golf cart as provided herein.

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(D) All golf carts to be operated upon the public streets or alleys under the jurisdiction of the city shall be registered with the city and the owner shall pay the registration fee as provided herein. Registration forms are available in the office of the Clerk-Treasurer and the registration fee shall be paid to the city through the office of the Clerk-Treasurer as provided herein. The annual registration fee shall be \$25 and each registration expires December 31.

(E) At the time of the registration, the registrant shall present proof of insurance insuring not only the golf cart from property damage, but also carrying property damage and personal liability insurance for injury or damage to property for others and personal injury to others with a minimum combined single limit of \$50,000. Proof of insurance shall be available for inspection and verification at all times.

(F) Prior to the issuance of the registration by the Clerk-Treasurer, the golf cart shall be inspected by the Garrett Police Department to insure that the golf cart meets the definition as provided above and also meets all other requirements as provided herein. The Police Department shall have no discretion to interpret the provisions of this section.

(G) All golf carts being operated pursuant to the terms of this section shall obey all of the rules of the road and traffic regulations of the State of Indiana and the city and shall also display the following:

(1) An orange flag or pennant attached to a pole so that the flag or pennant is at least seven feet above the surface of the street;

(2) The appropriate sticker issued by the Clerk-Treasurer designating registration. Such sticker shall be of a minimum size of four inches by four inches, identifiable as a golf cart registration sticker, and a sticker shall be placed upon the front and rear of the golf cart, therefore each golf cart will have two stickers which shall be placed in a location as to be readily visible;

(3) A slow moving vehicle emblem and an orange flashing lamp as defined and described in IC 9-21-1-3 and 9-21-1-4 respectively; and

(4) Properly functioning headlights, tail lights and turn signals.

(H) No golf carts shall be operated upon any sidewalk within the city. Provided, however, a golf cart used by the Garrett Garden Club to tend to the flowers and plants in the uptown area of Garrett shall be allowed to operate a golf cart on the sidewalks in the uptown area specifically for that purpose. The golf cart used by the Garden Club is not exempt from registration and other requirements of this section.

(I) Golf carts shall be equipped with a rear view mirror, factory seating, seat belts for all seats on the golf cart, which seat belts must be approved by the Chief of Police. Occupancy shall not exceed that to be accommodated by factory seating as a golf cart.

(J) No person under the age of five years shall be allowed to ride on a golf cart. The driver and all passengers in the golf cart must be seated while the golf cart is in operation.

(K) Golf carts shall not be operated on SR 327, SR 8 and North Taylor Road between SR 8 and the South Road. The operation of golf carts is limited to those streets with a speed limit of 30 miles per hour or less and are prohibited on all other streets.

(L) The City Common Council may exempt from the provisions of this section the use of golf carts by public safety personnel.

(M) Any fines collected under this section shall be deposited into the General Fund of the city.

(Ord. 2009-10, passed 8-4-09)

***ADMINISTRATION AND ENFORCEMENT***

**§ 70.15 DUTY OF THE CHIEF OF POLICE.**

It shall be the duty of the Chief of Police and deputies to enforce the street traffic regulations of this city and all of the state laws, make arrests for traffic violations, investigate accidents, cooperate with officials of the city in the administration of the traffic laws and in developing ways to improve traffic conditions, and carry out those duties specially imposed upon the Chief of Police and deputies by the traffic code and any other applicable ordinances of this city.

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

**§ 70.16 RECORDS OF TRAFFIC VIOLATIONS.**

(A) The Police Department shall keep a record of all violations of the traffic regulations of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(B) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(C) All such records and reports shall be public records.

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

**§ 70.17 POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS.**

It shall be the duty of the Chief of Police and deputies to investigate traffic accidents and arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

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

**§ 70.18 TRAFFIC ACCIDENT STUDIES.**

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate with city officials in conducting studies of such accidents and determining remedial measures.

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

**§ 70.19 TRAFFIC ACCIDENT REPORTS.**

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of city officials.

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

**§ 70.20 POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT.**

The Police Department shall annually prepare a traffic report which shall be filed with the Common Council. The report shall contain information on traffic matters in this city as follows:

(A) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(B) The number of traffic accidents investigated and other pertinent data on the safety activities of the Police Department; and

(C) Any plans and recommendations of the Police Department for future traffic safety activities.

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

**§ 70.21 EMERGENCY TRAFFIC CONTROL.**

The Chief of Police is authorized to temporarily place official traffic control devices when required by an emergency. The Chief of Police shall notify the Mayor of his actions as soon thereafter as practicable.

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

**§ 70.22 CHIEF OF POLICE TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS.**

The Chief of Police shall approve types of pennants or other identifying insignias to be displayed upon, or other methods to be employed to identify, the vehicles in funeral processions.

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

**§ 70.23 CHIEF OF POLICE TO BE TRAFFIC ENGINEER.**

The Chief of Police shall serve as the Traffic Engineer in addition to his other functions.  
(Ord. 81986-1, passed 8-19-86)

**§ 70.24 AUTHORITY TO DECLARE A SNOW EMERGENCY.**

A snow emergency shall commence by executive order, determination and proclamation of the Mayor or, in his absence from the city, the Councilmember-at-large, or, in his absence from the city, the Chief of Police shall be authorized to act in his place. Publication and broadcasting of the snow emergency shall be done by the Mayor or his substitute using a press release to the area news media.

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

**Cross-reference:**

*Parking prohibited during snow emergency on certain streets, see Ch. 76, Sched. IV*  
*Vehicles abandoned during snow emergency subject to removal, see § 74.10*

**§ 70.25 AUTHORITY OF CHIEF OF POLICE AND FIRE DEPARTMENT OFFICIALS.**

(A) It shall be the duty of the Chief of Police and deputies or such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this city and all of the state vehicle laws.

(B) The Chief of Police and deputies, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, the Chief of Police and deputies may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the Chief of Police and deputies or officers in directing traffic in the immediate vicinity.

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

**§ 70.26 REQUIRED OBEDIENCE TO TRAFFIC CODE AND ORDINANCES.**

It is unlawful and a municipal ordinance violation for any person to do any act forbidden, or fail to perform any act required, in this title and any other applicable ordinances of the city.

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

**§ 70.27 CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS.**

Every person propelling a pushcart, riding an animal, or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions of this title which by their very nature can have no application.

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

**§ 70.28 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.**

The provisions of this title shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any political subdivision of the state, subject to such specific exceptions as are set forth in this title or in the state vehicle code. The provisions of this title shall not apply to persons, motor vehicles and other equipment while actually engaged in work in a street but shall apply to such persons and vehicles when traveling to or from work.  
(Ord. 81986-1, passed 8-19-86)

**§ 70.29 DISPOSITION OF TRAFFIC FINES AND FORFEITURES.**

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid into the city treasury and deposited in the "General Fund."  
(Ord. 81986-1, passed 8-19-86)

**§ 70.30 OFFICIAL MISCONDUCT.**

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the "General Fund," to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.  
(Ord. 81986-1, passed 8-19-86)

**§ 70.31 DUTIES OF COUNTY PROSECUTOR.**

The County Prosecutor or his duly appointed deputy is authorized to prosecute all charges of violation of this title.  
(Ord. 81986-1, passed 8-19-86)

**§ 70.32 IMPOUNDING VEHICLES OF SCOFFLAWS.**

(A) Whenever a police officer has knowledge that a person has failed to satisfy five or more parking or traffic citations and that an arrest warrant has been issued for such person for these citations, and whenever the officer finds any vehicles registered in the name of such person upon any street, he may impound or immobilize such vehicle.

(B) Immobilization of a vehicle under this section shall be in a manner as to prevent its operation by means of a device which will cause no damage to the vehicle unless the vehicle is moved. Notice of immobilization shall be attached to the vehicle in a conspicuous manner.

(C) After impounding or immobilizing a vehicle under this section, notice shall be given in writing to its owner.  
(Ord. 81986-1, passed 8-19-86)

**§ 70.99 PENALTY.**

(A) For violations of § 70.02, the fine shall be \$30.

(B) For all other violations of the provisions of this Title VII, unless another penalty is expressly provided, every person shall be punished by a fine of \$100 for the first offense. Upon conviction of any subsequent offense committed in the same calendar year, the penalty shall be \$200.

(C) Each and every day a violation of any provision of Chapter 70 is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(D) 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. 81986-1, passed 8-19-86; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)

(E) A violation of the provisions of § 70.03 shall be considered a Class C misdemeanor and shall be punishable by a fine not to exceed \$100 per day. Each day a violation of § 70.03 is permitted or suffered to continue shall constitute a separate and distinct violation. If two or more violations occur within the same calendar year, the registration, whether annual, daily or for an event, shall be suspended and the owner or operator of the golf cart shall not be eligible for another registration for the balance of the year. (Ord. 2009-10, passed 8-4-09)





## CHAPTER 71: TRAFFIC REGULATIONS

### Section

#### *Traffic-Control*

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- 71.32 Truck routes established
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- 71.36 Load restrictions upon vehicles using certain highways
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### **TRAFFIC-CONTROL**

#### **§ 71.01 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.**

The Chief of Police or his delegate shall place and maintain official traffic-control devices when and as required under the traffic code or any other traffic ordinances of the city to make effective the provisions of said code or ordinances. It may place and maintain such additional

official traffic-control devices as it may deem necessary to regulate, warn or guide traffic under the traffic regulations of this city or the state vehicle law.

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

**Cross-reference:**

*Duties of Chief of Police in restricting truck traffic, see § 71.35*

**§ 71.02 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.**

All traffic-control signs, signals and devices shall conform to the "Indiana Manual on Uniform Traffic Control Devices for Streets and Highways." All signs and signals required hereunder for a particular purpose shall be uniform as to type and location throughout the city. All traffic-control devices so erected, and not inconsistent with the provisions of state law or the traffic regulations of the city, shall be official traffic-control devices.

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

**§ 71.03 WHEN OFFICIAL TRAFFIC-CONTROL DEVICES ARE REQUIRED FOR ENFORCEMENT PURPOSES.**

No provisions of this title for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section [of the traffic code or traffic ordinance of the city] does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

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

**§ 71.04 OFFICIAL TRAFFIC-CONTROL DEVICES; PRESUMPTION OF LEGALITY.**

(A) Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

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

**§ 71.05 CHIEF OF POLICE TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES.**

The Chief of Police is authorized, at the direction of the Common Council, to designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where in its opinion, there is particular danger to pedestrians crossing the roadway, or at such other places as it may deem necessary.

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



**§ 71.06 TRAFFIC LANES.**

The Chief of Police is hereby authorized at the direction of the Common Council, to mark traffic lanes upon the roadway of any street or highway under the jurisdiction of the city.  
(Ord. 81986-1, passed 8-19-86)

**§ 71.07 AUTHORITY TO PLACE DEVICES ALTERING NORMAL COURSE FOR TURNS.**

The Common Council is authorized to place official traffic-control devices, within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections. Such course to be traveled as so indicated may conform to, or be other than as prescribed by, law.  
(Ord. 81986-1, passed 8-19-86)

**§ 71.08 LIMITATIONS ON TURNING AROUND.**

(A) The Common Council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(B) No U-turns are permitted at any intersection in the city.

(C) No U-turns are permitted on Houston Street west of Second Street and east of Britton Street.  
(Ord. 81986-1, passed 8-19-86; Am. Ord. 2005-7, passed 5-3-05) Penalty, see § 70.99

**§ 71.09 AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS.**

The Common Council is hereby authorized to determine and designate one-way streets or alleys and shall place and maintain official traffic-control devices giving notice thereof. No such designation shall be effective unless such devices are in place.  
(Ord. 81986-1, passed 8-19-86)

***Cross-reference:***

*One-way streets and alleys, see Ch. 75, Sched. II*

**§ 71.10 INTERSECTIONS WHERE STOP OR YIELD IS REQUIRED.**

The Common Council is authorized to determine and designate intersections where a particular hazard exists and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which even it shall have erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street

at such intersection, in which even it shall have erected a yield sign at every place where obedience thereto is required.

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

**Cross-reference:**

*Stop and yield streets, see Ch. 75*

**§ 71.11 THROUGH TRAFFIC AND PICK-UP TRAFFIC ON HOUSTON STREET; BICYCLE LANE.**

(A) That portion of Houston Street lying south of its centerline in the east 800 and 900 blocks shall be divided into two lanes, these lanes being divided by white dashes designating the lanes. The northern lane thus created shall be designated for through (“thru”) traffic only. The south lane so created shall be designated a lane for a pick-up area for use in picking up children from the city schools. Both lanes so created shall be for eastbound traffic only. It shall be unlawful for persons to stop in the through traffic lane for purposes of picking up or dropping off students or other individuals for school purposes.

(B) That portion of Houston Street lying north of its centerline in the east 800 and 900 blocks shall be divided into two lanes, these lanes being divided by white dashes designating the lanes. The southern lane thus created shall be designated for through traffic only. The northern lane so created shall be designated for bicycle traffic only and shall further be designated as “No Parking” between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday.  
(Ord. 10191, passed 10-1-91) Penalty, see § 70.99

***SPEED REGULATIONS***

**§ 71.25 STATE SPEED LAWS APPLICABLE.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this title, as authorized by state law, declares and determines, upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so determines when signs are in place giving notice thereof.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 70.99

**Cross-reference:**

*For altered state speed limits on city streets, see Ch. 75, Sched. I*

**§ 71.26 SPEED IN ALLEYS.**

Except when a special hazard exists that requires lower speed for compliance with state law, the maximum lawful speed limit in an alley shall be 15 miles per hour, and no person shall drive a vehicle in an alley in excess of such limit.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 70.99

**TRUCK ROUTES AND RESTRICTIONS**

**§ 71.30 DEFINITIONS.**

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

**DEVIATING TRUCK.** A truck that leaves and departs from the truck route while traveling inside the city.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**TRUCK.** Any vehicle designated or operated for the transportation of property, and whose body weight or whose combined body and load weight exceed 12,000 pounds or the weight posted on the signs erected by the Chief of Police.

**TRUCKROUTE.** A way over certain streets, as designated in this subchapter, over and along which trucks coming into and going out of the city must operate.  
(‘79 Code, § 19-251) (Ord. passed 10-3-78)

**§ 71.31 APPLICATION OF REGULATIONS.**

(A) All trucks within the city shall be operated only over and along the truck routes established in this subchapter and on the other designated streets over which truck travel is permitted.

(B) *Exceptions.* This section shall not prohibit:

(1) Operation on street of destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

(2) Emergency vehicles. The operation of emergency vehicles upon any street in the city.

(3) Public utilities. The operation of trucks owned or operated by the city, public utilities, any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the city.

(4) Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

(‘79 Code, § 19-252) (Ord. passed 10-3-78)

### § 71.32 TRUCK ROUTES ESTABLISHED.

*Outside origin — Outside destination.* All trucks entering the city for destination points outside the city shall operate only over the following designated routes:

(A) When entering the city from the north or south on State Road 327 and then traveling in a northbound or southbound direction through the city, then northbound or southbound on State Road 327 to the opposite city limit.

(B) When entering the city from the east on County Road 48 and traveling in a westbound direction through the city, then west on County Road 48, also known within the corporate limits of the city as South Road, and Quincy Street, until the intersection with State Road 327, then northbound or southbound to the city limits.

(C) When entering the city from the west on West King Street and traveling in an eastbound direction in the city, then east on King Street until the intersection with State Road 327, then northbound or southbound on State Road 327 to the city limits.

('79 Code, § 19-253) (Ord. passed 10-3-78; Am. Ord. 2003-10, passed 6-17-03)

### § 71.33 DESIGNATED STREETS FOR TRUCK USE.

In addition to those streets in the city constituting a part of a truck route as established by § 71.32, the following streets, and no others, shall be used for truck traffic:

(A) Railroad Street from State Road 327 to Wabash Street.

(B) King Street from State Road 327 to Hamsher Street, Hamsher Street from King Street to Keyser Street and Keyser Street one-half block west from the intersection of Keyser Street and Hamsher Street.

(C) Fuller Drive in its entirety and Forrest Drive in its entirety.

(D) Taylor Road (C.R. 15) from its intersection with State Road 8 to its intersection with Warfield Street, Warfield Street between Taylor Road and Walsh Street.

(E) Britton Street between its intersection with Warfield Street and Edgerton Street.

('79 Code, § 19-254) (Ord. passed 10-3-78; Am. Ord. 111693-1, passed 11-16-93; Am. Ord. 2003-10, passed 6-17-03)

### § 71.34 TRUCK TRAFFIC IN CITY.

(A) *Outside origin.*

(1) One inside destination point. All trucks entering the city for destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.



(2) Multiple inside destination points. All trucks entering the city for multiple destination points shall proceed over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which truck traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(B) *Inside origin.*

(1) Outside destination point. All trucks, on a trip originating in the city and traveling in the city for a destination point outside the city, shall proceed by the shortest direction over streets on which such traffic is permitted to a truck route as set forth in § 71.32.

(2) Inside destination points. All trucks, on a trip originating in the city and traveling in the city for destination points in the city, shall proceed only over the streets upon which such traffic is permitted.

('79 Code, § 19-255) (Ord. passed 10-3-78)

**§ 71.35 ENFORCEMENT.**

(A) *Maps maintained.* The Clerk-Treasurer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the City Clerk and shall be available to the public. A copy of the maps shall be furnished to the Chief of Police.

(B) *Chief of Police to maintain signs.*

(1) The Chief of Police shall cause all truck routes and streets upon which truck traffic is prohibited to be clearly sign-posted to give notice that this subchapter is in effect.

(2) Failure to post. No person shall be charged with violating the provisions of this subchapter by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such streets.

(C) *Weigh-in.* The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which such traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this subchapter has been complied with.

('79 Code, § 19-256) (Ord. passed 10-3-78)

**§ 71.36 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN HIGHWAYS.**

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified at any time upon any of the streets or parts of streets described in the truck routes set forth in this subchapter.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 70.99

**§ 71.37 TRUCK RESTRICTIONS.**

When signs are erected giving notice thereof, no person shall operate any truck with a gross weight over 9,000 pounds, except that such restrictions shall not apply to the necessary local operation on such streets for the purpose of picking up or delivering materials. Trucks are restricted to the truck routes as defined in this subchapter and the maps maintained thereunder. (Ord. 81986-1, passed 8-19-86) Penalty, see § 70.99

**§ 71.38 ENGINE COMPRESSION BRAKES.**

(A) No vehicle shall use engine compression brakes or an engine retarder system to stop or slow down said vehicle if said system causes the vehicle's motor to race in such a manner as to cause the exhaust system to emit a loud, cracking, backfiring or chattering noise unusual to its normal operation, said practice being commonly known as "jake braking".

(B) Violation of this section shall be punishable by a fine not to exceed \$500.

(C) This section shall not apply to fire fighting equipment provided such equipment is being operated in the course of responding to a fire or other legitimate emergency.

(D) The Chief of Police or his designee is directed to post appropriate signs placed at or near the city limit or other such places as determined by the Chief of Police or his designee. (Ord. 2001-13, passed 8-21-01)

## **CHAPTER 72: STOPPING, STANDING OR PARKING**

### Section

#### ***General Provisions***

- 72.01 Signs or markings indicating angle parking
- 72.02 Parking not to obstruct traffic
- 72.03 Parking restricted in alleys
- 72.04 Parking for certain purposes prohibited
- 72.05 Obedience to parking signs or markings
- 72.06 Parking in residential areas
- 72.07 Standing or parking prohibited off roadway
- 72.08 Standing or parking prohibited at alleys
- 72.09 Parking restricted in business district
- 72.10 Stopping, standing or parking restricted or prohibited on certain streets
- 72.11 Parking signs required
- 72.12 City parking lots
- 72.13 Parking restricted in handicapped parking spaces
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#### ***Stopping for Loading or Unloading***

- 72.20 Standing in loading zone
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#### ***Enforcement***

- 72.30 Citation of illegally parked vehicle
- 72.31 Failure to comply with traffic citation attached to parked vehicle
- 72.32 Presumption in reference to illegal parking
  
- 72.99 Penalty

### **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)

**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 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***

	<b><i>Driveway</i></b>	<b><i>Street</i></b>	<b><i>Alley</i></b>	<b><i>Yard</i></b>
<b>Section (1)(A)</b>				
Operable Automobiles	Y	Y	Y*	N
Operable Vans	Y	Y	Y*	N
Operable Motorcycles	Y	Y	Y*	N
Operable Trucks (panel or pickup—one ton or less)	Y	Y	Y*	N
<b>Section (1)(B)</b>				
Operable Recreational Vehicles	Y	N	Y*	N
Operable Campers, Boats	Y	N	Y*	N
Operable Trucks (panel or pick-up—larger than one ton)	Y	N	Y*	N

***Parking of Vehicles in Residential Areas***

	<b><i>Driveway</i></b>	<b><i>Street</i></b>	<b><i>Alley</i></b>	<b><i>Yard</i></b>
Section (2)				
Inoperable Automobiles	N	N	N	N
Inoperable Vans	N	N	N	N
Inoperable Motorcycles	N	N	N	N
Inoperable Recreational Vehicles	N	N	N	N
Inoperable Campers, Boats	N	N	N	N
Inoperable Trucks (panel or pickup—any 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
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) 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.

(F) 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.

(G) 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.

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

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

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



(K) 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; Am. Ord. 2012-09, passed 8-21-12)

**§ 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)

**§ 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 device 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 device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or 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 "reserved 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 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 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 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 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.  
(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)

## CHAPTER 73: BICYCLES AND TOY VEHICLES

### Section

#### *General Provisions*

- 73.01 Use of coasters, roller skates and similar devices restricted on roadways
- 73.02 Use of skateboards, roller skates, in-line skates, coasters and scooters prohibited in certain areas

#### *Bicycles*

- 73.15 Effect of bicycle regulations
- 73.16 Bicycle dealers
- 73.17 Traffic regulations apply to persons riding bicycles
- 73.18 Parking
- 73.19 Riding on sidewalks
- 73.20 Riding on roadways and bicycles paths
- 73.21 Attaching bicycle to poles
  
- 73.99 Penalty

#### **GENERAL PROVISIONS**

##### **§ 73.01 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED ON ROADWAYS.**

No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk. When so crossing, such person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

##### **§ 73.02 USE OF SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, COASTERS AND SCOOTERS PROHIBITED IN CERTAIN AREAS.**

(A) *Prohibition.* It is unlawful and a violation of this section to use, operate, or ride upon a skateboard, roller skates, in-line skates, coaster, or scooters both motorized and non-motorized, in the following areas of the city:



(1) Upon the sidewalks adjacent to and parallel to Randolph Street from the southernmost paved area of Railroad Street to the northernmost paved area of Houston Street;

(2) On the sidewalks adjacent to and parallel to King Street from the easternmost paved area of Cowen Street to the westernmost paved area of Franklin Street;

(3) On the sidewalks adjacent to and parallel to Keyser Street from the easternmost paved area of Cowen Street to the westernmost paved area of Franklin Street;

(4) On the sidewalks adjacent to and parallel to Houston Street from the easternmost paved area of Cowen Street to the westernmost paved area of Randolph Street;

(5) In and upon the alley between Randolph Street and Cowen Street from the southernmost paved portion of Quincy Street to the northernmost paved portion of Houston Street;

(6) In and upon the alley between Randolph Street and Franklin Street from the southernmost paved portion of Quincy Street to the northernmost paved portion of Houston Street;

(7) In and upon the alley between Randolph Street and Cowen Street from the southernmost paved portion of Houston Street to the intersection of said alley with a line extended due west from the south wall of the Garrett Public Library building (that portion of the alley west of the library) and in an upon the sidewalk and parking lot located upon property owned by the Garrett Public Library immediately east of said alley; and

(8) During the Heritage Days Festival anywhere in or upon the Eastside Park and anywhere in or upon those portions of Houston Street and also sidewalks adjacent thereto as blocked off for the Heritage Days Festival. Also prohibited in and upon such areas during the Heritage Days Festival are all bicycles and tricycles.

(B) *Exemption.* The provisions of this section shall not apply to police bicycles being operated by sworn law enforcement officers.

(C) *Impoundment.* The Garrett Police Department shall be authorized to impound any skateboard, roller skates, in-line skates, coasters and scooters being used and operated in violation of this section for a period of time as determined by the Garrett Police Department but in no event for more than 30 days.

(D) *Responsibility of parent.* The parent of any child and the guardian of any minor ward, regardless of whether such guardian is appointed by the court, shall be responsible for the payment of any fines imposed pursuant to the provisions of this section.

(Ord. 2007-6, passed 8-7-07) Penalty, see § 73.99

## ***BICYCLES***

### **§ 73.15 EFFECT OF BICYCLE REGULATIONS.**

(A) It is a municipal ordinance violation for any person to do any act forbidden or fail to perform any act required in this subchapter.

(B) The parent of any child and the guardian or any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(C) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

**Cross-reference:**

*Bicycle Lane on Houston Street, see § 71.11(B)*

**§ 73.16 BICYCLE DEALERS.**

Every person engaged in the business of buying or selling new or second-hand bicycles shall maintain a record of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, and the frame number thereof.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

**§ 73.17 TRAFFIC REGULATIONS APPLY TO PERSONS RIDING BICYCLES.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this subchapter and except as to those provisions of this title which, by their nature, can have no application.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

**§ 73.18 PARKING.**

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

**§ 73.19 RIDING ON SIDEWALKS.**

(A) Bicycles may be operated on sidewalks in all those areas within the corporate limits of the city carrying a residential zoning designation, a business district designation and a shopping center district designation, as they now exist or as they may from time to time be amended in the future, but only in accordance with the provisions of this section.

(B) When more than two persons in a group are operating bicycles on a sidewalk, they shall ride in single file.

(C) Under all circumstances, the rider of a bicycle shall yield the right-of-way to pedestrians using the sidewalk, and due and proper care shall at all times be exercised by the rider for the safety of the pedestrian. When approaching a pedestrian on the sidewalk, the speed of the

bicycle shall be reduced to a speed which is no greater than necessary to continue the operation of the bicycle without the rider dismounting, and shall not be increased until the pedestrian has been passed.

(D) In addition to the regulations in divisions (A), (B), and (C) of this section, when operating a bicycle on a sidewalk adjoining Randolph Street between Quincy Street on the north and Houston Street on the south, all bicycles shall be ridden as close as practicable to the curb side of the sidewalk so as to avoid pedestrian traffic.

(Ord. 81986-1, passed 8-19-86; Am. Ord. 2000-24, passed 12-5-00) Penalty, see § 73.99

### **§ 73.20 RIDING ON ROADWAYS AND BICYCLES PATHS.**

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

### **§ 73.21 ATTACHING BICYCLE TO POLES.**

Any person may park near, and secure to, any publicly-owned pole or post for a period of not more than twelve consecutive hours, unless an official traffic control device or any applicable law or ordinance prohibits parking or securing bicycles at that location. No bicycle shall be secured to any tree, fire hydrant, or police or fire call box. No bicycle shall be secured in any manner so as to impede the normal and reasonable movement of pedestrian or other traffic.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 73.99

### **§ 73.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Every person violating any of the provisions of §§ 73.01 and 73.15 through 73.21 shall be punishable by a fine of \$30 plus court costs. 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. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)

(C) Any person violating any provisions of § 73.02 shall be punished by a fine of \$50 per violation. Violations of this section shall be processed through Ordinance Violations Bureau as established by Chapter 35 of the Garrett City Code.

(Ord. 2007-6, passed 8-7-07)

## CHAPTER 74: ABANDONED VEHICLES

Section

### *General Provisions*

- 74.01 Short title
- 74.02 Definitions
- 74.03 Responsibility, liability of vehicle owner
- 74.04 Exemptions
- 74.05 Charges for towing and storage of abandoned vehicles
- 74.06 Vehicles abandoned during snow emergencies

### *Impoundment, Redemption Procedures*

- 74.10 Authority to impound
  - 74.11 Notice to state of impoundment required
  - 74.12 Notice tag to be placed on vehicle by police officer
  - 74.13 Release of vehicle to owner before final disposition
  - 74.14 Disposition of unclaimed vehicle
  - 74.15 Abandoned Vehicle Fund
  - 74.16 Additional regulations may be enacted by city
  - 74.17 Exemptions from liability
  - 74.18 Abandoned vehicle on private or rental properties
- 74.99 Penalty

Appendix: Abandoned vehicle flow chart

***Cross-reference:***

*Junk cars, see Chapter 77*

### **GENERAL PROVISIONS**

#### **§ 74.01 SHORT TITLE.**

This chapter shall be known and may be cited as the Abandoned Vehicle chapter.  
(Ord. 94-1, passed 1-4-94)

**§ 74.02 DEFINITIONS.**

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

***ABANDONED VEHICLE.***

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property continuously without being moved for three days;
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) A vehicle that has remained on private property without the consent of the property owner or persons in control of the property for more than 48 hours;
- (5) A vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperative and left on public property;
- (6) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter if the vehicle, once impounded, is not claimed or redeemed by the owner or his agent within 20 days of the date of its removal; or
- (7) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days.

***AUTOMOBILE SCRAPYARD.*** A business organized for the purpose of scrap metal processing, automobile wrecking or operating a junkyard.

***BUREAU.*** The State Bureau of Motor Vehicles.

***FISCAL BODY.*** The Common Council of the city.

***OFFICER.*** Shall include the following:

- (1) A regular member of the City Police Department.
- (2) A member of the City Police Department Reserve Department.
- (3) Any individual of the city designated by ordinance of the Common Council.

***OWNER.*** The last known record title holder of a vehicle according to the records of the Bureau under IC 9-17-1-1 et seq.

***PERSON.*** An individual, firm, corporation, association, fiduciary, or governmental entity.

***PRIVATE PROPERTY.*** All property other than public property.

**PUBLIC AGENCY.** The Board of Public Works and Safety of the city.

**PUBLIC PROPERTY.** A public right-of-way, street, highway, alley, sidewalk, park or other municipal property.

**TOWING SERVICE.** A business that engages in moving, removing, storing and impounding disabled vehicles.

**VEHICLE.** An automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle, camper or motorized bicycle.

**VISIBLE FROM PUBLIC PROPERTY.** A vehicle which can be seen from public property, and this includes vehicles which have been covered by an impermanent covering that allows the form or the outline of the vehicle to remain visible from public property.  
(Ord. 94-1, passed 1-4-94; Am. Ord. 98-4, passed 2-17-98)

**§ 74.03 RESPONSIBILITY, LIABILITY OF VEHICLE OWNER.**

The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs incidental to the removal, storage and disposal of the vehicle or the parts under this chapter.  
(Ord. 94-1, passed 1-4-94)

**§ 74.04 EXEMPTIONS.**

This chapter does not apply to the following vehicles:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately-owned raceways.

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

(D) A vehicle located upon property licensed or zoned as an automobile scrapyard.

(E) A vehicle registered and licensed under the appropriate state statute as an antique motor vehicle.  
(Ord. 94-1, passed 1-4-94)

**§ 74.05 CHARGES FOR TOWING AND STORAGE OF ABANDONED VEHICLES.**

The following schedule of charges is hereby adopted by the city for towing and storage of abandoned vehicles:



(A) Towing to one location within the city limits, \$75.

(B) Storage fees, \$25 per day.

(Ord. 94-1, passed 1-4-94; Am. Ord. 2002-29, passed 12-3-02)

#### **§ 74.06 VEHICLES ABANDONED DURING SNOW EMERGENCIES.**

Any vehicle found parked or stalled or incapable of moving on streets posted as snow emergency routes during a declared snow emergency shall be considered an abandoned vehicle, subject to removal under the provisions of this chapter.

(Ord. 94-1, passed 1-4-94) Penalty, see § 74.99

**Cross-reference:**

*Authority to declare a snow emergency, see § 70.24*

### **IMPOUNDMENT, REDEMPTION PROCEDURES**

#### **§ 74.10 AUTHORITY TO IMPOUND.**

When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

(Ord. 94-1, passed 1-4-94)

#### **§ 74.11 NOTICE TO STATE OF IMPOUNDMENT REQUIRED.**

(A) The State Bureau of Motor Vehicles shall be notified within 72 hours of the location and description of a vehicle described in § 74.10 of this chapter.

(B) If the person who owns the vehicle cannot be determined by the State Bureau search, the Bureau shall declare the vehicle abandoned and disposal may then be provided for as set forth in this chapter.

(Ord. 94-1, passed 1-4-94)

#### **§ 74.12 NOTICE TAG TO BE PLACED ON VEHICLE BY POLICE OFFICER.**

(A) An officer who finds a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, officer's name, city and address and telephone number to contact for information.

(2) That the vehicle or parts are considered abandoned.

(3) That the vehicle or parts will be removed after 72 hours.



(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal, and if the costs are not paid, the person's registration privileges will be suspended on the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

(B) If a vehicle or part tagged under division (A) above is not removed within the 72-hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on condition, missing parts and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

(Ord. 94-1, passed 1-4-94)

**§ 74.13 RELEASE OF VEHICLE TO OWNER BEFORE FINAL DISPOSITION.**

(A) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.

(B) A copy of the release of a vehicle or parts issued under division (A) above shall be sent to the State Bureau of Motor Vehicles. The release must state the name, signature and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, and date of release.

(C) If the person who owns or holds a lien under division (A) above does not appear and pay all costs, the Bureau shall declare the vehicle abandoned and may be provided for as set forth in this chapter.

(Ord. 94-1, passed 1-4-94)

**§ 74.14 DISPOSITION OF UNCLAIMED VEHICLE.**

(A) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under § 74.11(B) is less than \$500, the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the State Bureau of Motor Vehicles. The city or towing agency disposing of the vehicle shall retain the original records and photographs for at least two years.

(B) If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under § 74.11(B) is at least \$500, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage area.

(C) If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

(D) Abandoned vehicle report.

(1) Within 72 hours after removal of an abandoned vehicle to a storage area under this section, the city or towing agency shall prepare and forward to the State Bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (a) The make.
- (b) The model.
- (c) The engine number, if any.
- (d) The identification number.
- (e) The number of the license plate.

(2) The city or towing agency shall request that the Bureau advise as to the name and most recent address of the person who owns or holds a lien on the vehicle.  
(Ord. 94-1, passed 1-4-94; Am. Ord. 98-4, passed 2-17-98)

#### **§ 74.15 ABANDONED VEHICLE FUND.**

(A) An Abandoned Vehicle Fund is hereby established as required under IC 9-22-1-30.

(B) The costs of removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the Abandoned Vehicle Fund. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing or removing an abandoned vehicle or parts may not exceed the limits established by ordinance of the city.

(C) The proceeds from the sale of abandoned vehicles or parts, including the charges for bills of sale, and money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles, shall be deposited with the City Clerk-Treasurer and placed by him or her in the Abandoned Vehicle Fund.

(1) The costs incurred by any authorized towing agency in administering this chapter shall be paid from the Abandoned Vehicle Fund.

(2) The Common Council shall annually appropriate sufficient money to the Fund to carry out this chapter. Money remaining in the Fund at the end of a year remains in the Fund and does not revert to the General Fund.

(Ord. 94-1, passed 1-4-94)

**§ 74.16 ADDITIONAL REGULATIONS MAY BE ENACTED BY CITY.**

To facilitate the removal of abandoned vehicles or parts, the city may employ personnel; acquire equipment, property and facilities; and enter into towing contracts for the removal, storage and disposition of abandoned vehicles and parts. The Common Council may establish additional procedures, by ordinance, to carry out the provisions of this chapter.  
(Ord. 94-1, passed 1-4-94)

**§ 74.17 EXEMPTIONS FROM LIABILITY.**

The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this chapter:

(A) A person who owns, leases or occupies property from which an abandoned vehicle or parts are removed.

(B) The city.

(C) An automobile scrapyard.  
(Ord. 94-1, passed 1-4-94)

**§ 74.18 ABANDONED VEHICLE ON PRIVATE OR RENTAL PROPERTIES.**

The procedure to be followed for abandoned vehicles on private or rental properties shall be as set forth in IC 9-22-1-15 through 9-22-1-18.  
(Ord. 94-1, passed 1-4-94) Penalty, see § 74.99

**§ 74.99 PENALTY.**

(A) Every person violating a provision of this chapter shall, upon conviction, be fined \$100 for the first offense in any calendar year, not less than \$200 for the second offense in any calendar year and not less than \$300 for all subsequent offenses in a calendar year, but no fine should exceed \$2,500.

(B) Each and every day a violation of any provision of Chapter 74 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.

(C) 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. 94-1, passed 1-4-94; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)



**APPENDIX: ABANDONED VEHICLE FLOW CHART.**

(Ord. 94-1, passed 1-4-94)

1994 S-1



## CHAPTER 75: TRAFFIC SCHEDULES

### Schedule

- I. Speed limits
- II. One-way streets and alleys
- III. Multiway stop intersections
- IV. Stop streets
- V. Yield streets

### **SCHEDULE I: SPEED LIMITS.**

It is hereby determined, upon the basis of a traffic engineering investigation, that the speed permitted by state law on the following streets or portion thereof is different than is reasonable and safe under the conditions found to exist upon such segments. It is hereby declared that the maximum speed limit on these segments herein designated shall be as herein stated, which speeds so declared shall be effective at the times specified herein when signs are erected giving notice.

*(A) 20 mile per hour speed limit.*

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Anderson Drive	Maple Knoll	All	97-28	12-30-97
Britton	From Houston Street to Warfield	All	2000-21	10-17-00
Colony Drive	Woodview Estates	All	81986-1	8-19-86
Columbian Run	Full length of street	All	2000-8	5-2-00
Conductor Cove	From North Franklin Street to North Walsh Street	All	2006-1	1-17-06
County Road 52	From Cowen Street to west city limits	All	51987	5-19-87
Covell Street	Northridge Estates	All	2002-11	7-2-02
Cowen Street	Between Quincy Street and CR 52	All	81986-1	8-19-86
Eastwood Court	Full length of street	All	—	—
Edgerton Street	From Randolph Street to Hampshire Street	All	—	—

## Garrett - Traffic Code

<b><i>Street</i></b>	<b><i>Location</i></b>	<b><i>Times</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Fairfax Street	Northridge Estates	All	2002-11	7-2-02
Fifth Avenue	Between Randolph Street and Ijams Street	All	81986-1	8-19-86
Fifth Avenue	Between Randolph Street and Lee Street	All	81986-1	8-19-86
Fifth Avenue	From Randolph Street to Hamsher Street	All	2000-16	3-21-00
Francis Street	Northridge Estates	All	2002-11	7-2-02
Forrest Park Drive	From Randolph Street to North Walsh Street	All	2006-1	1-17-06
Forrest Park Drive	Between Fuller Drive and Taylor Road	All	2005-8	5-3-05
Greenfield Street	Northridge Estates	All	2002-11	7-2-02
Guilford Street	Between Edgerton Street and Houston Street	All	81986-1	8-19-86
Guilford Street	Between Houston Street and Quincy Street	All	81986-1	8-19-86
Harrison Street	Between Warfield Street and South Street	All	81986-1	8-19-86
High Street	Between Randolph Street and the eastern end of High Street	All	2005-20	10-4-05
Hill Street	Between East Street and Harrison Street	All	81986-1	8-19-86
Homestead Drive	Full length of street	All	—	—
Houston Street	Between Hamsher Street and the east terminus of Houston Street	All	2001-17	10-16-01
Houston Street	Between Hamsher Street and Second Street	All	81986-1	8-19-86
Ijams Street	From King Street to Dennis Street	All	—	—
Keyser Street	Between Cowen Street and Second Street	All	81986-1	8-19-86
King Street	Between Cowen Street and Second Street	All	81986-1	8-19-86



**Traffic Schedules**

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Lenox Street	Northridge Estates	All	2002-11	7-2-02
Maple Knoll Drive	Maple Knoll/Maple Glen	All	97-28	12-30-97
Maple Lane	Woodview Estates	All	81986-1	8-19-86
Maxine Street	Northridge Estates	All	2002-11	7-2-02
North Franklin Street	From Station House Pass to Conductor Cove	All	2006-1	1-17-06
North Lee Street	From Forrest Park Drive to its southern terminus	All	2006-1	1-17-06
North Walsh Street	From Station House Pass to Conductor Cove	All	2006-1	1-17-06
Oakdale Street	Northridge Estates	All	2002-11	7-2-02
Oakleaf Drive	Woodview Estates	All	81986-1	8-19-86
Peters Street	Between Houston Street and Fifth Avenue	All	81986-1	8-19-86
Peters Street	From King Street to Dennis Street	All	—	—
Peters Street	Northridge Estates	All	2002-11	7-2-02
Second Street	Between Quincy Street and Warfield Street	All	81986-1	8-19-86
Second Avenue	Between Hamsher Street and Guilford Street	All	81986-1	8-19-86
Seventh Street	All of Seventh Street	All	2000-9	6-6-00
Shady Lane	Woodview Estates	All	81986-1	8-19-86
Southview Drive	Maple Glen	All	97-28	12-30-97
Station House Pass	From North Franklin Street to North Walsh Street	All	2006-1	1-17-06
Union Street	Between King street and the southern end of Union Street	All	4390-2	4-3-90
Walnut Court	Maple Knoll	All	97-28	12-30-97
Warfield	From Walsh Street to Talley Street	All	2000-21	10-17-00

**Garrett - Traffic Code**

<b><i>Street</i></b>	<b><i>Location</i></b>	<b><i>Times</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Waynedale Drive	Maple Glen	All	97-28	12-30-97
West Railroad Street	Between Randolph Street and the western end of Railroad Street	All	51893-2	5-18-93
Woodview Drive	Full length of street	All	2000-21	10-17-00

(B) *30 mile per hour speed limit.*

<b><i>Street</i></b>	<b><i>Location</i></b>	<b><i>Times</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Taylor Road	Between Quincy Street and Warfield Street	All	81986-1	8-19-86
Warfield	From Britton Street to Second Street	All except when children are present, at which times the speed limit shall be 20 miles per hour	2002-15	8-20-02
Warfield	From Randolph Street to Britton Street	All	2002-15	8-20-02
Warfield	From Second Street to Taylor Road	All	2002-15	8-20-02

(C) *40/45 mile per hour speed limit.*

<b><i>Street</i></b>	<b><i>Location</i></b>	<b><i>Times</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Taylor Road	From its intersection with Quincy Street on the south to the point where it narrows from three lanes to two lanes	All	2002-31	12-17-02

(D) The Police Chief is hereby specifically authorized to place speed limit signs to accomplish all of the designations shown hereinabove and is specifically designated, as a result of direct action by the Common Council, to place appropriate signs on the west side of Cowen Street with signs located on the block between Dennis and McHenry Street, on the block between First and Second Avenue, on the block between Second and Fourth Avenue, and the block between Fourth and Fifth Avenue.

(Ord. 81986-1, passed 8-19-86) Penalty, see § 70.99

**SCHEDULE II: ONE-WAY STREETS AND ALLEYS.**

The following street or alley segments shall be designated as one-way:

<i>Street</i>	<i>Location</i>	<i>Direction of Travel</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Alley (Randolph Street and Cowen Street)	Between Keyser Street and Quincy Street	North	81986-1	8-19-86
Alley (Randolph Street and Cowen Street)	Between Edgerton Street and Houston Street	North	2012-13	9-18-12
Alley (Randolph Street and Franklin Street)	Between Keyser Street and Quincy Street	South	81986-1	8-19-86
Alley (Randolph Street and Cowen Street)	Between Houston Street and Keyser Street	North	81986-1	8-19-86
Alley (Ijams Street and Guilford Street)	Between Keyser Street and Houston Street	North	2005-9	5-3-05
Alley running east and west between High Street and Baltimore Street	Between Randolph Street on the west and the alley running north and south between Randolph Street and Franklin Street on the east	East	2013-05	2-19-13

Penalty, see § 70.99



**SCHEDULE III: MULTIWAY STOP INTERSECTIONS.**

When signs are erected giving notice thereof, all streets at the following intersections shall be stop streets. Drivers of all vehicles shall stop, as required by state law, before entering the described intersection.

<i>Location of Intersection</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Baltimore Street and Lee Street	81986-1	8-19-86
Britton Street and Edgerton Street	81986-1	8-19-86
Britton Street and Houston Street	81986-1	8-19-86
Britton Street and Keyser Street	81986-1	8-19-86
Britton Street and King Street	81986-1	8-19-86
Cowen Street and Dennis Street	81986-1	8-19-86
Cowen Street and Houston Street	81986-1	8-19-86
Cowen Street and King Street	81986-1	8-19-86
Edgerton Street and Franklin Street	81986-1	8-19-86
Forrest Park Drive and North Franklin Street	2006-1	1-17-06
Houston Street and Ijams Street	122691	12-26-91
Houston Street and Second Street	2001-17	10-16-01
King Street and Union Street	81986-1	8-19-86

Penalty, see § 70.99



**SCHEDULE IV: STOP STREETS.**

When signs are erected giving notice hereof, the streets at the following intersections shall be stop streets. Drivers of all vehicles on those streets shall stop, as required by state law, before entering the described intersections:

<i>Stop Street</i>	<i>Cross Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Anderson Drive	Maple Knoll Drive	97-28	12-30-97
Baltimore Street	Franklin Street	81986-1	8-19-86
Baltimore Street	Randolph Street	81986-1	8-19-86
Baltimore Street	Cowen Street	81986-1	8-19-86
Britton Street (southbound)	Warfield Street	81986-1	8-19-86
Britton Street (northbound)	Quincy Street	81986-1	8-19-86
Clark Street	Randolph Street	81986-1	8-19-86
Clark Street	Peters Street	2003-29	5-20-03
Collins Street (northbound)	Quincy Street	81986-1	8-19-86
Collins Street	King Street	81986-1	8-19-86
Collins Street (southbound)	Keyser Street	81986-1	8-19-86
Columbian Run	Houston Street	2005-26	12-20-05
Columbian Run (southbound)	Warfield Street	99-13	10-19-99
County Highway II (northbound)	County Highway 52	81986-1	8-19-86
County Highway 15 (southbound)	South Road	81986-1	8-19-86
Covell Street	Randolph Street	81986-1	8-19-86
Covell Street	Peters Street	4489-3	4-4-89
Cowen Street (southbound)	Railroad Street	81986-1	8-19-86
Cowen Street (southbound)	County Highway 52	81986-1	8-19-86
Cowen Street (northbound)	Clark Street	81986-1	8-19-86
Dennis Street	Randolph Street	81986-1	8-19-86
Dennis Street (westbound)	Hamsher Street	81986-1	8-19-86
Dennis Street	Guilford Street	81986-1	8-19-86
Dennis Street	Ijams Street	81986-1	8-19-86
Edgerton Street (westbound)	Hamsher Street	81986-1	8-19-86

**Garrett - Traffic Code**

<b><i>Stop Street</i></b>	<b><i>Cross Street</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Edgerton Street	Peters Street	81986-1	8-19-86
Edgerton Street	Randolph Street	81986-1	8-19-86
Fairfax Court	Peters Street	4489-3	4-4-89
Fifth Street	Quincy Street	81986-1	8-19-86
Fifth Street	South Road	81986-1	8-19-86
Fifth Avenue	Randolph Street	81986-1	8-19-86
Fifth Avenue (eastbound)	Lee Street	81986-1	8-19-86
Fifth Avenue	Cowen Street	81986-1	8-19-86
Fifth Avenue (westbound)	Hamsher Street	99-12	10-5-99
First Avenue	Cowen Street	81986-1	8-19-86
First Avenue	Franklin Street	81986-1	8-19-86
First Avenue	Randolph Street	81986-1	8-19-86
First Avenue	Lee Street	81986-1	8-19-86
First Street	King Street	81986-1	8-19-86
First Street	Keyser Street	81986-1	8-19-86
Forrest Park Drive	Randolph Street	2006-1	1-17-06
Forrest Park Drive	Taylor Road	2005-8	5-3-05
Fourth Avenue	Cowen Street	81986-1	8-19-86
Fourth Avenue	Ijams Street	81986-1	8-19-86
Francis Street	Covell Street	4489-3	4-4-89
Francis Street	Peters Street	4489-3	4-4-89
Franklin Street	Covell Street	51689	5-16-89
Franklin Street	Third Avenue, Fourth and Fifth	81986-1	8-19-86
Franklin Street	Keyser Street	81986-1	8-19-86
Franklin Street	King Street	81986-1	8-19-86
Franklin Street (northbound)	Quincy Street	81986-1	8-19-86
Franklin Street	Houston Street	81986-1	8-19-86
Franklin Street	High Street	81986-1	8-19-86



**Traffic Schedules**

<i><b>Stop Street</b></i>	<i><b>Cross Street</b></i>	<i><b>Ord. No.</b></i>	<i><b>Date Passed</b></i>
Franklin Street (northbound)	Covell Street	81986-1	8-19-86
Franklin Street	Dennis Street	81986-1	8-19-86
Franklin Street (southbound)	Railroad Street	81986-1	8-19-86
Frederick Street	Randolph Street	81986-1	8-19-86
Frederick Street (westbound)	Cowen Street	81986-1	8-19-86
Fuller Drive	S.R. 8	94-5	2-1-94
Fuller Drive	Forrest Park Drive	2005-8	5-3-05
Guilford Street	McHenry Street	81986-1	8-19-86
Guilford Street	Houston Street	81986-1	8-19-86
Hamsher Street (northbound)	King Street	81986-1	8-19-86
High Street	Randolph street	81986-1	8-19-86
Homestead Drive (westbound)	South Taylor Road	81986-1	8-19-86
King Street	Union Street	52191-2	5-21-91
Lee Street	Covell Street	51689	5-16-89
Maple Knoll Drive	Randolph Street	96-19	11-6-96
McHenry Street	Randolph Street	81986-1	8-19-86
McHenry Street	Britton Street	81986-1	8-19-86
Maxine Drive	Oakdale Street	4489-3	4-4-89
North Lee Street	Conductor Cove	2006-1	1-17-06
North Lee Street	Forrest Park Drive	2006-1	1-17-06
North Walsh Street	Forrest Park Drive	2006-1	1-17-06
Oakdale Street	Peters Street	4489-3	4-4-89
One Oak Place (westbound)	Hamsher	81986-1	8-19-86
Peter Street (southbound)	Railroad Street	81986-1	8-19-86
Peters Street	Clark Street	2002-09	5-20-03
Peters Street	Dennis Street	81986-1	8-19-86
Peters Street	Fourth Avenue	81986-1	8-19-86

## Garrett - Traffic Code

<i>Stop Street</i>	<i>Cross Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Quincy Street	Randolph Street	81986-1	8-19-86
Railroad Street	Randolph Street	81986-1	8-19-86
Second Avenue	Guilford Street	81986-1	8-19-86
Second Avenue	Randolph Street	81986-1	8-19-86
Second Avenue	Cowen Street	81986-1	8-19-86
Second Avenue	Hamsheer Street	81986-1	8-19-86
Second Avenue (eastbound)	Hamsheer Street	99-12	12-5-99
Seventh Street	Quincy Street	81986-1 99-13	8-19-86 10-19-99
Seventh Street	South Road	81986-1	8-19-86
Sixth Street	Quincy Street	81986-1	8-19-86
Sixth Street	South Road	81986-1	8-19-86
Third Avenue (westbound)	Cowen Street	81986-1	8-19-86
Third Avenue	Randolph Street	—	—
Third Street	South Road	81986-1	8-19-86
Third Street	Quincy Street	81986-1	8-19-86
Union Street	King Street	52191-2	5-21-91
Walsh Street	Covell Street	51689	5-16-89
Walsh Street	Keyser Street	81986-1	8-19-86
Walsh Street	Dennis Street	81986-1	8-19-86
Walsh Street	Houston Street	81986-1	8-19-86
Walsh Street	King St	81986-1	8-19-86
Walsh Street	Warfield	81986-1	8-19-86
Walsh Street	Quincy Street	81986-1	8-19-86
Walsh Street	Railroad Street	2012-13	9-18-12
The private drive extended south from the Walsh Street right-of-way south of Railroad Street	Railroad Street	99-1	1-5-99

**Traffic Schedules**

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Warfield Street (westbound)	Hamsher Street	81986-1	8-19-86
Waynedale Drive	Maple Knoll Drive	97-28	12-30-97
Woodview Drive (westbound)	Taylor Road	81986-1	8-19-86



**SCHEDULE V: YIELD STREETS.**

When signs are erected giving notice thereof, these streets, at the following intersections shall be yield streets. Drivers of all vehicles on these streets shall yield the right-of-way, as required by state law, before entering the described intersection.

<i><b>Yield Street</b></i>	<i><b>Cross Street</b></i>	<i><b>Ord. No.</b></i>	<i><b>Date Passed</b></i>
Baer Pass	Second Avenue	99-12	10-5-99
Baer Pass (southbound)	West Second Avenue	2002-24	10-15-02
Baltimore Street (eastbound)	Walsh Street	81986-1	8-19-86
Baltimore Street (westbound)	Peters Street	81986-1	8-19-86
Capitol Court	Columbian Run	2002-24	10-15-02
Chessie Court (eastbound)	Columbian Run	99-13	10-19-99
Edgerton Street	Walsh Street	81986-1	8-19-86
Edgerton Street	Harrison Street	81986-1	8-19-86
Edgerton Street	Johnson Street	81986-1	8-19-86
First Avenue (westbound)	Peters Street	81986-1	8-19-86
Franklin Street	Fifth Avenue	81986-1	8-19-86
Fuller Drive (southbound)	Forrest Park Drive	2002-24	10-15-02
Guilford Street	Edgerton Street	81986-1	8-19-86
Hill Street	Harrison Street	81986-1	8-19-86
Ijams Street	Fifth Avenue	81986-1	8-19-86
Ijams Street	Warfield Street	81986-1	8-19-86
Johnson Street	Dennis Street	81986-1	8-19-86
Johnson Street	McHenry Street	81986-1	8-19-86
Keyser Street	Peters Street	81986-1	8-19-86
Keyser Street	Guilford Street	81986-1	8-19-86
Lee Street	Edgerton Street	81986-1	8-19-86
McHenry Street	Franklin Street	81986-1	8-19-86
McHenry Street (eastbound)	Harrison Street	81986-1	8-19-86
McHenry Street	Walsh Street	81986-1	8-19-86
McHenry Street	Peters Street	81986-1	8-19-86

**Garrett - Traffic Code**

<b><i>Yield Street</i></b>	<b><i>Cross Street</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
McHenry Street	Lee Street	81986-1	8-19-86
Peters Street	Fifth Avenue	81986-1	8-19-86
Willow Ridge (southbound)	West Second Avenue	2002-24	10-15-02
Second Avenue	Ijams Street	81986-1	8-19-86
Second Avenue	Peters Street	81986-1	8-19-86
South Street	Harrison Street	81986-1	8-19-86
Southview Drive	Maple Knoll Drive	97-28	12-30-97
Walnut Court	Anderson Drive	97-28	12-30-97
Walsh Street	High Street	81986-1	8-19-86
Warfield Street	Peters Street	81986-1	8-19-86
Warfield Street	Guilford Street	81986-1	8-19-86
Willow Ridge (southbound)	Second Avenue	99-12	10-5-99

## CHAPTER 76: PARKING SCHEDULES

### Section

- I. Angle parking
- II. Loading zones
- III. Parking time limited on certain streets
- IV. Parking prohibited during certain hours on certain streets
- V. Parking prohibited during snow emergency on certain streets

### SCHEDULE I: ANGLE PARKING.

The following streets shall be designated to permit angle parking:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Houston Street	Between Ijams Street and Guilford Street	South	81986-1	8-19-86
North Peters Street	100 block	West	7787	7-7-87





**SCHEDULE II: LOADING ZONES.**

Loading zones shall be established at the following locations:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Time s</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Houston Street	In front of Garrett High School	South	All	81986-1	8-19-86
Houston Street	Between Peters Street and Ijams Street	South	All	81986-1	8-19-86
Keyser Street	Between Randolph Street to alley	South	All	81986-1	8-19-86
Keyser Street	Between alley and Cowen street	North	All	81986-1	8-19-86



**SCHEDULE III: PARKING TIME LIMITED ON CERTAIN STREETS.**

When signs are erected giving notice thereof, no person shall park a vehicle longer than the times specified during the times and days specified, if any, within the district or upon any of the streets described as follows:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Time Limit</i>	<i>When Restricted</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Cowen Street	Between Quincy St. and King St.	West	2 hrs.	All times, except Sundays and holidays	81986-1	8-19-86
Cowen Street	First space north of King St.*	East	10 min.	8 a.m. to 5 p.m., Monday - Saturday	8189-1	8-1-89
Keyser Street	Between Cowen St. and the alley east of Cowen St.	North	2 hrs.	8 a.m. to 6 p.m.	81986-1	8-19-86
Keyser Street	Between Cowen St. and the alley east of Cowen St.	South	10 min.	8 a.m. to 5 p.m.	97-14	5-20-97
Keyser Street	Between Randolph and alley west of Randolph	South	2 hrs.	8 a.m. to 6 p.m., Monday - Friday	97-14	5-20-97
Keyser Street	First space east of Randolph St.	North	10 min.	8 a.m. to 6 p.m. Monday thru Friday	2004-20	9-7-04
Keyser Street	First space west of Randolph	North	10 min.	All times	97-14	5-20-97
Keyser Street	Second space west of Randolph	North	Reserve parking for Mayor	7 a.m. to 5 p.m., Monday - Friday	2001-20	12-18-01
Keyser Street	Third space west of Randolph	North	Reserve parking for Clk-Treas.	7 a.m. to 5 p.m., Monday - Friday	2001-20	12-18-01
Keyser Street	First space east of alley between Cowen St. and Randolph St.	South	Reserve parking for Chamb. of Comm.	8 a.m. to 5 p.m., Monday - Friday	2001-20	12-18-01

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<b>Street</b>	<b>Location</b>	<b>Side</b>	<b>Time Limit</b>	<b>When Restricted</b>	<b>Ord. No.</b>	<b>Date Passed</b>
King Street	Between Cowen St. and Randolph St.	North	2 hrs.	8 a.m. to 6 p.m.	81986-1	8-19-86
King Street	Between Cowen St. and Randolph St.	South	2 hrs.	8 a.m. to 6 p.m.	81986-1	8-19-86
King Street	Between Franklin Street and the alley between Franklin Street and Randolph Street	South, the second and third parking spaces east of the alley between Franklin Street and Randolph Street	10 min.	8 a.m. to 5 p.m. Monday - Friday	2013-03	2-5-13
King Street	First space west of Randolph St.	North	10 min.	8 a.m. to 6 p.m. Monday thru Friday	2004-20	9-7-04
King Street	First space east of Randolph St.	South	10 min.	8 a.m. to 6 p.m. Monday thru Friday	2004-20	9-7-04
Quincy Street	Between Randolph St. and Guilford St.	North and South		All Times	96-11	5-21-96
Randolph Street	First space north of Keyser St.	West	10 min.	7:30 a.m. to 4:30 p.m. Mon. thru Fri.	98-18	8-18-98
Randolph Street	Between Quincy St. and Houston St.	Both	2 hrs.	8 a.m. to 6 p.m. Monday - Saturday except legal holidays	2001-20	12-18-01
* Or as otherwise posted by Chief of Police.						

(Am. Ord. 8189-1, passed 8-1-89; Am. Ord. 2001-20, passed 12-18-01)

**Cross-reference:**

*For fine, see Schedule of Civil Penalties in § 35.03*

**SCHEDULE IV: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.**

When signs are erected giving notice thereof, no person shall park a vehicle, during the hours and days specified, within the district or upon any of the streets described as follows:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Britton Street	Between King Street and Edgerton Street	East	All	81986-1	8-19-86
Britton Street	Between the north boundary of Edgerton Street as paved and a point 30 feet north of said north side of Edgerton Street	West	All	2012-22	10-20-12
Britton Street	Between the entrance to the parking lot located north of the school building and the entrance to the parking lot on the south side of the school building	East	All	2012-22	10-20-12
County Road 52	From Cowen Street west to city limits	North	All	51987	5-19-87
Cowen Street	Keyser Street south to "No Parking Here to Corner" sign	West	All	81986-1	8-19-86
Cowen Street	Between Fifth Avenue and Sixth Avenue	East	All	81986-1	8-19-86
Cowen Street	Between King Street and CR 52	East	All	81986-1	8-19-86
Cowen Street	Between Sixth Avenue and CR 52	West	All	81986-1	8-19-86
Cowen Street	South of Keyser Street and north of Houston Street	East	All, except Sunday morning from 8 a.m. to 12 noon	2591	2-5-91

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<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
East/West Street in Garrett Industrial Park that forms a "T" with Fuller Drive	Entire length of said street from its east end to its west end	North and south	All	10593-1	10-5-93
Edgerton Street	Between Harrison Street and Britton Street	South	All	81986-1	8-19-86
Edgerton Street	Between Peter Street and Ijams Street	South	All	2005-21	11-1-05
Franklin Street	Between Dennis Street and Third Avenue	West	All	81986-1	8-19-86
Fuller Drive	Entire length of Fuller Drive from St. Rd. 8 on the north to its termination at its southern end	East/west	All	10593-1	10-5-93
Guilford Street	Between King Street and Keyser Street	East	All	81986-1	8-19-86
Hamsher Street	Between Keyser Street and Houston Street	West	All	81986-1	8-19-86
Harrison Street	Between Edgerton Street and McHenry	West	All	81986-1	8-19-86
Harrison Street	Between Quincy Street and Houston Street	West	All	81986-1	8-19-86
Houston Street	Between Britton Street and Second Street	North	7 a.m. to 3 p.m.	81986-1	8-19-86
Houston Street	Between Randolph Street and Franklin Street	North	All	81986-1	8-19-86
Houston Street	Between Ijams Street and Cowen Street	South	All	81986-1	8-19-86
Houston Street	Between Randolph Street and Second Street	South	All	81986-1	8-19-86
Houston Street	East 800 and 900 blocks, in lane designated for bicycle traffic	North	7:30 a.m. to 3:30 p.m., Monday - Friday	10191	10-1-91

**Parking Schedules**

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Houston Street	Between the west boundary line on the parking lot west of the Garrett High School and the west side of 2 <sup>nd</sup> Street	South	7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:45 p.m. Monday through Friday	2009-4	2-3-09
Ijams Street	Between Keyser Street and Houston Street	West	All	2005-9	5-3-05
Johnson Street	Between Keyser Street and Edgerton Street	East	All	81986-1	8-19-86
Keyser Street	Between Britton Street and Collins Street	South	All	81986-1	8-19-86
Keyser Street	Between Franklin Street and Randolph Street	North and South	5:00 a.m. to 7:00 a.m.	8189-1	8-1-89
Keyser Street	East of Randolph Street and west of the alley between Randolph Street and Franklin Street	South	All	6590-4	6-5-90
King Street	Between Franklin Street and Randolph Street	North and South	5:00 a.m. to 7:00 a.m.	8189-1	8-1-89
King Street	Between Franklin Street and Lee Street	South	All	81986-1	8-19-86
King Street	Between Second Street and Third Street	South	All	2002-17	9-3-02
King Street	Between Second Street and the first alley east of Second Street	South	All	2003-07	4-15-03
King Street	Between Union Street and Cowen Street	South	All	81986-1	8-19-86
Lee Street	Between Keyser Street and First Street	East	All	81986-1	8-19-86
Lee Street	Between King Street and Keyser Street	West	All	81986-1	8-19-86
Peters Street	Between Houston Street and Fourth Avenue	East	All	81986-1	8-19-86

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<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Peters Street	Between Fourth Avenue and Fifth Avenue	East	All	81986-1	8-19-86
Peters Street	Between King Street and Houston Street	West	All	81986-1	8-19-86
Peters Street	Between King Street and Quincy Street	Both	5:00 a.m. to 7:00 a.m. on Mondays only	97-19	8-5-97
Third Street	Between King Street and Quincy Street	East	All	2002-17	9-3-02
Quincy Street	Between Ijams Street and Peters Street	Both	All	2001-20	12-18-01
Railroad Street	Between Cowen Street and Franklin Street	North	All	81986-1	8-19-86
Randolph Street	Between Quincy Street and Railroad Street	Both	All	2000-5	3-21-00
Randolph Street	Between Quincy Street and Houston Street	Both	4:00 a.m. to 7:00 a.m. Monday through Friday	2000-5	3-21-00
Randolph Street	Intersection of Covell and Randolph to point 160 feet north of intersection	West	All	51590	5-15-90
Second Street	Between the intersection of Houston Street and Second Street and the intersection of Warfield Street and Second Street	East	All	41691	4-16-91
Second Street	Between the intersection of Second Street and Warfield Street and a point 650 feet north of the intersection of Second Street and Warfield Street	West	All	41691	4-16-91
Second Street	Between Quincy Street and Houston Street	East	All	2005-22	11-15-05



**Parking Schedules**

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<b>Street</b>	<b>Location</b>	<b>Side</b>	<b>Times</b>	<b>Ord. No.</b>	<b>Date Passed</b>
South Road	East of Second Street to the corporate limits of the city	North and South	All	121592-1	12-15-92
Union Street	South of King Street to southern end of Union Street	East and West	All	4390-2	4-3-90
Warfield Street	Between the East Street intersection with Warfield Street and the Warfield Street intersection with Taylor Road	North and South	All	41691	4-16-91
Warfield Street	Between Franklin Street alley and Randolph Street	North	All	81986-1	8-19-86
Warfield Street	Between Randolph Street and Lee Street	South	All	81986-1	8-19-86

(Am. Ord. 2009-12, passed 8-18-09)

**Cross-reference:**

*For fine, see Schedule of Civil Penalties in § 35.03*



**SCHEDULE V: PARKING PROHIBITED DURING SNOW EMERGENCY ON CERTAIN STREETS.**

When signs are erected giving notice thereof no person shall park or leave stalled or otherwise incapable of moving, a vehicle during a declared snow emergency, within the district or upon any of the streets described as follows:

<i>Street</i>	<i>Location</i>	<i>Side(s) )</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Clark Street	Ijams Street to Randolph Street	Both	81986-1	8-19-86
Covell Street	Randolph Street to Walsh Street	Both	81986-1	8-19-86
Cowen Street	Houston Street to Quincy Street	Both	81986-1	8-19-86
Ijams Street	Railroad Street to Clark Street	Both	81986-1	8-19-86
Peters Street	Keyser Street to Quincy Street	Both	81986-1	8-19-86
Keyser Street	Peters Street to Cowen St,	Both	81986-1	8-19-86
Quincy Street	Peters Street to Second Street	Both	81986-1	8-19-86
Railroad Street	Ijams Street to Walsh Street	Both	81986-1	8-19-86
Second Street	Warfield Street to Quincy Street	Both	81986-1	8-19-86
South Taylor Road	Warfield Street to N. Corporate Line	Both	81986-1	8-19-86
Walsh Street	Railroad Street to Covell Street	Both	81986-1	8-19-86
Warfield Street	Randolph Street to South Taylor Road	Both	81986-1	8-19-86



## CHAPTER 77: JUNK CARS

### Section

- 77.01 Definition
- 77.02 Declared to be public nuisance
- 77.03 Authority of Police Department and Code Enforcement and Safety Office to order removal
- 77.04 Notice to owner
- 77.05 Disposal of junk cars
  
- 77.99 Penalty

**Cross-reference:**

*Abandoned vehicles, see Chapter 74*

### § 77.01 DEFINITION.

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

***JUNK CAR.***

(A) Any motor vehicle which:

(1) Does not bear a currently valid and legal license plate;

(2) Is not in a garage or other building;

(3) Does not have the appearance of or contain all of the parts and accessories of the same make and model automobile when manufactured and assembled by the manufacturer.

(4) A garage or other building does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle. A garage or other building as contemplated in this chapter is given its ordinary meaning.

(B) Any one or all of the above criteria may be used in making a determination that an automobile is a junk car.

(Ord. 94-2, passed 1-4-94)

### § 77.02 DECLARED TO BE PUBLIC NUISANCE.

Because of the danger to health from vermin, rodents and insects and to the safety of children attracted by junk cars, junk cars are declared to be nuisances except if located in lawfully

operated junk yards, or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles.

(Ord. 94-2, passed 1-4-94) Penalty, see § 77.99

### **§ 77.03 AUTHORITY OF POLICE DEPARTMENT AND CODE ENFORCEMENT AND SAFETY OFFICE TO ORDER REMOVAL.**

Any member of the Police Department and Code Enforcement and Safety Office and any of their agents or employees may order a junk car removed from any premises in the city within five days after service and posting as provided in this chapter.

(Ord. 94-2, passed 1-4-94; Am. Ord. 2003-23, passed 12-29-03)

### **§ 77.04 NOTICE TO OWNER.**

(A) The order to remove the junk car shall be placed upon the junk car, and copies shall be served upon any adult occupying the real estate on which the junk car is located and upon the owner of the junk car, if known.

(B) If no occupant of the real estate or owner of the junk car can be found, a copy of the order affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate, and to the owner of the junk car.

(C) If there is no building on the real estate, the order may be affixed elsewhere on the real estate.

(Ord. 94-2, passed 1-4-94)

### **§ 77.05 DISPOSAL OF JUNK CARS.**

(A) If the junk car is not removed within the time provided in § 77.03, the Police Department may cause the motor vehicle to be removed at the expense of the owner of the real estate, which expense shall constitute a lien on the real estate by proceeding as follows:

(1) By issuing a removal order which shall be served as provided under § 77.04.

(2) Before entering the premises upon which the junk car is located, obtaining through the DeKalb Circuit Court or the DeKalb Superior Court, an administrative search warrant for the purposes of entering the premises and for the purpose of removing said junk vehicle. The Police Department must have reasonable cause to believe that a violation has occurred of this chapter before obtaining the administrative search warrant.

(3) Upon obtaining the administrative search warrant, the Police Department shall serve said search warrant as provided in § 77.04 before the removal of the junk car.

(4) The search warrant shall also give the city and the Police Department the authority to remove said junk car and charge the costs of said removal to the owner, which costs shall also be a lien on the real estate.

**Junk Cars**

(5) This procedure is adopted pursuant to I.C. 36-1-6-9 as from time to time amended or replaced and is meant to include the procedures therein.

(B) The Police Department may also cause the car to be removed and to be disposed of in the same manner as now provided by state law for the removal and disposal of abandoned vehicles.

(B) In the event the Police Department removes the motor vehicle at the expense of the owner and the expense constitutes a lien on the real estate, the Police Department may, nevertheless, utilize funds contained in the city's Abandoned Vehicle Fund, but must deposit into that Fund all proceeds from the sale of the junk car or parts thereof.

(Ord. 94-2, passed 1-4-94; Am. Ord. 2003-22, passed 12-29-03)

**§ 77.99 PENALTY.**

Every person violating any provisions of this chapter shall be fined \$50 per day per violation for the first offense in a calendar year, \$100 per day per violation for a second offence in any calendar year, and \$150 per day per violation for all subsequent violations in a calendar year. Each and every day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such. All fines shall be payable to the Ordinance Violations Bureau located in the Office of the City Clerk.

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

