

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. **4177**

**CREATING SECTION 94-207 AND SECTION 50-485
IN THE MICHIGAN CITY MUNICIPAL CODE PROHIBITING PARKING OF
MOTOR VEHICLES IN LAWNS AND GREENWAY**

WHEREAS, parking of motor vehicles throughout the City has been problematic, namely vehicle owners have parked in the lawn areas and greenway areas throughout the City;

WHEREAS, on January 4, 2011 the City enacted its' Joint Zoning Ordinance, and Sec. 18.01(h) of this Ordinance delineates where vehicles can park;

WHEREAS, Sec. 26.01 of the Joint Zoning Ordinance established that only the Zoning Administrator and his/her staff are authorized to enforce the zoning provisions;

WHEREAS, currently, the City does have a Zoning Administrator and one (1) staff member who can assist in the enforcement of the parking restrictions imposed by the Joint Zoning Ordinance; and

WHEREAS, the Common Council believes that reasonable health and public safety regulations addressing parking and the expansion of City enforcement officials who can enforce parking to include the Michigan City Police Department are needed to protect and improve the quality of life, character, and safety of the residential neighborhoods throughout the City.

WHEREAS, the Council supports the police using their discretionary powers to work with our residents to implement this change in enforcement by educating our residents and by issuing warnings in situations deemed appropriate by the enforcement officer, but by the same token, the Council believes it is essential that the police has the power for full enforcement for repeat violators or imminent safety issues.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that Section 94-207 is hereby established in Chapter 97 and that Section 50-485 is hereby established in Chapter 50 of the Michigan City Municipal Code to read as follows:

Sec. 94-207. Driving/Parking Prohibited in Lawn and Greenway.

- (a) **Definitions.**
- (1) *Front yard* means the area defined in Sec. 31.25 of Michigan City's Zoning Ordinance.
 - (2) *Greenway* means the area, excluding the sidewalk, if any, between the property line and the curb or in the absence of a curb, between the property line and the nearest edge of the street paving, which is usually used for planting lawn, low ground cover and/or street trees.
 - (3) *Motor Vehicle* means every vehicle which is self-propelled including but not limited to an automobile, truck, recreational vehicle, antique motor vehicle, motorcycle, private bus, school bus, low speed vehicle, or other vehicle specifically defined in I.C. 9-13-2, et seq. In addition, the definition of *motor vehicle* includes a trailer specifically defined in I.C. 9-13-2, et seq.
 - (4) *Rear yard* means the area defined in Sec. 31.25 of Michigan City's Zoning Ordinance.
 - (5) *Side yard* means the area defined in Sec. 31.25 of Michigan City's Zoning Ordinance.
 - (6) *Yard* means the area defined in Sec. 31.25 of Michigan City's Zoning Ordinance.
- (b) **Public Nuisance.** Parking of any motor vehicle in violation of the regulations set forth in this Section is deemed a public nuisance.

- (c) Parking Prohibited in Lawn Areas. It shall be unlawful to drive and/or park a motor vehicle in a front yard, in a side yard, or in a rear yard which abuts a street of a lot zoned for a residential use or a dwelling, except that driving and/or parking shall be permitted on a hard-surfaced driveway or approved parking space. In addition, it shall be unlawful to drive and/or park a motor vehicle in a greenway area.
- (c) Curb Cuts. No person shall operate or park any motor vehicle on any portion of a lot in any residential district whereby the motor vehicle is driven over the curb instead of through a curb cut.
- (d) Enforcement; Violation; and Towing Vehicle. This Section shall be enforced by the Michigan City Police Department and/or the Michigan City Planning and Inspection Department. The owner of any motor vehicle which is parked or driven in violation of this section shall be subject to the penalties set forth in Section 50-485, as well as applicable zoning provisions of Michigan City, Indiana.

Furthermore, if in the opinion of the Michigan City Police Department and/or the Michigan City Planning and Inspection Department a motor vehicle parked in violation of this Section is substantially interfering with the ingress or egress of any foot or vehicular traffic by preventing free movement of traffic and/or pedestrians and the owner fails to cure the violation within twenty four (24) hours of the issuance of a citation for violation of this Section, the vehicle may be towed and impounded. The owner of any vehicle which has been towed pursuant to this Section shall be responsible for all storage and towing charges. The City, its agents, servants or employees, shall not be responsible or liable in any manner for the damage incurred in the towing, storage, possession or disposition of such vehicle.

Sec. 50-485. Fine for Driving/Parking Violation in Lawn or Greenway.

The fine required by Sec. 94-207 shall be \$50.00.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Richard Murphy, Member
Michigan City Common Council
/s/ Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 5th day of June, 2012 by a vote of 9 to 0.

/s/ Marc Espar, President
Michigan City Common Council

Approved by me, this 7th day of June, 2012.

/s/ Ron Meer, Mayor
City of Michigan City

ATTEST:

/s/ Gale Neulieb, Clerk
City of Michigan City

Prepared by City Attorney's Office Upon Request