

ORDINANCE 2022-11

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 7.06 – STOPPING, STANDING AND PARKING**

WHEREAS, the City of Lafayette Parking Operations, Lafayette Police Department-Traffic Division, Parking Commission staff and the City Attorney conducted an in-depth review of the current parking regulations set forth in Chapter 7.06 – Stopping, Standing and Parking to determine what amendments may be in the best interest of the City and its citizens;

WHEREAS, there were several areas that were identified that would benefit from revisions, including addressing abandoned or inoperable vehicles, clarification of yard parking prohibitions and allowing snow emergency routes to be released on a route by route basis;

WHEREAS, several sections were identified that are no longer applicable and for the purpose of clarity should be deleted; and

WHEREAS, on April 18, 2022, the Parking Commission reviewed the proposed changes and recommended the proposed modifications be presented to the Common Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, as follows:

1. Section 7.06.030 is hereby amended and as amended shall read as follows:

7.06.030 Short term parking zones.

The Parking Commission is authorized to determine the location of short term (thirty (30) minute) parking zones and any restrictions upon the use thereof, including the hours during which a zone may be used or the type of vehicles or uses for such zone.

2. Section 7.06.060 is hereby amended and as amended shall read as follows:

7.06.060 Angle or perpendicular parking on streets.

A. The Parking Commission shall determine on what streets angle and/or perpendicular parking shall be permitted and shall mark or sign such streets.

B. On those streets that have been signed or marked for angle and/or perpendicular parking, no person shall park or stand a vehicle other than at an angle or perpendicular to the curb or edge of the roadway indicated by such signs or markings.

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- 3. Section 7.06.080 - Private Parking Lots is hereby deleted in its entirety.
- 4. Section 7.06.100(G) is hereby amended and as amended shall read as follows:

7.06.100 Size of vehicle restrictions.

G. No person shall park a camper, or trailer of any kind or type on any street that is not coupled to a vehicle capable of legally towing that trailer. This prohibition does not apply to any dumpster trailer issued a dumpster permit pursuant to Chapter 8.09.

- 5. Section 7.06.150 is hereby amended and as amended shall read as follows:

7.06.150 Parking on private property restricted – Abandoned Vehicles and/or Inoperable Vehicles.

A. The purpose of this section is to monitor, control or prohibit the keeping of motor vehicles on private property:

- 1. Which are abandoned;
- 2. Without current license plates; or
- 3. Which are in inoperable condition.

B. Vehicles that are abandoned, without current license plates or inoperable are public nuisance and a safety and health hazard to the citizens of the City.

C. As used in this section, the following terms have the following definitions:

- 1. “Abandoned Vehicle” means a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left in a location visible from public property. A vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth or textile is considered to be visible.
- 2. “Inoperable Vehicle” means any vehicle typically powered by an engine that is partially dismantled, mechanically inoperable, or unsafe to drive. An inoperable vehicle may include, but is not limited to, vehicles with missing wheels and/or flat tires, or significant collision damage that would render the vehicle unsafe to drive.

D. This section does not apply to:

1. A vehicle in operable condition specifically adopted or constructed for operation on privately owned raceways.
2. A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.
3. A vehicle located upon property licensed or zoned as an automobile scrapyard.

E. A member of the Police Department or a member of the Ordinance Violations Bureau who finds, or is notified of, a vehicle in violation of this section, shall attach in a prominent place a notice tag that contains the following information:

1. The date, time, public agency and address and telephone number to contact for information.
2. That the vehicle is considered to be in violation of this section.
3. That the vehicle will be removed if the violations are not corrected within fifteen (15) days.
4. That the person who owns the vehicle will be held responsible for all cost's incidental to the removal.

F. If the vehicle remains in violation of this section upon the expiration of the fifteen (15) days, a member of the Police Department may have the vehicle towed to a storage facility at the expense of the vehicle owner.

6. Section 7.06.160 is hereby amended and as amended shall read as follows:

7.06.160 Yard parking prohibited.

No person shall operate, park or store any vehicle on any portion of a lot in any residential district other than on a drive or other parking area authorized under the Unified Zoning Code. No person shall operate or park any vehicle on any portion of a lot in any residential district in a way requiring driving the vehicle over any portion of the lot that is not a drive or authorized parking area.

7. Section 7.06.170- Unauthorized parking on private property is hereby deleted in its entirety.

8. Section 7.06.180 is hereby amended and as amended shall read as follows:

7.06.180 Parking in bus stop zones.

It is unlawful for the driver or operator of any vehicle to park such vehicle, or permit it to stand, in an officially designated bus stop zone, except that the operator of any passenger vehicle may temporarily stop such vehicle in or adjacent to any such zone for any of the purposes permitted for bus stop zones.

9. Section 7.06.220 is hereby amended and as amended shall read as follows:

7.06.220 Removal or modification of parking signs prohibited.

It is unlawful for a person to remove, hide, modify or vandalize in any way any markers or signs restricting parking or to erect any sign imposing parking restrictions not authorized by the Parking Commission.

10. Section 7.06.240 is hereby amended and as amended shall read as follows:

7.06.240 Special parking privileges for certain persons or vehicles in certain locations.

Notwithstanding any prohibitions or restrictions elsewhere, the Parking Commission may adopt policies and procedures authorizing Parking Operations to review and approve special temporary parking privileges. Examples of such categories of special parking privileges include, but are not limited to, contractor, service or health care vehicles, dining carryout or short term (less than 48 hours) parking restrictions.

11. Section 7.06.260 - Passenger and freight loading zones is hereby deleted in its entirety.

12. Section 7.06.270 is hereby amended and as amended shall read as follows:

7.06.270 Parking of buses, taxicabs and ride shares.

- A. The operator of a bus shall stop on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- B. The operator of a taxicab or ride share shall not stand or park such vehicle on any street at any place other than in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

13. Section 7.06.280 - Leaving taxicabs unattended in taxicab stands prohibited is hereby deleted in its entirety.

14. Section 7.06.290(F) is hereby amended and as amended shall read as follows:

Section 7.06.290 – Loading and unloading trucks.

F. In cases in which commercial vehicles in the downtown area do not fit within designated loading zones or alleys for the purpose of loading or unloading, double parking may be permitted within the following parameters:

1. A time limit of twenty (20) minutes shall be imposed on any vehicle that is double-parked for purposes of loading or unloading;
2. Flashers shall be used at all times such vehicles are double-parked; additionally, after day light hours, orange triangles or cones shall be placed around such double-parked vehicles as a warning to moving traffic.

15. Section 7.06.300 is hereby amended and as amended shall read as follows:

7.06.300 Parking after snow.

Whenever, as determined by the Mayor, or designee, a snow emergency exists, it is unlawful to park vehicles on emergency snow routes. Snow emergency routes shall be appropriately signed as determined by the Parking Commission. Any vehicle parked or stopped on such streets at the time a snow emergency is declared shall have twelve (12) hours to vacate the emergency snow routes to allow for proper snow plowing. Any vehicle remaining on emergency snow routes after twelve (12) hours shall be determined to be blocking efficient snow removal and may be removed at the owner's expense by any member of the Police Department and taken to the nearest garage or other place of safety for storage until claimed by the owner of such vehicle. Parking on snow emergency routes shall continue to be prohibited until such time as the Mayor, or designee, shall determine the snow emergency shall be lifted. In the sole discretion of the Mayor, or designee, a snow emergency may be lifted on a snow emergency route by snow emergency route basis as snow removal is completed.

16. Section 7.06.330 is hereby amended and as amended shall read as follows:

Section 7.06.330 – Traffic tickets on illegally parking vehicles.

Whenever any vehicle is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City, a member of the Ordinance Violations Bureau finding

such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a parking ticket.

17. Section 7.06.340 is hereby amended and as amended shall read as follows:

7.06.340 Vehicle immobilization.

- A. Any vehicle parked in violation of this Chapter for which the owner of said vehicle has three or more outstanding, unpaid and overdue parking penalties may be immobilized through the use of an immobilization device, including, but not limited to, a wheel lock. Any vehicle that is immobilized will remain immobilized until all outstanding penalties have been paid together with an immobilization service fee of twenty-five dollars (\$25.00).
- B. If, after a vehicle immobilization device has been attached to the vehicle, and the owner or operator fails to respond within a twenty-four (24) hour period, the Police Department may cause the vehicle to be towed and impounded until such time as the owner or operator has paid immobilization service fee, parking violations, and/or other fines and penalties. All charges for towing and impoundment become the responsibility of the owner or operator of the vehicle. An impoundment shall occur by having the vehicle removed by a junk or salvage yard or wrecker service to their particular place of storage.

18. Section 7.06.990 is hereby amended and as amended shall read as follows:

7.06.990 Penalty.

- A. The following fines shall apply to violations of this chapter:
 - 1. Twenty dollars (\$20.00) for each overtime parking violation. After the maximum time limit has expired, a separate additional violation occurs each period of time equal to the maximum time limit for which the vehicle remains parked in the location to which the limit applies.
 - 2. Fifty dollars (\$50.00) for each violation of stopping or parking vehicles in fire lanes or stopping, standing, or parking within fifteen (15) feet of any fire hydrant.
 - 3. Twenty dollars (\$20.00) for each violation of stopping or parking in a no parking zone, tow away zone or stopping or standing in a loading zone in

violation of any restrictions on the zone or otherwise parking in violation of a posting, marking or regulation.

4. Twenty dollars (\$20.00) for each violation of parking against the lawful flow of traffic or with wheels more than twelve (12) inches from the curb.
5. Twenty dollars (\$20.00) for each violation of parking in the traveled portion of the roadway for any reason other than mechanical breakdown, or standing in the traveled portions of the roadway for the purposes of freight loading or unloading, in any business district or on any major or minor arterial street.
6. Twenty dollars (\$20.00) for each violation of not parking a vehicle within on-street parking space markings.
7. One hundred dollars (\$100.00) for each violation of unauthorized parking in spaces reserved for handicapped parking, in addition to penalties provided under the state law.
8. A violation for any other section of this chapter not otherwise specified shall be fifty dollars (\$50.00) for each violation.

B. Escalation of Fines and Costs of Collection.

1. Twenty-dollar (\$20.00) fines. A fine that remains unpaid after thirty (30) days shall increase to fifty dollars (\$50.00). A fine that remains unpaid for more than sixty (60) days shall increase to one hundred dollars (\$100.00).
2. Fifty-dollar (\$50.00) fines. A fine that remains unpaid after thirty (30) days shall increase to one hundred dollars (\$100.00). A fine that remains unpaid after sixty (60) days shall increase to one hundred fifty dollars (\$150.00)
3. One Hundred-dollar (\$100.00) fines. A fine that remains unpaid after thirty (30) days shall increase to two hundred dollars (\$200.00).
4. If there are no other unpaid violations outstanding, the escalated portion of the fine may be waived under rules and procedures established by the Parking Commission.
5. In the event unpaid fines are referred to a third-party collection agent, or the city is required to commence litigation to enforce any of the sections

appearing in this chapter, the city shall be entitled to recover, in addition to any unpaid fines, all reasonable collection costs and attorney fees.

- C. Payment of fines, fees and/or penalties shall be made at any location designated by the Parking Commission.
- D. All amendments pertaining to violations, changes of fees, penalties, waiver procedures or designation of places of payment or any other action by the Parking Commission under this section shall be made at a public meeting and noted on the posted agenda of said meeting and shall be subject to repeal by the Common Council.
- E. Any penalty imposed under this section may be appealed to Parking Operations no later than fourteen (14) days after the imposition of the penalty in accordance with procedures adopted by the Parking Commission. If the appeal is denied by Parking Operations, the penalty may be appealed to the Parking Commission by filing a written notice of appeal no later than ten (10) days after the decision of Parking Operations. The escalation of fines shall be stayed during such period of appeal.

19. Section 7.06.995 – Exceptions to penalties is hereby deleted in its entirety.

20. This ordinance shall take effect upon passage, approval by the Mayor and publication as required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this _____ day of _____, 2022.

PERRY E. BROWN, President

ATTEST:

CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this _____ day
of _____, 2022.

CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this _____ day of _____, 2022.

TONY ROSWARSKI, Mayor

ATTEST:

CINDY MURRAY, City Clerk

Sponsored by: Jacque Chosnek, City Attorney

SUMMARY OF CHANGES TO CHAPTER 7.06

ORDINANCE 2022-11

INTRODUCTION

City of Lafayette Parking Operations, Lafayette Police Department – Traffic Division, Parking Commission staff and the City Attorney conducted in depth review of the current parking regulations set forth in Chapter 7.06 - Stopping, Standing and Parking to determine what amendments to the code may be in the best interest of the City and its citizens.

There were several areas that were identified that would benefit from revisions, including simplifying short-term parking zones, addressing abandoned or inoperable vehicles, clarification of yard parking prohibitions. Further, several code sections were identified that are no longer applicable and, for the purpose of clarity, should be deleted.

A summary of the proposed changes is set forth below.

PROPOSED CHANGES

7.06.010 Prohibiting the stopping, standing or parking of a vehicle - NO CHANGE

7.06.020 Authority to restrict parking – NO CHANGE

7.06.030 Short Term Parking Zones –After discussion with Parking Operations and considering the differing needs of businesses, this language has been modified to grant the Parking Commission flexibility to determine the type of short-term parking restrictions that are appropriate based upon the request.

7.06.040 Parking not to obstruct traffic – NO CHANGE

7.06.050 Standing or parking close to curb – NO CHANGE

7.06.060 – Angle or perpendicular parking on streets. – This section is updated to prohibit both angle and perpendicular parking on streets unless approved by the Parking Commission. This update addresses issues that can occur in certain residential neighborhoods where residents and/or visitors park at an angle or perpendicular in a cul-de-sac creating accessibility issues.

7.06.070 Parking Lots – NO CHANGE

7.06.080 Private Parking Lots – Deleted in its entirety. This section required owners of private lots to post signs prohibiting unauthorized parking. It should be up to the property owner on whether or not they want to prohibit parking. Also, state law (IC 24-14-4-2) sets forth signage requirements if a commercial property owner desires to tow unauthorized vehicles.

7.06.090 Parking of vehicles in any city park – NO CHANGE

7.06.100 Size of vehicle restrictions – This section is updated to exclude dumpster trailers that have been issued a dumpster permit.

7.06.110 Parking of certain trucks and commercial vehicles restricted – NO CHANGE

7.06.120 Parking for certain purposes prohibited – NO CHANGE

7.06.130 Parking prohibited in specified places – NO CHANGE

7.06.140 Parking on public parking restricted – NO CHANGE

7.06.150 Parking on private parking restricted – Abandoned and/or Inoperable Vehicles. This section is amended to provide more specific guidance to both the public and our code enforcement officers on what is considered an abandoned or inoperable vehicle and the procedure for removal of a vehicle in violation of this section.

7.06.160 Yard Parking Prohibited – This section is amended to provide that a parking area must be in compliance with the Unified Zoning Code. The current term “approved parking area” can result in different interpretations between a property owner and code enforcement. The section is also updated to make clear that you cannot create a parking area in any portion of the yard that would require the vehicle to be operated over a grass area.

7.06.170 Unauthorized parking on private property – This section is deleted because removal of unauthorized vehicles from private property is covered by state law (See I.C. 9-22-1-16 and I.C. 9-22-1-18).

7.06.180 Parking in passenger and loading zones – This section has been modified to apply to bus stop zones instead of passenger or loading zones.

7.06.190 Observance of emergency access or fire lanes -NO CHANGE

7.06.200 Parking Time Limits – NO CHANGE

7.06.210 Authority to designate – NO CHANGE

7.06.220 Removal or modification of parking signs prohibited – This section is updated to prohibit individuals putting up their own parking signs. This can be an issue when a business, church or residence is having an event and wants to reserve on-street parking or somehow modify signed parking regulations. These unauthorized signs can mislead people into thinking parking is prohibited or reserved when the parking restriction has not been approved by the Commission or approved as a special parking privilege under Section 7.06.240.

7.06.230 Overtime parking prohibited -NO CHANGE

7.06.240 Special parking privileges for certain persons or certain vehicles in certain locations. This section is updated to include special parking privileges that were not previously addressed including “move ins/move outs”, less than 48-hour restrictions and carryout dining restrictions.

7.06.250 Privileges for physically handicapped persons – NO CHANGE

7.06.260 Passenger and Freight Loading Zones – Deleted – They do not exist.

7.06.270 Parking of buses and taxicabs – This section is updated to include rideshare such as Lyft and Uber.

7.06.280 Leaving taxicab unattended in taxicab stands prohibited – Deleted – We do not have taxicab stands.

7.06.290 Loading and unloading of trucks – This section has been updated to remove the reference to double parking during certain hours only. The Parking Commission has not designated hours for authorized double parking and Parking Operations does not believe such restrictions are necessary.

7.06.300 Parking after snow – This section is updated to allow the Mayor to release certain snow emergency routes as they are cleared instead of maintaining the snow emergency routes until all routes have been cleared.

7.06.310 Towing – NO CHANGE

7.06.320 Presumption in reference to illegally parked vehicle – NO CHANGE

7.06.330 Traffic parking ticket on illegally parked vehicle – This section has been updated to allow citations to be issued to vehicles with a driver parked in violation of this Chapter when the driver refuses to follow the instructions of Parking Operations to relocate the vehicle so it is not in violation of Chapter 7.06.

7.06.340 Vehicle Immobilization – This section is updated to allow the use of vehicle immobilization devices other than a wheel lock. For example, Parking Operations has explored other immobilization devices such as device that uses powerful suction cups to attach a large plastic shield to a windshield to provide a visual obstruction.

7.06.350 Process for establishing a neighborhood parking permit area- NO CHANGE

7.06.360 Parking outside parking space marks prohibited -NO CHANGE

7.06.990 Penalty – This section is updated to allow for additional citations when a vehicle violates multiple overtime restrictions back to back. It also adds a 14-day time period to appeal a parking citation to Parking Operations and a 10-day time period to file an appeal of Parking Operations to the Parking Commission. Finally, it adds an additional penalty escalation for \$50.00 citations that remain unpaid after 60 days.

7.06.995 Exceptions to penalties – This section is deleted because the subject matter is covered in other sections (7.06.210; 7.06.290)