

ORDINANCE NO. 2019-3

**ORDINANCE AMENDING TITLE VII, CHAPTER 72, ADDING § 72.42 AND
MODIFYING § 72.99 OF THE CODE OF ORDINANCES OF THE CITY OF
GREENFIELD, INDIANA, REGARDING STORAGE AND PARKING OF BOATS,
TRAILERS, RECREATIONAL VEHICLES, AND
COMMERCIAL VEHICLES**

WHEREAS, the Common Council of the City of Greenfield, Indiana, has determined it is in the best interests of the citizens of Greenfield to amend the provision of the Code of Ordinances of Greenfield, Indiana, regulating the parking of boats, boat trailers, campers, travel trailers, recreational vehicles, and commercial vehicles on residential property and in residential areas.

THEREFORE BE IT ORDAINED by the Common Council of the City of Greenfield, Indiana that:

SECTION I

Title VII, Chapter 72, is amended by the addition of § 72.42 as follows:

§ 72.42 Storage and Parking of Trailers, Boats, Recreational Vehicles and Commercial Vehicles

Commercial vehicles, boats, and trailers of all types, including travel, camping, hauling, boat, any nonmotorized vehicle capable of being towed, and mobile homes shall not be parked or stored on any parcel occupied by a residential dwelling, on any parcel in any residential district nor on any public road, street, or right-of-way, except in accordance with the following provisions.

(A) No more than one (1) of the following: commercial vehicle, trailer, boat, recreational vehicle, camper or other items meeting the descriptions provided herein shall be parked or located on any parcel.

(B) Commercial vehicles, boats, campers, and trailers of all types, including, travel, camping, hauling, and boat, shall not be parked on residential streets or within ten (10) feet of the sidewalk, street or public right-of-way for a period of longer than seventy-two (72) hours per month.

(C) Commercial vehicles, boats, campers, and trailers of all types, including, travel, camping, hauling, and boat shall be parked on a hard surface of a uniform nature that encompasses the entire length and width of the vehicle/boat/camper/trailer at issue and shall not be parked on grass or surface composed of other plant material.

(D) Commercial vehicles, boats, campers, and trailers of all types, including travel, camping, hauling, and boat shall be validly licensed or registered (if applicable).

(E) Commercial Vehicles

Not more than one (1) commercial vehicle (excluding standard-sized, passenger vehicles including, but not limited to, automobiles, passenger size livery vehicles, vans, sports utility vehicles, and pick-up trucks – such excluded vehicles may include the logo of a commercial business painted on or applied to the vehicle), which does not exceed the gross vehicular weight of Class 1 or Class 2 trucks as defined by the Motor Vehicle Manufacturers Association of the United States, Inc., Detroit, Michigan, per residence on the premises, shall be permitted, but in no case shall a commercial vehicle used for hauling explosives, gasoline, chemicals, or liquefied petroleum products be permitted in a residential area.

(F) Mobile Homes

A mobile home shall be parked or stored only in a mobile home park, sales lot, or trailer storage area which is in conformity with the ordinances of the City of Greenfield.

(G) Campers, Trailer Trailers, and RVs

Not more than one (1) camper, travel trailer, or recreational vehicle, per parcel as described in subsection (b) shall be permitted, provided that said camper, travel trailer, or recreational vehicle does not exceed thirty-two (32) feet in length or eight (8) feet in width; No camper, travel trailer, or recreational vehicle shall be parked or stored for more than twenty-four (24) hours on any residential lot, property, or street unless it is located behind the front yard building line.

A camper, travel trailer, or recreational vehicle may be occupied by guests either temporarily or for sleeping purposes only, while it is parked or stored in any residential area for a period not to exceed seven (7) days, so long as the other requirements of this subsection are met.

(H) Boats, Boat Trailers and Pop-Up Campers

Not more than one (1) boat, boat trailer, or pop-up camper per parcel as described in subsection (b) shall be permitted, provided that said boat, boat trailer, or pop-up camper does not exceed thirty-two (32) feet in length or eight (8) feet in width. No boat, boat trailer, or pop-up camper shall be parked or stored for more than twenty-four (24) hours on any residential parcel or property unless located behind the front yard building line.

(I) Utility and Hauling Trailers

Not more than one (1) utility or hauling trailer per parcel as described in subsection (b) shall be permitted, provided said trailer shall not exceed eighteen (18) feet in length or eight (8) feet in width or nine (9) feet in height.

(J) No commercial vehicle, boat, trailer of any type, including travel, camping, hauling, boat, or any nonmotorized vehicle capable of being towed shall only be allowed to park on any public street, road, or right-of-way or private property, except in conformity with the following conditions:

- (1) Shall not be parked as to obstruct all or any part of any public sidewalk.
- (2) Shall not obstruct vehicular or pedestrian traffic.
- (3) Shall not obstruct the view of any traffic control sign or device.
- (4) Shall be maintained in a clean and neat appearance.
- (5) Shall at all times have tires properly inflated to their manufacturer's recommended PSI.
- (6) Shall not be stored in any manner that results in the accumulation of debris, trash, or other material around, beside, or under said unit.

SECTION II

Title VII, Chapter 72, § 72.99 shall be amended by adding subsection (E) as follows:

(E) Any person violating § 72.42 shall be subject to the following enforcement and penalty provisions:

- (1) Citations. Any person who parks or stores a vehicle in violation of this Section may be issued a citation and order for abatement by the designated enforcement entity. This section is listed as one under the jurisdiction of the Ordinance Violations Bureau.

A warning citation may be issued for a violation of this section. The warning citation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the premises owner or person being cited fails to correct the violation in the time allotted by a police officer then a citation and order of abatement shall be issued. The issuance of a warning citation is not required and shall not be a prerequisite to the issuance of a

citation and order for abatement. There shall be no right of appeal from the issuance of a warning citation.

Whenever a police officer determines there has been a violation of this section, a citation and order of abatement shall be given to the owner or the person or persons responsible. The citation and order of abatement must be in writing, include the parcel address where the violation occurred, include a statement of the violation or violations and sections violated and why the citation is being issued and actions necessary to correct the violation, and include a notice stating that the violator must pay the fine to the Ordinance Violations Clerk within seventy-two (72) hours, excluding Saturday, Sunday, and legal holidays.

If the violation is deemed to be a threat to public health or safety by the police officer, the police officer or his designee may order the parking or storage activity to cease and desist immediately, regardless of whether a warning ticket or citation has been issued.

The citation and order of abatement shall be in a form approved by the Board of Public Works and Safety and shall be deemed properly served if a copy is sent by certified return receipt mail, hand delivered by an employee of the City, placed in a conspicuous place on the property where the violation occurred, or by any other method of service acceptable pursuant to Ind. Code § 1-1-7-1.

The citation shall contain language advising that a person who receives one may elect to stand trial rather than pay the fine. In order to do so, a person receiving the citation, must return a copy of the citation with seventy-two (72) hours to the Ordinance Violations Bureau Clerk advising of his/her intent to stand trial. The Ordinance Violations Bureau Clerk shall inform the City Attorney of all such intents received.

(2) Remedies. If a person fails to pay the fine within seventy-two (72) hours and fails to give notice within seventy-two (72) hours of his/her intent to stand trial, the vehicle in question may be towed by the Greenfield Police Department at the owner's expense. In addition, the City Attorney may commence enforcement activities, up to and including the filing of a civil lawsuit and/or pursue any other legal remedies at the City's disposal.

(3) Fines and Penalties. Each day a violation remains uncorrected is a distinct and separate violation subject to an additional citation and fine in the amount prescribed below.

The monetary fine for each violation shall be \$50.00, except that for repeated violations within twelve (12) consecutive months, the following fines shall apply:

Second Citation:	\$150.00
Each Citation in Excess of Two:	\$250.00

A person adjudged to have committed a violation of this Section is liable for the court costs and attorney fees. No costs shall be assessed against the enforcement agency in any such action.

SECTION III

The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION IV

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

SECTION V

Introduced and filed on the 9th day of January, 2019. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 6 in favor and 1 opposed pursuant to I.C. 36-5-2-9.8. On the ____ day of _____, 2019, a motion to approve the above on second reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this ____ day of _____, 2019 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA

Voting Affirmative:

Voting Opposed:

Kerry Grass

Kerry Grass

Jeff Lowder

Jeff Lowder

Gary McDaniel

Gary McDaniel

Keely Butrum

Keely Butrum

Mitch Pendlum

Mitch Pendlum

Dan Riley

Dan Riley

Joe Skvarenina

Joe Skvarenina

ATTEST:

Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this ____ day of _____, 2019.

Lori Elmore, Clerk-Treasurer

Approved by me this ____ day of _____, 2019.

Chuck Fewell, Mayor
City of Greenfield, Indiana