

' 73.01 STOPPING, STANDING, PARKING; PROHIBITED PLACES.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk;
- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within 15 feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within 20 feet of a crosswalk at an intersection;

(G) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(H) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the City Council indicates a different length by signs or markings;

(I) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of that entrance; or

(J) Within 50 feet of the nearest rail of a railroad crossing.
(`83 Code, ' 8-71) Penalty, see ' 10.99

' 73.02 PARKING NEAR FIRE HYDRANTS PROHIBITED.

It shall be unlawful for any person, firm, or corporation to park or permit to stand any vehicle in or on any public street in close proximity to any fire hydrant within the city, and where notice is given to the public by appropriate signs, markings painted on the curb in the vicinity of the fire hydrant, or by those means of notification and identification to the public of restriction and prohibition of parking in these places as the Board of Public Works and Safety of the city may, from time to time, prescribe and determine.
(`83 Code, ' 8-83) Penalty, see ' 10.99

' 73.03 OBSTRUCTION OF STREET TRAFFIC PROHIBITED.

No person shall park any vehicle upon a street, other than an alley, in a manner or under conditions so as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
(`83 Code, ' 8-72) Penalty, see ' 10.99

' 73.04 PARKING IN ALLEYS; OBSTRUCTION PROHIBITED.

No person shall park a vehicle within an alley in a manner or under conditions so as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in a position so as to block the driveway entrance to any abutting property.

(`83 Code, ' 8-73) Penalty, see ' 10.99

' 73.05 STREET PARKING; 48-HOUR LIMIT.

No person shall park a vehicle on any street for a continuous period of time longer than 48 hours.

(`83 Code, ' 8-74) Penalty, see ' 10.99

' 73.06 PARKING PURPOSES RESTRICTED.

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

(`83 Code, ' 8-75) Penalty, see ' 10.99

' 73.07 PARKING ADJACENT TO SCHOOLS.

(A) The Council is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when parking would, in its opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon either side of a street adjacent to any school as authorized herein, no person shall park a vehicle in any thus designated place.

(`83 Code, ' 8-76) Penalty, see ' 10.99

' 73.08 PARKING ON NARROW STREETS RESTRICTED.

(A) The Council is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by the signs when the width of the roadway does not exceed 30 feet.

(B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any signed street in violation of any official sign.

(`83 Code, ' 8-77) Penalty, see ' 10.99

' 73.09 PARKING ON ONE-WAY STREETS.

The Council is authorized to erect signs upon the left hand side of any one-way street to prohibit the standing or parking of vehicles, and when these signs are in place, no person shall stand or park a vehicle upon the left hand side in violation of any sign.

(`83 Code, ' 8-78) Penalty, see ' 10.99

' 73.10 UNLAWFUL ACTS.

(A) It shall be unlawful and a violation of the provisions of this chapter for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by that person to be parked overtime or beyond the period of legal parking time established for any parking space as herein described.

(B) It shall be unlawful for any person, persons, firm, or corporation to park or permit to stand any vehicle in or on any public alley within the limits of the city or to park or permit to stand any vehicle in any public street or public way or place where the parking of vehicles is prohibited and where notice is given to the public by appropriate signs, markings painted upon the curbs in the vicinity of the prohibited place, or by other means of notification and identification to the public of the restriction and prohibition of that place as the Board of Public Works and Safety may from time to time prescribe and determine.

(C) It shall be unlawful and a violation of this chapter for any person to cause, allow, permit, or suffer any vehicle in the name of, or operated by that person, to be parked in a manner so that more than one individual parking space or parts of two or more individual parking spaces are occupied by that vehicle. Any parking of a vehicle in a manner which causes the vehicle or any part thereof to occupy two or more, or parts of two or more individual parking spaces shall be prima facie evidence of the unlawful parking of that motor vehicle by its owner and/or operator.

(`83 Code, ' 8-84) Penalty, see ' 10.99

' 73.11 PARKING MOBILE HOMES, SEMI-TRAILERS, AND THE LIKE RESTRICTED.

(A) No mobile home, semi-trailer, or vehicle or combination of vehicles joined together, the overall length of which is greater than 30 feet, and no vehicle or combination of vehicles joined together, the overall width of which at the widest point is greater than eight feet, shall be parked or stopped upon the public streets, roadways, or thoroughfares of the city. For the purpose of determining vehicle length or width under this section, any cargo or equipment loaded upon or attached to the vehicle shall be considered a part of the vehicle.

(B) Notwithstanding the provisions of division (A) of this section, the Board of Public Works and Safety of the city may, upon proper application by the owner or proprietor of the vehicle, grant parking privileges to or for a vehicle otherwise prohibited from parking, to park at that place on that public street, highway, or thoroughfare in the city as may be approved by the Board.

(C) (1) Notwithstanding the provisions of division (A) of this section, this type of vehicle may be parked or stopped on a public street, highway, or thoroughfare within the city and as may be necessary for the purpose of making a local pickup or delivery of goods, wares, and merchandise, but for a reasonable time only for that purpose.

(2) In the event that this type of vehicle is disabled or immobilized, the vehicle may be parked or stopped for a reasonable time only as may be necessary until the same may be removed or until assistance in its removal may be secured.

(`83 Code, ' 8-95) Penalty, see ' 10.99

' 73.12 PARKING UNLICENSED VEHICLES PROHIBITED.

No person shall park an unlicensed vehicle or a vehicle without a valid license plate attached thereto at any time upon any street, highway, or roadway in the city.
(`83 Code, ' 8-96) Penalty, see ' 10.99

' 73.13 PROHIBITED PARKING AREAS.

(A) *Prohibited parking area.* Except as otherwise provided in this section:

(1) It shall be unlawful to park a vehicle in a front yard, in a side yard on the street side of a corner lot, or in a rear yard that abuts a street.

(2) It shall be unlawful to park a vehicle over any part of the sidewalk or curb that is parallel to the public way, including the part of the sidewalk that is part of a driveway.

(B) *Exceptions.* For the purposes of this section, parking shall not be prohibited in the following areas:

(1) An improved area in the prohibited parking area used as a parking space before this section is adopted, provided that the entrance to the approved area is via a driveway or curb cut, except where adjacent to a paved street where there is no curb.

(2) Parking in any portion of the driveway that may be located in the front yard, rear yard, or side yard, except the portion that is part of the sidewalk.

(3) Parking within ten feet of the edge of the street where no curb is present, within the existing right-of-way, and in an improved area.

(4) Any improved area meeting setback requirements and other applicable zoning provisions. The Zoning Department must determine compliance with all such improved areas.

(5) Parking in a front yard, side yard or rear yard for the purpose of unloading a vehicle, washing a vehicle or some other similar purpose. The vehicle, however, must be removed from the front yard, side yard or rear yard once the task is completed.

(6) With regard to recreational vehicles those areas in which recreational vehicles are allowed to park pursuant to Section 5.5 C of Unified Zoning and Subdivision Control Ordinance.

(7) Those areas in which vehicles can be placed for sale pursuant to Section 4.5 D of the Unified Zoning and Subdivision Control Ordinance.

(8) In conjunction with special events (reunions, birthday parties, graduations, anniversaries, or like events) an owner of the property may obtain a permit from the Zoning Administrator which may permit parking or vehicles on yards and which would otherwise be prohibited by this section. The permit should be valid for a period of ten hours which would allow vehicles to be parked in yards for this period with no violation. The owner of the premise shall be entitled to six permits per calendar year.

(C) *Restrictions for parking in rear yards.*

(1) Any vehicle parked or stored in the rear yard shall be screened from view of public streets or neighboring properties.

(2) Vehicles measuring less than eight feet in height shall be screened with a minimum six-foot high fence or approved screening material. Vehicles measuring in excess of eight feet in height shall be screened with an eight-foot high fence or approved screening material. In cases where vehicles exceed eight feet in height the maximum required height of a screening fence shall not exceed eight feet. Vegetation material used for screening may exceed eight feet in height.

(D) *Definitions.*

CITY. City of Nappanee, Indiana.

CODE ENFORCEMENT OFFICER. Any employee of the city whose assigned duties include the enforcement of one or more of the provisions of this Code.

DRIVEWAY. A passageway for vehicles, approved by the Code Enforcement Officer composed of concrete, asphalt, or gravel that serves to connect a public street or alley to a garage or legal parking space. Legal parking areas shall be limited to 35% of the total front yard with a maximum driveway width of 30 feet at the frontage with the applicable street or alley.

FRONT YARD. The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions may otherwise specify.

IMPROVED AREA. A section of the lot that has been altered and defined by concrete, asphalt, or gravel, with a positive boundary, for the means of providing a parking space for a vehicle. The improved area must be entered via a driveway or curb cut, except where adjacent to a paved street or alley where there is no curb.

REAR YARD. The horizontal space between the nearest foundation of a building to the rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the nearest foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the opposite end of the lot from the front yard.

SCREENING MATERIAL. Any plant material maintaining its foliage year round (example evergreens) of sufficient density determined by the Code Enforcement Officer, or approved wood, vinyl or opaque fencing material approved by the Code Enforcement Officer. No chain link fence is a permitted use for screening purposes.

SIDE YARD. The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than 24 inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over 24 inches into that space.

VEHICLE. A device in, upon, or by which a person or property is, or may be, transported or drawn upon a street, alley or highway.

(E) *Enforcement; citation; penalty.*

(1) The Code Enforcement Administrator or his designee, or any officer of the Police Department may enforce the provisions of this section. The preceding authorized persons shall be known as officer for the purposes of this section.

(2) An officer may issue a citation for a violation of this section, subjecting the violator to a fine up to \$250 for each violation. The citation shall be placed in a prominent place upon the vehicle. Each day the vehicle remains unlawfully parked shall constitute a separate violation.

(3) The citation shall be filed with the City of Nappanee Court or with any court of the competent jurisdiction in Elkhart or Kosciusko County.

(4) For the purposes of this section, the violator shall be the person to whom the unlawfully parked vehicle is registered.

(Ord. 1407, passed 12-4-07)

DESIGNATED PARKING SPACES AND LOADING ZONES

' 73.25 INDIVIDUAL PARKING SPACES; DESIGNATION AND USE.

(A) The Board of Public Works and Safety is authorized, empowered, and directed to cause to be marked off and designated those individual parking spaces as the Board shall deem proper along the streets, designated in Chapter 75, Schedule I, in the congested area from time to time for the parking of vehicles. At any place where individual parking spaces are marked off and designated, each vehicle shall thereafter be parked within an individual parking space.

(`83 Code, ' 8-81)

(B) Notice to the public shall be given by appropriate signs setting forth the length of time for which parking is permitted and the conditions thereof. Any vehicle which remains in an individual parking space after the prescribed time for parking is determined to be illegally parked.

(`83 Code, ' 8-82)

Penalty, see ' 10.99

' 73.26 DESIGNATED BUS STOPS AND TAXICAB STANDS AUTHORIZED.

The Board is authorized to establish bus stops, bus stands, and taxicab stands on public streets in those places and numbers as it shall determine to be of the greatest benefit and convenience to the public, and every bus stop, bus stand, or taxicab stand shall be designated by appropriate signs or markings.

(`83 Code, ' 8-87)

' 73.27 PUBLIC OFF-STREET PARKING LOT; RESTRICTIONS.

(A) The public off-street parking lot described in Chapter 75, Schedule II is designated as a public off-street parking lot and for use by all members of the public and for automobiles and other vehicles from and between the hours of 5 a.m. and 9 p.m. only.

(B) The public off-street parking lot described in Chapter 75, Schedule II is closed and unavailable for use by any member of the public from and between 9 p.m. and until 5 a.m. (local times prevailing), and no automobile or other vehicle shall enter in and upon the described parking lot during those times when use is prohibited.

(C) Notwithstanding the provisions of this section, the Board of Public Works and Safety of the city may, upon proper application therefor, grant parking privileges or other uses to or for persons or vehicles as would otherwise be prohibited from parking or using the described off-street parking lot and as may be approved by the Board.

(`83 Code, ' 8-97) Penalty, see ' 10.99

PARKING RESTRICTIONS IN DESIGNATED AREAS

' 73.40 APPLICATION.

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified 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 direction of a police officer or official traffic-control device.

(`83 Code, ' 8-88)

' 73.41 REGULATIONS NOT EXCLUSIVE.

The provisions of this chapter 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.

(`83 Code, ' 8-89)

' 73.42 DESIGNATED NO PARKING ZONES.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any street or portions thereof, the descriptions of which are on file in the Clerk-Treasurer=s office.

(`83 Code, ' 8-90) Penalty, see ' 10.99

' 73.43 DESIGNATED NO STOPPING ZONES; RESTRICTED HOURS.

(A) When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified in the schedule on file in the Clerk-Treasurer=s office of any day, except as otherwise provided herein, within the district or upon any of the streets or parts thereof.
(`83 Code, ' 8-91)

(B) The Board is authorized to erect signs indicating no stopping, standing, or parking during certain hours when stopping, standing, or parking during certain hours would, in its opinion, interfere with traffic or create a hazardous situation.

(C) When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on that sign.
(`83 Code, ' 8-93) Penalty, see ' 10.99

' 73.44 DESIGNATED NO PARKING ZONES FOR MAINTENANCE.

(A) The Board shall designate certain hours on certain streets when parking shall be prohibited in order that those streets may be cleaned and swept. The Board shall publicly announce through the signs and markings not less than six hours in advance the hours and date on which parking is to be prohibited on certain streets for the purpose of cleaning and sweeping those streets.

(B) The Board shall be authorized and empowered to prohibit parking on certain streets for the purpose of repairing those streets. The affected streets or portions thereof shall be blocked off prior to the initiation of work by barriers placed at all entrances thereto.

(C) No person shall park a vehicle on these streets in violation of this section.
(`83 Code, ' 8-92) Penalty, see ' 10.99

' 73.45 DESIGNATED LIMITED TIME PARKING.

(A) The Board is authorized to erect signs indicating the parking time limit on certain streets or portions thereof.

(B) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the period of time designated on that sign.
(`83 Code, ' 8-94) Penalty, see ' 10.99

' 73.46 STOPPING IN DESIGNATED HAZARDOUS OR CONGESTED AREAS PROHIBITED.

(A) The Board is authorized to determine and designate areas by proper signs and/or appropriate markings not exceeding 300 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any thus designated place.
(`83 Code, ' 8-79) Penalty, see ' 10.99