**ORDINANCE NO. \_\_\_**

**An Ordinance Amending Chapter 71 of the**

**McCordsville Municipal Code of Ordinances**

WHEREAS, the Town of McCordsville (the “Town”) is a political subdivision existing under the provisions of Ind. Code § 36-5-1, *et. seq*.;

WHEREAS, the McCordsville Town Council (the “Council”) is the fiscal body of the Town and is responsible for the adoption of and amendments to all local ordinances;

WHEREAS, on August 14, 2012, Council adopted Ordinance 081412A, defining and creating laws to regulate parking throughout the Town;

WHEREAS, on January 14, 2014, April 8, 2014, and June 11, 2019 Council amended the original ordinance with Ordinances 011414A, 040814, and 061119A;

WHEREAS, the Council desires to further amend Chapter 71 to ensure the safety and well-being of those live in and travel through the Town;

NOW, THEREFORE, be it ordained by the Town Council of the Town of McCordsville, Indiana, that Chapter 71 shall be amended as follows:

**Section 1:**

**§ 71.01  ~~VEHICLE DEFINED~~DEFINITIONS.**

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

***ARTERIAL STREET.***A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the town to travel to and from adjacent communities. The town's arterial streets are identified on the Thoroughfare Plan within the McCordsville Comprehensive Plan.

***COLLECTOR STREET.***A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. The town's collector streets are identified on the Thoroughfare Plan within the McCordsville Comprehensive Plan.

***VEHICLE.***  Has the meaning set forth under I.C. 9-13-2-196 and its amendments.

**§ 71.02  FIRE HYDRANTS.**

It shall be unlawful for any person to park, stop or leave standing any type of vehicle, either motorized or non-motorized bicycle, trailer or any other item of whatever nature within a ten-foot radius or a water hydrant within the corporate boundaries of the town.

**§ 71.03  BUSINESS/RESIDENTIAL~~CE~~ DISTRICTS; HIGHWAY.**

(A)   It shall be unlawful for any person to park, stop or leave standing an attended or unattended vehicle upon the paved part of a highway outside of a business or ~~residence~~ residential district, if it is feasible to park, stop or leave the vehicle off of the highway or roadway.

(B)   This section does not apply to a person who drives a vehicle that becomes disabled while on the paved, improved or main traveled part of a highway or roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the highway or roadway.

**§ 71.035  RIGHTS OF WAY.**

(A)   It shall be unlawful for any person to park, stop or leave standing an attended or unattended vehicle upon or in the right-of-way of any Arterial Street or Collector Street.

(B)   This section does not apply to a person who drives a vehicle that becomes disabled while on an Arterial or Collector Street and it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the street.

(C) This section does not apply to a person who temporarily pulls his vehicle into a right-of-way at the direction of or to provide clearance for a public safety vehicle.

**§ 71.04  ALLEYS.**

It shall be unlawful for any person to park, stop, leave attended or unattended a vehicle on either side of the traveled portion of any alley of the town’s right-of-way of any alley within the incorporated limits of the town.

**§ 71.05  GENERAL STOPPING; EXCEPTION.**

It shall be unlawful for any person to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with the 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)   On a crosswalk;

(E)   Within 50 feet of the nearest railroad crossing, except when a train, a train maintenance vehicle or any other vehicle allowed by law to operate on the railroad tracks is blocking the crossing;

(F)   Within 20 feet of the driveway entrance to a fire station and, on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance (when properly posted);

(G)   Within 20 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway;

    (H) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;

    (I)   Upon a bridge or other elevated structure upon a highway;

(J)   Within six feet of any lawfully placed United States postmaster approved mail receptacle between 9:00 a.m. and 5:00 p.m. (Eastern Standard Time) Monday through Saturday; or

    (K)   At any place where official signs prohibit stopping/parking.

**§ 71.06  GENERAL PROCEDURE/ANGLE OF PARKING.**

(A)   It shall be unlawful for any person, except where angle parking is permitted by ordinance for streets under local control or by order of the State Department of Transportation on streets and highways within the state highway system, to park, stop or leave attended or unattended a vehicle in conflict with the legally recognized flow of traffic.

(B)   Where there is an adjacent curb, vehicles shall be parked with their right-hand wheels parallel to and within 12 inches of the right-hand curb.

(C)   This section does not apply to a motorcycle stopped or parked upon a roadway where there is an adjacent curb in which the motorcycle may be stopped or parked with the rear

**§ 71.07  PARKING IN THE AUSTIN TRACE SUBDIVISION.**

(A)   It shall be unlawful for any person to park, stop or leave attended or unattended a vehicle:

       (1)   Upon the paved or main traveled part of the west side of North Denton Court;

       (2)   Upon the paved or main traveled part of the east side of North Denton Drive;

       (3)   Upon the paved or main traveled part of the east side of North Karnes Drive;

(4)   Upon the paved or main traveled part of the east and north side of Odessa Way;

       (5)   Upon the paved or main traveled part of the west side of North Lufkin Court;

      (6)   Upon the paved or main traveled part of the east side of North Garland Court;

       (7)   Upon the paved or main traveled part of the west side of North Laredo Drive;

(8)   Upon the paved or main traveled part of the north side of West Longview Drive;

       (9)   Upon the paved or main traveled part of the south side of West Del Rio Drive;

(10)   Upon the paved or main traveled part of the west side of North Galveston Drive;

(11)   Upon the paved or main traveled part of the west side of North Abilene Drive;

       (12)   Upon the paved or main traveled part of the south side of West Irving Drive;

(13)   Upon the paved or main traveled part of the east side of North Mesquite Court;

(14)   Upon the paved or main traveled part of south side of West Denton Drive, between North Denton Drive and North Laredo Drive; and

(15)   Upon the paved or main traveled part of the north side of West Denton Drive, between North Laredo Drive and North Galveston Drive.

(B)   A no-parking regulatory sign shall be installed at and along the above locations, in the Austin Trace Subdivision, which are prohibited from parking, stopping, standing or leaving vehicles attended or unattended pursuant to the provisions of this section.

**§ 71.08  ROAD WEIGHT LIMITS.**

(A)   It shall be unlawful for any vehicle to be operated on South Railroad Street from its intersection with Broadway to its intersection with County Road 600 West within the town, with a total weight, including cargo, exceeding seven tons (14,000 pounds).

(B)   It shall be unlawful for any vehicle to be operated on the designated streets set forth below with a total weight, including cargo, exceeding 14 tons (28,000 pounds):

|  |  |  |
| --- | --- | --- |
| **14 ton restricted** | **From:** | **To:** |
|  |  |  |
| Form Street | Broadway | CR 750 North |
| Center Street | Broadway | CR 750 North |
| McCord Street | Broadway | CR 750 North |
| Hanna Street | Broadway | CR 750 North |
| 1st Street | Hanna Street | CR 600 West |
| 2nd Street | Center Street | CR 600 West |
| 3rd Street | Form Street | Hanna Street |
|  |  |  |

**§ 71.09  PARKING DURING SEVERE WINTER EVENTS.**

(A)   *Definitions.*The following definitions are guidelines by the Indiana Department of Homeland Security.

***CONDITION WHITE (CLEAR).***No advisories in effect.

***CONDITION YELLOW (ADVISORY).***The lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous sit

uation, and individuals should use caution or avoid those areas.

***CONDITION ORANGE (WATCH).***Means the conditions are threatening to the safety of the public.  During a watch local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented.

***CONDITION RED (WARNING).***Means that travel may be restricted to emergency management workers only.

(B)   *Condition Yellow.*For the purpose of this section when a Yellow Travel Advisory has been issued for Hancock County, the public is encourages to remove their automobiles from being parked on the street.

(C)   *Condition Orange or Red.*When an Orange or Red Travel Advisory has been issued for Hancock County, on-street parking shall be prohibited and all vehicles parked on all streets of the town shall be removed by the owner in order not to impede the clearing of such streets.

(D)   *Duty of the Police Department.*At the issuance of an Orange or Red Travel Advisory in Hancock County, it shall be the duty of the McCordsville Police Department to issue parking violations to the owner of the vehicle(s) found in violation of this section.  Furthermore, if the vehicle(s) have not been removed from the streets after the issuance of an Orange Travel Advisory in Hancock County, and after the issuance of a parking violation, it shall be the duty of the McCordsville Police Department, when possible, to forthwith employ some reputable person to remove such vehicles from the streets and store them at a garage or within a vehicle impound, and the reasonable cost of such removal and storage shall be paid by the owners of the vehicles to the owner of the garage or pound at the time the owners take possession of their vehicles.  Possession shall not be given to an owner until the expenses and costs are first paid.

(E)   *Fines.*The fine for parking on the street during an Orange or Red Travel Advisory shall be in accordance with the parking in town limits fine found in § [32.04](https://codelibrary.amlegal.com/codes/mccordsville/latest/mccordsville_in/0-0-0-220#JD_32.04).

(F)   *Conditional waiver.*During the time that an Orange or Red Travel Advisory has been issued for Hancock County, the provision of § [71.05](https://codelibrary.amlegal.com/codes/mccordsville/latest/mccordsville_in/0-0-0-2239#JD_71.05) regarding the prohibition of parking over a sidewalk shall be waived until travel status has been returned to White.

**~~§ 71.10 UNATTENDED VEHICLES.~~**

**~~It shall be unlawful for any person to park, stop, or leave standing an attended or unattended vehicle upon the paved portion of County Road 700 North and/or on or in the right of way on the north and south side of County Road 700 North from its intersection with County Road 600 West to the eastern incorporated boundary of the town, a distance of approximately 2,569 feet.~~**

**§ 71.10 PARKING IN SUBDIVISIONS**

(A) Persons are permitted to park their vehicles on opposite sides of the street in a residential subdivision when doing so still allows other vehicles to travel through the subdivision safely.

(B) Should a subdivision with public streets less than the Town’s requirements on roadway width desire to restrict parking to one side of the street, the subdivision’s homeowner’s association or a resident (of said subdivision), may file a petition with the Town Council requesting an amendment to this ordinance.

(1) With the petition, the homeowner’s association or a lot owner must provide a record of a majority of all lot owners within the subdivision, having voted affirmative to the following question and certifying the result of such election results to the town:

“Shall on-street parking be restricted to one-side of the street within [insert name of the neighborhood/HOA]?”

(2) Any petition to restrict on-street parking, as outlined above, shall include the town’s On-street Parking Restriction Application.

**§ 71.99  PENALTY.**

(A)   Any person violating this chapter shall be subject to a fine of not less than $25 for the first violation and $50 for the second. All fines prescribed by this section for violation shall be paid to the Town Ordinance Violations Bureau, which shall render to the person making payment a receipt, stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the town. All fines thus received shall be deposited in the General Fund of the town.

(B)   There is hereby added to this penalty the additional penalty of attorney’s fees incurred by the town if civil action through a court of competent jurisdiction is required in order to enforce the provisions of this chapter.

(C)   Any person or entity violating § [71.08](https://codelibrary.amlegal.com/codes/mccordsville/latest/mccordsville_in/0-0-0-2277#JD_71.08) shall be subject to a fine of $250 for the first, second and/or third violation within any 12 month period, fine of $1,000 for any fourth violation within any 12 month period, a $2,000 fine for any fifth violation within any 12 month period and a fine of $2,500 for any sixth or subsequent violation within any 12 month period, all in addition to any attorneys’ fees incurred in connection with the collection of the fines or penalties.

**Section 2:** All other provisions in Chapter 71 shall remain the same.

**Section 3:** This Ordinance shall be in full force and effect immediately.

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ADOPTED BY THE COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

**MCCORDSVILLE TOWN COUNCIL**

FOR: AGAINST:

Greg Brewer

Scott Jones

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dr. Bryan Burney \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dr. John Price \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chad Gooding

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stephanie Crider, Clerk-Treasurer