

TOWN OF BURNS HARBOR, INDIANA

TOWN CODE

CHAPTER 8

TOWN OF BURNS HARBOR, INDIANA MOTOR VEHICLES & TRAFFIC

ARTICLE I. ABANDONED VEHICLES

ARTICLE I. ABANDONED VEHICLES (*Ordinance 195, 4/12/2006*)

Sec. 8-1. SHORT TITLE

This article shall hereafter be known and cited as the “Abandoned Vehicle Ordinance”.

Sec. 8-2. INDIANA CODE ADOPTED BY REFERENCE

Indiana Code 9-22-1-1 through 9-22-1-32 is hereby adopted by reference as the Burns Harbor Abandoned Vehicle law. All proceedings within the Town of Burns Harbor for the inspection, declaration, removal and disposal of abandoned vehicles shall be governed by said law and the provisions of this Ordinance. Two copies of I.C. 9-22-1-1 through 9-22-1-32 are on file for public review in the office of the Clerk-Treasurer of the Town of Burns Harbor.

Sec. 8-3. PROHIBITION

Abandoned vehicles as defined in I.C. 9-13-2-1 shall be prohibited in the Town of Burns Harbor. The Police Department is the authorized agency and the Town Marshal and his deputies are the authorized officers assigned the responsibility for removal and disposal of vehicles defined as abandoned under the provisions of this article and I.C. 9-22-1-1 through 9-22-1-32.

Sec. 8-4. TOWING AND STORAGE CHARGE

The owner or lien holder of an abandoned vehicle shall be liable for all actual charges incurred for the towing and storage of abandoned vehicles. Pursuant to I.C. 9-22-1-30(b) the Town hereby establishes an abandoned vehicle fund to carry out the purposes of this Article. The Clerk-Treasurer is directed to file these charges pursuant to law with the Bureau of Motor Vehicles.

ARTICLE II. WEIGHT LIMITATIONS

Sec. 8-5. WEIGHT LIMIT.

- A. It shall be unlawful for the owner, or any operator, of any motor vehicle, to drive, travel or park, on any public highway, byway, street or road, subject to the jurisdiction of Burns Harbor, Indiana, if the gross weight of said vehicle exceeds the weight of 16,000 pounds.
- B. Special exceptions may be granted upon application to the Street Commissioner and upon the posting of sufficient security to insure that any damage done to the public highway, byway, street or road will be immediately repaired. (As part of said special exception, the Street Commissioner may set a reasonable speed which vehicles violating this ordinance may not exceed.)
- C. The application for such special exception shall indicate the proposed route and proposed weight per axle.

ARTICLE III. PARKING

Sec. 8-6. PARKING PROHIBITED.

- A. That the parking of motorized vehicles on the East or West sides of Westport Road North of Navajo is prohibited. Any persons violating this ordinance shall be subject to having his vehicle towed by the order of the Burns Harbor Police Department and shall, upon conviction, be subject to a fine of not less than \$25.00 and not more than \$500.00 for each separate infraction.
- B. That the parking of motorized vehicles on the right-of- way of Riverside Drive and Westport Road North of Meadowbrook Road is prohibited. Any person violating this ordinance shall be subject to having his vehicle towed by the order of Burns Harbor Police Department and shall, upon conviction, be subject to a fine of not less than \$25.00 or more than \$500.00 for each separate infraction.
- C. It shall be unlawful for the owner, or any operator of any motor vehicle to park on the paved portions of any highway, street or road within the corporate limits of said Town. The owner or operator of any vehicle found violating the provisions of this Section shall, upon conviction, be fined in any sum not exceeding less than \$25.00 or more than \$100.00 for any one offense.

- D. It shall be unlawful for the owner, or any operator, of any motor vehicle to park within ten (10) feet of the paved portion of the highway on the South side of U.S. Highway #12, between McCool Road and a point 600 feet East of McCool Road. The owner or operator of any vehicle found violating the provisions of this Section shall, upon conviction, be fined in any sum not exceeding \$100.00 for any one offense.
- E. That parking on the paved or unpaved right-of-way of North Boo Road from Salt Creek's intersection with North Boo Road west to its terminus in the Town of Burns Harbor is prohibited. Violators of this Ordinance, upon conviction, shall be subject to the payment of a fine as set forth by state law or ordinance of the Town of Burns Harbor. (*Ordinance 164, 11/8/2000*)
- F. Except as otherwise specified in this Ordinance, parking adjacent to the Town garage and fire station is prohibited.

The above prohibition to parking adjacent to the Town garage and fire department shall not apply in the following circumstances:

- fire department training sessions
- use of the recycling bin
- use of the Town shooting range with prior approval of the Burns Harbor Town Marshall
- citizens meeting with Town officials to conduct Town Business
- Town employees

Violation of this Ordinance is an infraction and any person so convicted shall be subject to the fines, costs and penalties provided in the Indiana Code pertaining to infraction violation. (*Ordinance 156, 9/25/1996*)

ARTICLE IV. TRAFFIC CONTROL DEVICES

Sec. 8-7. TRAFFIC CONTROL DEVICES.

The Town Council of the Town of Burns Harbor is granted the authority to alter traffic control devices as said Council deems necessary, based

upon the recommendation of the Marshal's Department of the Town of Burns Harbor to properly, safely, and effectively regulate traffic within the corporate limits of the Town of Burns Harbor. (*Ordinance 118, 1/11/89*)

ARTICLE V. FUNDS

Sec. 8-8 ACCIDENT REPORT FUND

An Accident Report Fund is created into which the proceeds from the issuance of accident reports will be deposited. The Burns Harbor Marshal Department is authorized to impose a \$5.00 fee for the issuance of each accident report to the individual entitled to such information as authorized by I.C. 9-3-1. The Marshal Department shall be required to issue a receipt for every accident report fee imposed. These fees shall be remitted to the Town's Fiscal Officer on at least a monthly basis at which time the Fiscal Officer shall issue an official receipt for the aforementioned remittance. The Fiscal Officer shall receipt proceeds in to an "Accident Report Fund"; which will be expended at the discretion of the Town Marshal for accident-related expenditures; without appropriation. All expenditures made from this fund shall be processed, claimed and allowed in the same manner as other claims of the municipality. (*Ordinance 121, 1989*)

Town citizens will not be assessed the \$5.00 fee for the issuance of accident reports. They are the only ones exempt. (*Resolution 89-48*)

Sec. 8-9. PHOTO FUND.

A Photo Fund is created into which the proceeds from the issuance of photographs will be deposited. The Burns Harbor Marshal's Department is authorized to impose a fee for the issuance of each photograph to the individual or entity entitled to such information. For normal size photographs, the fee shall be \$5.00 per photograph and, for oversized photographs, the fee shall be \$10.00 per photograph. The Town Marshal's Department shall be required to issue a receipt for every photograph fee imposed. These fees shall be remitted to the Town's fiscal officer on at least a monthly basis at which time the fiscal officer shall issue an official receipt for the aforementioned remittance. The fiscal officer shall receipt the proceeds into the Photo Fund which will be expended at the discretion of the Town Marshal for "law enforcement purposes", without appropriation. All expenditures made from this Fund shall be processed, claimed, and allowed in the same manner as other claims of the municipality. (*Ordinance 126, 2/28/1990*)

Sec. 8-10. DUI GRANT FUND.

A DUI Grant Fund is established for the express purpose of expending monies received by the Burns Harbor Police Department from the State of Indiana (Governor's Task Force to Reduce Drunk Driving). Expenditures made from the aforementioned Fund shall be unappropriated. The expenditures from this Fund will be limited to overtime compensation at the prevailing rate for police officers while enforcing the drunk driving laws of the State and in accordance with the mandates of the Governor's Task Force to Reduce Drunk Driving. Monies received will be receipted into the "DUI Grant Fund" and a receipt will be issued by the Town's fiscal officer to the officer acting in the capacity of Grant Coordinator as appointed by the Burns Harbor Police Chief. (*Ordinance 127, 6/27/1990*)

Sec. 8-11 SPEED REGULATIONS.

- A. It shall be unlawful for any person to operate any motor vehicle at a speed greater than that established by the Town Council. Speed regulations will apply for the Town in general (25 MPH unless designated otherwise), with the exception of Haglund Road and Old Porter Road, which shall be 30 MPH.
- B. The Street Commissioner is herewith authorized and directed to post speed limits signs for control of traffic upon both sides of the public highway upon which, the Town Council has established speed limits in conformity with State Law.

That violations of this ordinance shall be processed through the Ordinance Violations Bureau in accordance with Exhibit "A" to Ordinance number 140. (*Ordinance 144, 7/13/1994*)

Sec. 8-12 PROHIBITING THE OPERATION OF SNOWMOBILES AND OFF-ROAD VEHICLES ON THE TOWN RIGHT OF WAYS AND ADJACENT PRIVATE PROPERTY WITHIN THE TOWN LIMITS

WHEREAS, the Burns Harbor Town Council has determined that the operation of snowmobiles and off-road vehicles on both the traveled and non-traveled portions of Town right-of-ways and adjacent private property is a public nuisance and detrimental to the public health, safety and welfare of the citizens of the Town; and

WHEREAS, an ordinance prohibiting the operation of snowmobiles and off-road vehicles as described in this Ordinance is necessary in order to protect the health,

safety and welfare of the citizens of the Town of Burns Harbor.
NOW, THEREFORE, BE IT ORDAINED BY THE BURNS HARBOR TOWN COUNCIL, AS FOLLOWS:

SECTION 1. This Ordinance does hereby adopt the definitions of “snowmobile” and “off-road vehicle” as found in Ind. Code 14-8-2-261 and 14-8-2-185, respectively.

SECTION 2. The Town of Burns Harbor declares that the operation of snowmobiles and off-road vehicles on both the traveled and non-traveled portions of Town right-of-ways and on adjacent private property within ten (10) feet of a Town right-of-way to be a prohibited activity and a nuisance, except as provided and specifically permitted by this Ordinance.

SECTION 3. Except as provided in Sections 4 and 5 of this Ordinance, it shall be unlawful for any person, firm, corporation or other entity to operate a snowmobile or an off-road vehicle on any traveled or non-traveled portion of any right-of-way or on adjacent private property within ten (10) feet of a Town right-of-way in the Town limits of the Town of Burns Harbor.

SECTION 4. Nothing in this Ordinance shall be construed as prohibiting the use or operation of a snowmobile or an off-road vehicle by the police department, fire department, street department, EMS, or other agencies providing essential services for the health, safety and welfare of the citizens of the Town of Burns Harbor, when such services are being provided under emergency conditions.

SECTION 5. Further, nothing in this Ordinance shall be construed as prohibiting the use or operation of a snowmobile or an off-road vehicle on private property within the limits of the Town of Burns Harbor when such operation is done with the permission of the owner and/or occupant of said private property, provided said private property does not include adjacent private property within ten (10) feet of a Town right-of-way.

SECTION 6. This Ordinance repeals and supercedes any other resolution or ordinance of the Town of Burns Harbor which is inconsistent herewith.

SECTION 7. Violation of this Ordinance, upon conviction, shall be punishable by a fine of up to \$2,500.00 for the first violation and up to \$7,500.00 for a second or subsequent violation. Each incident in violation of this Ordinance constitutes a separate violation. In addition, the Town of Burns Harbor may seek injunctive relief against any person who violates the provisions of this Ordinance.

SECTION 8. If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

PASSED AND ADOPTED by the Burns Harbor Town Council on this 8th day of March, 2006.