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TOWN OF BURNS HARBOR, INDIANA

TOWN CODE

CHAPTER 8

TOWN OF BURNS HARBOR, INDIANA MOTOR VEHICLES & TRAFFIC

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 (A) SNOW EMERGENCY REGULATIONS

(Ordinance 257, 11/12/2014)

Sec. 8-6-1 When Effective.

Whenever two (2) or more inches of snow has fallen on the Town's streets and alleys the same is hereby declared to be a snow emergency and the parking regulations and prohibitions set forth in this division shall be in effect until the Town Council or the Street Commissioner shall have declared such snow emergency to have ceased.

Sec. 8-6-2 Parking Regulations.

(Ordinance 287, 12/12/2018)

During any snow emergency, parking and the presence of automobiles on all streets in the Town shall be restricted as follows:

No parking shall be allowed on the public streets within the Town.

The Street Commissioner is authorized to post signs in furtherance of the regulations contained in this Section.

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Sec. 8-6-3 Parking in Alleys.

During any snow emergency, no parking shall be allowed on any alley in the Town between the hours of 8:00 a.m. and midnight.

Sec. 8-6-4 Street Commissioner's Authority to Prohibit Parking.

The Street Commissioner is hereby authorized to prohibit parking in the streets and alleys of the Town at any time, even though such time period may conflict with other provisions of this ordinance, for the purpose of snow removal, emergencies, repairs, and maintenance, upon the following conditions:

- A. Whenever the Street Commissioner determines that parking should be prohibited upon any street or alley in order to expedite the orderly and efficient removal of snow, or for the purpose of repairs or maintenance, or in any emergency, as so determined by the Street Commissioner, the Street Commissioner shall cause signs to be posted within the right-of-way of such street or alley, at least every three hundred (300) feet, which shall state substantially the following:

“NO PARKING FROM ____ TO ____
Street Commissioner, Town of Burns Harbor”

- B. Such signs shall prohibit parking for no more than eight (8) hours and shall be posted for at least four (4) hours before it shall be lawful to tow or remove vehicles parked on any street or alley so posted.

Sec. 8-6-5 Towing of Vehicles Authorized.

In the event of a snowfall which creates an emergency endangering the smooth flow of emergency vehicles and other traffic, the Town Marshal or his designee may issue citations requiring the removal of the offending vehicles from streets and alleys within 24 hours of the issuance of the citation. The Town Marshal or his designee shall make every reasonable effort to contact the owner or person exerting control over vehicles within that time period. If the cars or vehicles are not removed within the 24 hour period, the Town shall declare the cars or vehicles to be a hazard to snow removal operations and cause them to be removed and the owner or person exerting control over the vehicle will then be responsible for the removal costs, which shall include the reasonable costs associated with towing and storage of the vehicle.

Sec. 8-6-6 Prima Facie Proof of Violations.

The fact that a vehicle that is parked or remaining stationary in violation of the provisions of

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this ordinance is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time such vehicle was parked or allowed to remain stationary.

Sec. 8-6-7 Discharging Snow into Alleys and Streets Prohibited.

Notwithstanding Section 8-6-1, no person shall move, discharge, throw, place or cause to be moved, discharged, thrown or placed any snow, ice or slush into the alleys or streets within the Town at any time, except for the Street Department while performing official duties.

Sec. 8-6-8 Penalties.

Any person accused of a violation of this Article III (A) concerning Snow Emergency Regulations may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the citation. Such payment shall be made at the Town Hall. In the event the fine is not paid within ten (10) days from the date of the citation, the amount of the citation for the violation shall increase to twenty-five (\$25.00) dollars, payable at the Town Hall. Failure to pay the twenty-five dollar (\$25.00) citation within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction and shall subject the offender to the general penalty provisions found in Section 1-9 of the Town Code.

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

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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

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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*)

30 MILE SPEED LIMITS:

Babcock Road North
Boo Road Haglund Road
Old Porter Road

15 MILE SPEED LIMITS:

Allegius Drive
Babcock Road
Blanche Lane
Bolinger Lane
North Boo Road South Boo Road
Burns Boulevard
Carol Street
Castle Street
Chesterfield Avenue
Chippewa Trail
Clifford Way
Coan Street
Daniel Court
Fairchild Drive
Gustafson Lane
Harbor Way
Iroquois Trail

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Kinner Drive
Lake Park Road
Lions Drive
Lively Lane
Marilyn Road
Meadowbrook Road
McCool Road
McCoy Lane
Navajo Trail
Rainbow Drive
Rak Road
Riverside Drive
Salt Creek Road
Shadyside Road
Sherman Avenue
Skylark Drive
Stanley Street
Tanya Street
Trail Creek Drive
Verplank Road
Village Square
Wahl Street
Weaver Way
Westport Road
Whitney Street

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.

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

Ordinance 241-2012

Burns Harbor Motor Vehicle & Traffic Fee Schedule

Case Reports	\$ 3.00 each
Photos	\$ 25.00 each or \$50.00 for a CD/DVD
Vehicle Identification Number check	\$ 5.00 per VIN
Vehicle Impound Release	\$ 25.00 each

Article VI. Golf Carts

(Ordinance 259-2015)

Section 8-12. Local Ordinance, Authority.

The Town Council has the authority, pursuant to I.C. §9-21-1-3.3 to adopt by ordinance additional traffic regulations concerning the use of golf carts on streets within jurisdictional limits of the town.

Section 8-13. Definitions. The following definitions shall apply throughout this Article:

"Financial responsibility" shall have the meaning as liability insurance coverage on a golf cart in the amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

"Golf cart" shall have the meaning set forth in I.C. §9-13-2-69.7, as a four-wheel motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

Section 8-14. Use of Golf Carts on Town Streets and Highways.

Subject to the regulations contained within this article, the operation of golf carts shall be permitted on streets within the jurisdictional limits of the town, with the exceptions of State Road 149, U.S. 20 and U.S. 12.

Section 8-15. Occupants.

The number of occupants in a golf cart shall be limited to the number of persons for

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whom factory seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart while in the golf cart is being operated.

Section 8-16. Proof of Financial Responsibility.

The operator of a golf cart must show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either on the golf cart or carried by the operator at all times.

Section 8-17. License.

Golf carts may not be operated on the town's streets by a person who has not obtained an operator's license under I.C. §9-24.

Section 8-18. Golf Cart Traffic Regulations.

- (a) Golf carts shall obey all traffic regulations applicable to motor vehicles.
- (b) Golf carts shall display a slow-moving vehicle emblem or red or amber flashing lamp in accordance with I.C. §9-21-9.
- (c) Golf carts shall not be permitted to operate on State Road 149, U.S. 20 and U.S. 12. Operation at any grade crossing of State Road 49, U.S. 20 and U.S. 12 is limited to preapproved crossing areas that are to be properly marked with golf cart crossing signage. Golf carts shall not be permitted to operate on any sidewalks, trails, or multi-use paths in the town.
- (d) The operation of golf carts on public streets shall be limited to daylight hours, unless the golf cart is equipped with headlamps, tail lamps and stop lamps. In addition, as provided under I.C. §9-21-9-4, if a golf cart is operated after dark, red or amber flashing lamps must be attached to the rear of the golf cart and be visible from at least 500 feet.
- (e) All golf carts are required to have a rear view mirror to operate on town roads.
- (f) No overnight parking of golf carts on public streets.

Section 8-19. Exemptions.

The use of golf carts by public safety personnel or by town employees during special events shall be exempt from the regulations contained in this article. All such personnel shall be clearly identified, shall be insured and shall maintain a valid

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operator's permit pursuant to I.C. §9-24.

Section 8-20. Violations.

Violation of this article shall be subject to a penalty in the sum of One Hundred Dollars (\$100). Fines not paid within 30 days shall be filed with a court of competent jurisdiction and the general penalty provisions of Section 1-9 of Town Code shall apply. All amounts collected pursuant to this section shall be deposited in the general fund.

**Article VII. Regulation of Traffic on Private Business Property
and Residential Complexes (*Ordinance 279-2017*)**

Section 8-21 Definitions.

(1) “Private Business Property”: For the purpose of this Chapter, “Private Business Property” shall mean any and all business establishments offering goods or services to the general public and all parking lots, structures, and facilities associated therewith; and, all roadways, parking lots and facilities associated therewith owned and operated by any nonprofit corporation established for the mutual benefit of the members of such corporation.

(2) “Residential Complex”: For purposes of this Chapter, “Residential Complex” shall mean any and all lands within the Town of Burns Harbors which are zoned as Residential under the Town of Burns Harbor Municipal Code, which are subdivided into a platted and recorded subdivision which contains private roadways and streets owned and maintained by a business entity and/or an individual and not otherwise owned and maintained a governmental entity.

(3) “Moving Traffic Violation”: For purposes of this Chapter, “Moving Traffic Violation” shall mean a violation occurring in the operation of a motor vehicle while the motor vehicle is in motion.

Section 8-22 Authority to Enter Into Contracts

(1) The Town Marshal is authorized to enter into contracts with owners or lessees of Private Business Property and/or a Residential Complex to:

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- A. Regulate and erect signs, signals, or markings regulating parking, vehicular traffic, pedestrian traffic, and the occupancy of the Private Business Property and/or Residential Complex by the public;
 - B. Provide for the removal and storage of vehicles where abandoned or found in violation of a Town Ordinance;
 - C. Provide for the installation, maintenance, and division of revenue from parking meters;
 - D. Provide for the regulation of the occupancy and use of the Private Business Property and/or Residential Complex by the public; and
 - E. Regulate any other activity authorized by Indiana Code § 9-21-18-1, et seq., or this Municipal Code.
- (2) Any enforcement contract entered into between Town and owner or lessee of Private Business Property and/or Residential Complex must be in compliance with Indiana state law and all other applicable laws and must provide:
- A. For the Owner of the Private Business Property and/or Residential Complex to install signs notifying residents of and visitors to the Private Business Property and/or Residential Complex of the relevant provisions of this Ordinance, placed in a sufficient number of locations to clearly mark where the relevant provisions of this Ordinance apply, as directed by the Town Marshal. A sign placed at the entrance to property which is a Residential Complex shall not satisfy this Ordinance;
 - B. On properties which are a Residential Complex, but which are not Private Business Property, only citations for a Moving Traffic Violation may be issued
 - C. The Town shall not charge the owner of the Private Business Property and/or Residential Complex a fee for enforcing this Ordinance on the property of the Private Business Property and/or Residential Complex;
 - D. That the term of the contract may not be more than twenty (20) years, or the duration of the lessee's lease, whichever is less;
 - E. That the contract may be terminated at any time by either party upon thirty (30) days written notice to the other party;

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- F. That all revenue derived from fines, penalties or other charges shall belong to the Town;
- G. Enforcement of this Ordinance may not begin until an enforcement contract is signed by the Town Marshal and the owner of the Private Business Property and/or Residential Complex has posted the signs required in paragraph A of this Section
- H. Any other reasonable and desirable terms or conditions considered appropriate by the Town Council.

Section 8-23 Violations.

- (1) Private Business Property. When the Town has contracted with the owners or lessees of a Private Business Property to provide enforcement services upon the Private Business Property, it shall be a violation of this Chapter for any person to do any of the following without permission of the owners or lessees of the Private Business Property:
 - A. Unlawfully park a motor vehicle in a space reserved for handicap parking under Indiana Code § 5-16-9 or Indiana Code § 9-7-4.1.
 - B. Park a motor vehicle in a fire lane;
 - C. Park a motor vehicle in such a manner as to occupy more than one (1) space or where the motor vehicle constitutes an obstruction to traffic;
 - D. Park a motor vehicle in a space for a period of time longer than that permitted by signs or meters;
 - E. Enter or remain upon Private Business Property beyond the posted time limits;
 - F. Remain upon Private Business Property after being asked to leave for violation of rules and regulations of the Private Business Property owners or lessees;
 - G. Deposit trash or debris on the Private Business Property;
 - H. Allow a motor vehicle to remain upon Private Business Property beyond posted time limits;

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- I. Operate a motor vehicle upon portions of Private Business Property no designed or intended for vehicular traffic; and
 - J. Otherwise operate a motor vehicle in violation of signs or markings posted by the Town or by the owner or lessee of the Private Business Property, or in a manner which would violate Indiana Statute, or a Town Ordinance if committed upon a public way.
- (2) Residential Complex. When the Town has contracted with the owners of a Residential Complex to provide enforcement services within the Residential Complex, it shall be a violation of this Chapter for any person to commit a Moving Traffic Violation which would be a violation of Indiana law if committed upon a public roadway.

Section 8-24 Fines and Enforcement

Electronic Traffic Tickets. If the Town Marshal's office issues electronic traffic tickets, the Town Marshal's office must issue an electronic traffic ticket for a violation of this Ordinance.

The following fines and enforcement shall apply to violations of Section 8-23:

- (1) The penalty for violation of this Chapter shall be a municipal fine in the amount of \$100.00, and such violation shall be referred to the Town Attorney for prosecution.
- (2) In addition to the fines imposed above, any vehicle parked in a fire lane, handicap parking space, or in such a manner as to obstruct vehicular traffic may be towed at the owner's expense for towing and storage.
- (3) The owner and the person in control of a motor vehicle which is parked or operated in a manner prohibited by this Chapter shall be jointly and severally liable for all fines and costs and expenses associated with enforcement, including, but not limited to, towing and storage charges, the Town's attorney's fees and all Court costs.

Article VII. PORTABLE AND OTHER NON-MOTORIZED ITEMS ON PUBLIC STREETS

Section 8-21 Items on Public Street.

Except when in use during daylight hours, all portable basketball goals and all other non-motorized items shall not be placed on a public street within the Town.

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During any snow emergency, no motorized vehicle or non-motorized item may be parked and/or placed on a public street within the Town.

Section 8-22 Violations.

Violation of this article shall be subject to a penalty in the sum of One Hundred Dollars (\$100). Fines not paid within 30 days shall be filed with a Court of competent jurisdiction and the general penalty provisions of Section 1-9 of Town Code shall apply. All amounts collected pursuant to this section shall be deposited in the general fund.

Article VIII. NO PARKING ON PUBLIC STREETS WITHOUT CURBS

Section 8-23 Parking Regulations - Generally.

There shall be no parking on the public streets within the Town, unless the public streets have concrete curbs.

The Street Commissioner is authorized to post signs in furtherance of the regulations contained in this Section.

Section 8-24 Violations.

Violation of this article shall be subject to a penalty in the sum of One Hundred Dollars (\$100). Fines not paid within 30 days shall be filed with a Court of competent jurisdiction and the general penalty provisions of Section 1-9 of Town Code shall apply. All amounts collected pursuant to this section shall be deposited in the general fund.