

**NOTICE OF ADOPTION OF GENERAL ORDINANCE NO. 1-2021**

Notice is hereby given the taxpayers of the City of Marion, Indiana, that the Common Council of the City of Marion, Indiana did on MARCH 2, 2021 adopt the following General Ordinance No. 1-2021, with a public hearing being held on MARCH 2, 2021, and an amendment being made on MARCH 16, 2021:

**GENERAL ORDINANCE NO. 1-2021**

Chapter 90: Abandoned and or Parking of Vehicles

AN Ordinance for Parking in Residential Districts and the use of public right of ways.

WHEREAS the City of Marion has determined that there is a need to enact an ordinance for the establishment and enforcement of parking in residential districts and the use of public right of ways. The City of Marion has determined that these issues cause public health risks, blight, quality of life issues and the possibility of economic development issues. This ordinance shall replace and amend the City of Marion, Indiana Code of Ordinances, 12-2003 Chapter 90 that is now in force.

NOW THEREFORE, The City of Marion does ordain that there shall be in full force and effect after passage, this Ordinance:

90.01 PURPOSE AND INTENT:

The purpose of this ordinance is as follows:

(A) To establish an ongoing program for the identification of parking in residential districts and the use of public right-of-ways.

(B) To establish the responsibilities of property owners, vehicle owners and operators.

(C) To provide for administration and enforcement of standards related to parking in residential districts and the use of public right-of-ways.

90.02 ADOPTION OF STATE LAW:

All the power, purpose, provisions and definitions contained in such “Abandoned Vehicles Act” are incorporated by reference in this city code and made a part thereof.

**Statutory reference:**

Abandoned vehicles, see I.C. 9-22-1-1 through 9-22-1-32 and I.C. 9-13-2-1.

90.03 DEFINITIONS

For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) **ENFORCEMENT AUTHORITY**  
Refers to: (1) City of Marion's Building Department  
(2) City of Marion's Code Enforcement Department  
(3) City of Marion Police Department  
(4) City of Marion Traffic Commission
- (B) **HEARING AUTHORITY:**  
Refers to City of Marion Board of Public Works and Safety
- (C) **OWNER/OPERATOR**  
(1) Property owner is a person or entity with a fee interest in a parcel of real property in the City of Marion, and whose identity and address can be determined from an instrument recorded in the Grant County Recorder's Office.  
(2) Vehicle owner is a person or entity whose identity and address is on the vehicles registration issued by the Bureau of Motor Vehicles for that state.  
(3) Vehicle operator is any person who operates or drives a motor vehicle upon public streets, alleyways, etc.  
(4) Tenant is a person who occupies land or property rented from a landlord.  
(5) Front Yard: The term "front yard" refers to a yard extending across the full width of the lot, lying between the front property line or the right-of-way and the further most projection of the principal building or group of buildings.  
(6) Side yard: The term "side yard" refers to a yard lying between the further most projection of a building and a side lot line and extending from the required front yard to the required rear yard.  
(7) Rear yard: The term "rear yard" refers to the yard extending across the full width of a lot and lying between the rear lot line and the further most projection of a building.  
(8) Drive way: The term "drive way" refers to a passage way for vehicles composed of concrete, asphalt, or gravel that serves to connect a public street or alleyway to a garage or legal parking space.  
(9) Improved area: The term "improved area" refers to a section of the lot that has been altered and defined by concrete, asphalt, or gravel with a positive boundary, with the means of providing a parking space for a vehicle.  
(10) Approved surface is defined as concrete, asphalt or gravel

90.04 REMOVAL BY THE CITY

(A) The Marion Police Department, Marion Code Enforcement Department, City of Marion Traffic Commission and The Marion Building Department shall and are hereby designated as the public agencies which shall be responsible for the removal, storage and disposal of abandoned vehicles as designated in the Abandoned Vehicle Act. In order to facilitate the removal of such abandoned vehicles or parts, the city may employ such personnel and acquire such equipment, property and facilities as are necessary for removal, storage and disposition of abandoned vehicles, not in conflict with the Abandoned Vehicle Act. The City of Marion may contract with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal.

(B) Pursuant to I.C. 9-22-1-13(b), the city or the contractual towing firm may dispose of a vehicle or parts if the established market value of the vehicle or parts is not more than \$1,000.00.

Passed (1985 Code, § 9-9-1.1-1) (Ord. 12-2003, passes 5-8-2003)

90.05 DISPOSAL OF VEHICLES; ABANDONED VEHICLE FUND.

The city shall dispose of impounded vehicles as follows.

- (A) Notify owner within seventy two hours (72) that vehicle has been towed.
- (B) The charge for administrative fees and towing is one hundred eighty dollars (\$180.00).
- (C) Owner has thirty (30) days to reclaim vehicle. A twenty (\$20) charge for each day vehicle is in impound after the initial twenty four (24) hours will be imposed.
- (D) After 30 days vehicle has been impounded an application is sent to State Bureau of Motor Vehicles for approval of disposal of vehicle.
- (E) Monies received for disposal of vehicle shall be deposited in the Abandoned Vehicle Fund.

90.06 PARKING ON STREETS OR THOROUGHFARES

It shall be unlawful to park a vehicle in a front yard, in a side yard or in a rear yard which abuts a street and/or alley of a lot zoned for a residential use. It shall be unlawful to park a vehicle over any part of a sidewalk or curb that is parallel to the public way including the part of the sidewalk that is part of a driveway.

90.07 PARKING IN RESIDENTIAL DISTRICTS

- (A) The only vehicles permitted to be parked in residential districts in the City of Marion shall be:
- (1) Operable automobiles, vans, panel and pick-up trucks (up to one ton), pull –trailers (up to 100 square feet) and motorcycles, and no such automobiles, vans panel and pick-up trucks (up to one ton), pull-trailers (up to 100 square feet), or motorcycles shall be parked other than in the driveway, or an approved surface directly connected to a driveway, street or alley of said residential districts. The parking, storage or display of motor vehicles on grass or other similar areas that do not have an approved parking surface shall not be permitted on any property.
- (2) Operable recreational vehicles, campers and boats, which shall only be parked on an approved parking surface directly connected to the driveway, street or alley of said residential district but not in the street.
- (3) Operable automobiles, vans up to one ton, panel or pick-up trucks, and/or motorcycles may be permitted to be parked in a backyard only if there is no street parking within three hundred (300) feet, or if needed due to a disability, which shall be handled by the Traffic Commission. No Front or side yard parking is permitted.
- (B) The following vehicles that are not permitted to be parked in said residential districts include but may not be limited to: large pick-up or panel trucks over one ton, and other large commercial vehicles, semi-trucks, truck-tractors, farm tractors, road tractors, semitrailers, buses; or inoperable automobiles, vans, panel and pick-up trucks (up to one ton), pull-trailers (up to 100 square feet), motorcycles, recreation vehicles, campers, and boats.
- (C) Permitted and prohibited parking in residential districts is summarized as follows (“Y means yes; “N” means):

Parking of vehicles in Residential Districts					Inoperable motorcycles	N	N	N	N	(1) Yard includes back yard, side yard, parkways, curb, or parkway overlap and areas that are not approved for parking. (2) Operable panel or pick-p trucks (up to one ton) with an overall width of more than 7'6" shall not be parked in the street. (3) Pull-trailers not connected/hitched to operable vehicle shall not be parked in the street. (4) In back Yard	
	Driveway	Street	Connected Alley	Yard <sup>(1)</sup>	Inoperable recreational vehicles	N	N	N	N		
Operable Automobiles	Y	Y	Y	Y (4)	Inoperable campers, boats	N	N	N	N		
Operable Vans (up to one ton)	Y	Y	Y	Y (4)	Operable or inoperable vehicles over one ton	N	N	N	N		
Operable panel or pick-up trucks (up to one ton)	Y	Y <sup>(2)</sup>	Y	Y (4)	Operable or inoperable semi-trucks	N	N	N	N		
Operable pull-trailers (up to 100 square feet)	Y	Y <sup>(3)</sup>	Y	N	Operable or inoperable truck-tractors	N	N	N	N		
Operable motorcycles	Y	Y	Y	Y (4)	Operable or inoperable farm tractors	N	N	N	N		
Division(A)(2)					Operable or inoperable road tractors	N	N	N	N		
Operable recreational vehicles	Y	N	Y	N	Operable or inoperable semi-trailers	N	N	N	N		
Operable campers, boats	Y	N	Y	N	Operable or inoperable pull-trailers over 100 square feet	N	N	N	N		
Division (B)					Operable or inoperable buses	N	N	N	N		
	Driveway	Street	Connected Alley	Yard							
Inoperable automobiles	N	N	N	N							
Inoperable vans (up to one ton)	N	N	N	N							
Inoperable panel and pick-up trucks (up to one ton)	N	N	N	N							
Inoperable pull-trailers (up to 100 square feet)	N	N	N	N							

(D) The prohibition against parking of automobiles, vans, panel and pick-up trucks (up to one ton), pull-trailers (up to 100 square feet),and motorcycles other than in driveways, streets, or alleys in residential districts is deemed a public nuisance. A notice to remove ticket will be place on the vehicle, a \$50 FINE IMPOSED AT TIME OF PLACING TICKET. Fine to be paid within 20 days to the Abandoned Vehicle fund. Vehicle to be removed within 72 hours from the time the ticket is placed on the vehicle. After the vehicle is ticketed three (3) times within a 30 (thirty) day period said vehicle can be towed without further notice.

90.08 PARKING FOR CERTAIN PURPOSES IS PROHIBITED

- (A) Service and/or repairing such vehicle, except for repairs necessitated by an emergency shall be repaired or removed within twenty-four (24) hours. The owner shall post on the dash of vehicle information as to the time and nature of vehicle emergency and contact information. Failure to comply , said vehicle shall be removed (towed) immediately due to a roadway hazard.
- When signs are erected pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked at any time. If failure to observe posted sign, vehicle will be towed immediately. Vehicle to be removed will be towed and stored in the City of Marion Impound Lot. All required paperwork will be completed and all fees shall be paid prior to returning vehicle to the owner.
- (B) At any place where official signs prohibit parking
- (C) Upon any street for any period of time longer that twenty-four (24) continuous hours (except on Saturdays, Sundays and Holidays), as determined within the discretion of the parking enforcement officer.
- (D) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.
- (E) Within fifteen (15) feet on either side of any mailbox.

90.09 PENALTY

- (A) Whoever violates any provision of this code, for which no specific penalty is otherwise provided, shall upon conviction thereof, be fined in the amount not exceeding (fifty) \$50. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as hereunder.
- (B) Any person or entity violating any provision of this shall be immediately assessed without prior notice.
- (C) If a vehicle owner receives a notice of violations of section 90.08 , then Code Enforcement has the right to declare the vehicle abandoned and proceed with removal under 90.04 and 90.05

This Ordinance shall be in full force and effect from and after its passage by the City of Marion Common Council and approved by the Mayor and as provided by law.

PASSED AND APPROVED by the Common Council of the City of Marion, Indiana this 2nd day of MARCH,2021

Attest:

City Clerk  
(Kathleen Kiley)

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President, Marion Common Council  
(Deborah Cain)

Presented by me to the Mayor of the City of Marion, Indiana this 3rd day of March,2021.

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City Clerk  
(Kathleen Kiley)

Approved by me as Mayor of the City of Marion, Indiana this 11th day of March, 2021.

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Mayor Jess Alumbaugh