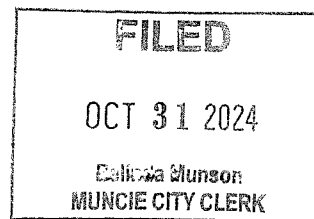


MUNCIE CITY COUNCIL
ORDINANCE NO. 30-24



**AN ORDINANCE AMENDING CHAPTER 77 (PARKING REGULATIONS)
OF THE MUNCIE CODE OF ORDINANCES**

WHEREAS, it has been determined that it is necessary to update Chapter 77 – Parking Regulations within the Muncie City Ordinances; and

WHEREAS, the City of Muncie desires to update said chapter of the code to address issues related to parking regulations and enforcement and to correlate with updated versions of Indiana State Code and ordinances passed under the Muncie Common Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF MUNCIE, INDIANA AS FOLLOWS:

Section 1. That Chapter 77 – Parking Regulations is amended to read as follows:

CHAPTER 77. – PARKING REGULATIONS

Sec. 77.01 Payment of moving and storage charges prerequisites to release of illegally parked car.

The owner of any motor vehicle so removed because of illegal parking shall be required to first pay all moving and storage charges before the motor vehicle is released to the owner.

Sec. 77.02 Impounding provisions in addition to penalties.

The provisions of sections 71.36 and 77.01 of this title are in addition to, and in no way restricted or limited by, penalties provided in other provisions of this Code or city ordinances for violation of parking regulations and restrictions.

77.03 Signs or markings indicating angle parking.

- (A) The City Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign that street, but the angle parking shall not be indicated upon any federal aid highway within the City, unless the Indiana State Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

Sec. 77.04 Obedience to angle parking signs or markings.

Upon those streets that have been signed or marked by the City Engineer for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway indicated by the signs or markings.

Sec. 77.05 Permit for loading or unloading at an angle to the curb.

The City Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading and unloading merchandise or materials subject to the terms and conditions of the permit. The permits may be issued to the owner or the lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Sec. 77.06 Lights on parked vehicles.

Any lighted head lamp shall be dimmed or depressed on any parked vehicle.

Sec. 77.07 Parking not to obstruct traffic.

No person shall park any vehicle upon the street or in an alley in such a manner or under such conditions as would leave available less than ten (10) feet of the width of the roadway for the free movement of traffic.

Sec. 77.08 Blocking driveways.

Any parking which shall block private roads or driveways or every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner is prohibited, except by the owner or such other person.

Sec. 77.09 All-night parking prohibited.

No person shall park a vehicle on any street in the Central Business District for a period of time longer than thirty (30) minutes between the house of 2:30 a.m. and 5:00 a.m. of any day, except physicians on emergency calls, and the City Engineer is authorized to erect signs indicating no parking on either side of any street in the City between certain specific hours, in accordance with ordinances adopted, from time to time, by the Common Council.

Sec. 77.10 Parking for certain purposes prohibited.

No person shall park a vehicle upon the streets or roadway for the purpose of:

- (A) Displaying the vehicle for sale.
- (B) Washing, greasing, or repairing the vehicle, except repairs necessitated by an emergency.
- (C) For the purposes of this section, "emergency" is defined as follows: Emergency refers to a situation where a vehicle is rendered inoperable due to unforeseen mechanical failure or accident, which requires immediate attention to prevent harm to the occupants, other road users, or property. This does not include routine vehicle maintenance or situations where the vehicle can be safely move to a location where repairs can be conducted off the street or roadway.

Sec. 77.11. – Parking prohibited facing traffic.

No person shall stand or park a vehicle on the street or roadway other than in the direction of lawful traffic movement.

Sec. 77.12. Parking prohibited on narrow streets.

When official signs prohibiting parking are erected upon a narrow street as authorized by ordinances adopted by the common council, no person shall park a vehicle in violation of any such sign.

Sec. 77.13. Standing or parking in violation of signs.

The City Engineer is authorized to erect signs, when directed by an ordinance of the city, to prohibit the standing or parking of vehicles, and when the signs are in place, no person shall stand or park a vehicle in violation of any such sign.

Sec. 77.14. Stopping, standing, or parking near hazardous places prohibited.

- (A) The City Engineer is authorized to designate by proper signs, when directed by an ordinance of the city, places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.
- (B) When official signs are erected at hazardous places, as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

Sec. 77.15. Parking adjacent to schools.

- (A) The City Engineer is authorized to erect signs, when directed by an ordinance of the city, indicating parking upon the side of a street adjacent to any school property when the parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (B) When official signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated places.

Sec. 77.16. City Engineer to designate curb loading zones.

The City Engineer is authorized to designate the location of freight loading zones so listed in Chapter 80, Schedule VII, passenger loading zones so listed in Chapter 80, Schedule VIII, and parcel pickup zones so listed in Chapter 80, Schedule XXI, and shall place and maintain signs indicating the same and stating the hours during which the provisions of this section are applicable.

Sec. 77.17. Permits for freight curb loading zones.

- (A) The City Engineer shall not hereafter designate or assign any freight curb loading zone upon special request of any person, unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone. The City Engineer, upon granting a permit and issuing the signs, shall collect from the applicant and deposit in the city treasury a service fee equal in amount to the cost of the signs and the installation thereof used to indicate the zone. The City Engineer may by general regulations impose conditions upon the use of signs

and for reimbursement of the city for the value thereof in the event of their loss or damage and for their return in the event of misuse or upon expiration or revocation of the permit.

- (B) Every permit issued hereunder may be revoked by the City at any time and for any cause or reason.

Sec. 77.18. Standing in passenger curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to the curb loading zone are effective and then only for a period not to exceed three minutes.

Sec. 77.19. Standing in freight curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during the hours when provisions applicable to the zones are in effect. In no case shall the stop for loading and unloading materials exceed 30 minutes.

Sec. 77.20. City Engineer to designate public carrier stands.

The City Engineer is authorized and required to designate bus stops, taxicab stands, and stands for other passenger common carrier motor vehicles on those public streets in those places and in such number as the common council shall determine by ordinance to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand, or other stand shall be designated by appropriate signs.

Sec. 77.21. Parking of buses and taxicabs regulated.

The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop or a taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actively engaged in loading or unloading passengers.

Sec. 77.22. Restricted use of bus stops and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop

therein for the purpose of and while actually engaged in loading and unloading passengers when the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

Sec. 77.23. Regulations governing certain streets.

The provisions of §§ 77.23 through 77.26 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 directions of a police officer or official traffic-control device.

Sec. 77.24. Regulations not exclusive.

The provisions of §§ 77.23 through 77.26 of this chapter imposing a time limit on parking shall not relieve any person from the duty of observing other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

Sec. 77.25. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the streets, or parts of streets.

Sec. 77.26. – Parking time limited.

- (A) When signs are erected giving notice thereof, no person shall at any time park a vehicle for a longer period of time than or during the hours so designated on the sign(s).
- (B) Where time limits are in effect, such time limits shall apply to all designated parking spaces on a single side of a street on a single block. As such, it is unlawful to relocate a vehicle whose time has expired to another position on the same side of the street within the same block.

Sec. 77.27. Parking signs required.

Whenever by this chapter or any other ordinance of the city any parking time limit is imposed or parking is prohibited on designated areas or streets, it shall be the duty of the city traffic engineer to erect appropriate signs or paint the curb lines with yellow traffic paint, giving notice thereof, and no such regulation shall be effective unless the notice is given.

Sec. 77.28. Stopping, standing, or parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle on any street between the hours so specified.

Sec. 77.29. Standing in parcel pickup.

No person shall stop, stand, or park a vehicle for any purpose other than for the expeditious unloading and delivery or pickup and loading of materials or for any length of time other than that specified in any place marked as a parcel pickup zone during the hours when provisions applicable to such zones are in effect.

Sec. 77.30. Parking for handicapped.

- (A) *Physically disabled persons* shall mean any person certified by a qualified physician to be disabled in a manner rendering it impossible or difficult or burdensome for him or her to walk more than two city blocks.
- (B) The board of public works and safety shall keep an accurate and current list of spaces reserved for special parking privileges describing the location. This list shall have the full impact of law as if fully set forth herein. Parking of a vehicle by any person in a space reserved on the list and marked with signs as provided herein without a visible permit showing such parking to be authorized shall be unlawful and shall subject the owner and driver of the vehicle so parked to the penalties provided by this Code. (C) (1) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 5-16-9-9(c)(1)—(3) or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under Indiana Code, or under the laws of another state, in a parking space reserved for a vehicle of a person with a physical disability violates this section.
- (2) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled.
- (3) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, IC 9-18-22, or under the laws of another state violates this chapter and commits a Class C Misdemeanor.
- (4) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability violates this section, if that person is not, at that time in the process of transporting a person with a physical disability or disabled veteran.

- (D) Any vehicle parked in a parking space reserved for a handicapped person's vehicle in violation of this section or IC 5-16-9, may be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle is found.
- (E) The board of public works may enter into a written agreement with private property owners, to permit the removal of any such improperly parked vehicles by the city, upon the request of the owner, person in possession, or authorized agent of the real estate where the vehicle is found. However, any such written agreement shall include the following:
 - (1) The owner of the property agrees to provide labor and materials to clearly mark, sign, and maintain such parking places as instructed by the board of public works, and pay for all costs thereof.
 - (2) The private property owner agrees to indemnify and hold harmless the city from any liability arising out of or connected with the establishment or existence of such parking spaces or removal of vehicles there from.
 - (3) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner, for purposes of establishing and inspection of such spaces and enforcing this section.
 - (4) The property owner shall, prior to the establishment of such parking spaces, obtain and pay for a policy of liability insurance satisfactory to the city, insuring the city against any liability arising out of or connected with the establishment or existence of such parking spaces and the removal of vehicles therefrom, and provide a certificate of insurance to the city.
 - (5) Any such space from which a vehicle may be removed shall be clearly marked by a sign stating that any vehicle parked unlawfully therein is subject to removal.

Sec. 77.31. Parking in fire lanes.

- (A) *Fire lane* shall mean any area of public or private property designated by the fire chief as an area needed for free access to structures for fire extinguishment activities.
- (B) It is unlawful for any person to obstruct a fire lane on public or private property by parking, stopping, or allowing any motor vehicle to stand therein, or by placing any other personal property of any kind therein.
- (C) Any vehicle or other personal property found blocking a fire lane shall be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle or personal property is found. On the request of the owner, person in possession, or authorized agent of the owner of the real estate where the vehicle or personal property is found, the property may be removed by the city. All towing, storage, and other charges resulting therefrom shall be paid by the owner of the personal property, and shall constitute a lien thereon.
- (D) The fire chief shall supervise and direct the establishment of fire lanes as follows.
 - (1) On public property, as approved by the board of public works and safety.

- (2) On private property, on the written request of the property owner, however, such request shall include the following.
 - (a) An agreement to provide labor and materials to clearly mark, sign, and maintain such fire lanes as instructed by the fire chief, and pay for all costs thereof.
 - (b) An agreement to indemnify and hold harmless the city for any liability arising out of or connected with the establishment or existence of such lanes and removal of property therefrom.
 - (c) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner for purposes of establishing and inspection of such fire lanes and enforcing this section.
 - (d) The property owner shall, prior to the establishment of such fire lane, obtain and pay for a policy of liability insurance satisfactory to the city insuring the city against any liability arising out of or connected with the establishment or existence of such lanes and the removal of property therefrom, and provide a certificate of insurance to the city.

Sec. 77.32. Residential neighborhood permit parking.

77.32.010 Definitions.

For the purpose of this section, the following definitions shall apply.

Household dwelling. Any building designed for occupancy on one lot as defined by the City of Muncie Comprehensive Zoning Ordinance.

Residential neighborhood permit parking zone is a list of streets designated in this chapter for the exemption of present parking codes.

77.32.020 Applicability.

The following zones are designated as residential neighborhood permit parking zones:

Riverside Normal City Residential Neighborhood Permit Parking Zone shall apply as outlined in Ch. 80, Sched. XXII (b).

Anthony Northside Residential Neighborhood Permit Parking Zone shall apply as outlined in Ch. 80, Sched. XXII (b).

77.32.030 Eligibility.

Each lot is entitled to one permit only. Permits may be issued to tenants or owners.

77.32.040 Expiration of permits.

Permits shall expire on July 31st of each year.

77.32.050 Information required on application.

Permits will only be issued to lot owners or tenants within the neighborhood permit parking zone where on street parking is available. Proof of ownership or lease must be submitted upon making application for parking permit.

77.32.060 *Parking space not guaranteed.*

A residential neighborhood parking permit shall not guarantee or reserve the holder an on-street parking space.

77.32.070 *Change of residency.*

If tenants or owners of a property change during the year, the new resident may complete a change of residency form and request application for permit.

77.32.075 *Change of Plates.* It is the duty of the permit holder to notify the City and update their parking permit whenever there is a change in vehicle license plates. The permit holder must provide the new plate information to the City within seven (7) days of the change to ensure the permit remains valid.

77.33.076 *Transfer of ownership of permitted vehicle.*

Upon presentation of a previously issued permit and proof of transfer of ownership of the vehicle for which the permit was issued, a lot owner or tenant is entitled to a new permit at no charge.

77.34.080 *Precedence of abandoned vehicle regulations.*

No part of this chapter shall be interpreted to conflict with existing regulations of abandoned vehicles, as specified in Section 76.02 and Chapter 76 of the City of Muncie Municipal Code.

77.32.090 *Precedence of no parking zones.*

The residential neighborhood permit parking zones do not take precedence over temporary or permanent no parking zones posted by the street department, engineering department, or police department for tree removal, snow removal, street sweeping or other actions deemed necessary by the city.

Sec. 77.33. Reserved.

Sec. 77.34. Use of city parking kiosks.

(A) *Prohibited conduct.*

- (1) Any vehicle parked or standing on a space in which the kiosk assigned does not indicate that sufficient money has been deposited in the kiosk shall have a violation notice or uniform traffic ticket placed thereon indicating the offense of overtime parking.
- (2) It shall be prima facie evidence that insufficient money has been deposited in a parking kiosk if the kiosk indicates that a violation has occurred.
- (3) All vehicles parking in the city's designated parking areas must be facing forward into the parking space. No vehicle may back into a city parking space.

(B) *Administrator.* Parking kiosks and the designated city parking areas shall be under the supervision and jurisdiction of the Muncie Police Department and its duly appointed and acting officers.

(C) *Penalties.*

- (1) The parking of a motor vehicle on a space in which a violation is indicated by the parking kiosk is herewith declared to be an offense punishable by a fine or penalty as outlined in section 77.99.
- (2) The parking of a motor vehicle on a space in which a violation is indicated by the parking kiosk may be removed or caused to be removed by an officer of the police department after the passage of a reasonable amount of time, but in no event less than four hours.
- (3) The owner of such vehicle shall be responsible for all towing, storage, and other charges resulting from the removal of the vehicle.

(D) *Disposition of funds.*

- (1) An alternate transportation fund shall be established and the revenues derived from paid parking facilities shall be deposited daily in such a fund as received. The revenues shall not become or be a part of the general revenue or general fund of the City of Muncie. The contents of this fund shall be used for the operations, maintenance, improvements, acquisitions of additional parking facilities as may be determined by the board of public works and safety and to support a sustainable vehicle and equipment program for the City of Muncie Police Department, subject to approval of the common council.
- (2) The rate for use of parking facilities for which a parking kiosk is assigned shall be \$1.00 per hour.

Sec. 77.35. – Yellow-painted curb.

A yellow-painted curb shall constitute notice that parking any portion of a vehicle adjacent to such a curb is prohibited.

Sec. 77.36. – Standing or parking close to curb.

Every vehicle stopped or parked upon a two-way roadway shall be stopped or parked in the direction of lawful traffic movement and with the right-hand wheels parallel to and within ten (10) inches of the right-hand curb or, if there is no curb, within ten (10) inches of the edge of the roadway, except as otherwise provided in this chapter. Every vehicle stopped or parked upon a one-way roadway shall be stopped or parked in the direction of lawful traffic movement and with the wheels of the vehicle within ten (10) inches of the curb or, if there is no curb, within ten (10)

inches of the edge of the roadway. No person shall park any vehicle between the curb and sidewalk on any street right-of-way in the city, unless express written permission is given by the City Engineer and the City's Chief of Police.

Sec. 77.37. – Parking on public property restricted.

No person shall park any disassembled, inoperable, unlicensed, or vehicle with an expired license, nor shall any person leave any junked, wrecked, abandoned, or any vehicle, whether in running order or not, on any street, alley, or city-controlled parking lot or garage. Any unauthorized vehicle found in violation of such provisions of this section shall be removed under proper order of any member of the Police Department at the expense of the owner of such vehicle.

Sec. 77.38. – Parking or stopping near fire hydrant.

It shall be unlawful for the owner, driver, or operator of any vehicle to park, stop, stand or permit a vehicle to be parked, to be stopped at any time, day or night, within sixteen (16) feet measured laterally along the curb line of any fire hydrant, or Fire Department, Police or Sheriff Departments, Emergency Medical Services, official vehicles of the city, county, or state and any other type of motorized equipment used by them, while and where actually engaged in authorized work upon the surface or other portions or appurtenances to a highway, except that all persons shall exercise reasonable care to avoid injury to any person or damage to any property. This section shall not apply to those vehicles stopping or standing when in a line of moving traffic due to official traffic control devices, signals or orders of the Police.

Sec. 77.39. – Parking prohibited in specified places.

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

1. On a sidewalk or between sidewalk and curb;
2. Within six (6) feet on either side of a public or private driveway;
3. Within an intersection;
4. On a crosswalk;
5. Within twenty-one (21) feet of a crosswalk at an intersection;

6. Within thirty-one (31) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
7. Within fifty (50) feet of the nearest rail of a railroad crossing;
8. Within twenty-one (21) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within eighty-five (85) feet of the entrance, when properly signposted;
9. On the roadway side of any vehicle stopped or parked at the edge of a curb of a street, except when loading or unloading as provided by this chapter or other ordinances of the City;
10. On any bridge or other elevated structure, except where indicated otherwise;
11. On a highway or within a highway tunnel
12. Upon any islands which separate traffic lanes;
13. Where official signs or markings have been erected or painted prohibiting parking or stopping;
14. In a bicycle lane, multi-use path, or other areas designated for bicycles except when a service or delivery vehicle is loading, unloading, or providing temporary service in the area.

(B) This section shall not apply to any emergency vehicle of a Fire Department, Police, or Sheriff Department, Emergency Medical Services, official vehicles of the city, county, or state, official volunteer firefighters and emergency medical technicians, and any other type of departmental equipment used by them, while and where actually engaged in authorized work upon the surface or other portions on appurtenances to a highway, except that all such persons shall exercise reasonable care to avoid injury to any person or damage to any property. This section shall not apply to those vehicles stopping or standing when in a line of traffic due to official traffic-control devices, signals, or orders of public safety officers.

Section 2. This Ordinance shall be in full force and effect after its passage by the Common Council, its approval by the Mayor of the City of Muncie and its publication in accordance with the law.

Passed by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2024.

	Yeas	Nays	Abstained	Absent
Jeffrey Green	_____	_____	_____	_____
Nora Evans Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____

Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Harold Mason Jr.	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh	_____	_____	_____	_____

 President Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 2024.

 Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2024.

 Dan Ridenour, Mayor of the City of Muncie

ATTEST:

 Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member *Dale Basham*

This Ordinance is approved in form by Controller *[Signature]*

This Ordinance is approved in form by Legal Counsel *[Signature]*