

ORDINANCE 2016-12

AN ORDINANCE AMENDING CHAPTER 6.07 OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS, INDIANA CONCERNING REGULATION OF TRAFFIC ON PRIVATE BUSINESS PROPERTY AND RESIDENTIAL COMPLEXES

WHEREAS, the Town Council previously adopted Chapter 6.07 of the Municipal Code, concerning the regulation of traffic on "private business property;" and,

WHEREAS, I.C. §9-21-18-4.1, effective July 1, 2016, alters Indiana law to permit contractual enforcement of moving traffic violations in a "residential complex," as well as on private business property as previously permitted by I.C. §9-21-18-1, *et seq.*, and imposes differential requirements for the regulation and enforcement of traffic violations in a residential complex than on private business property; and,

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Santa Claus, Indiana, that a new Section 1.55 is hereby added to Municipal Code of the Town of Santa Claus, Indiana, as follows:

Chapter 6.07

REGULATION OF TRAFFIC ON PRIVATE BUSINESS PROPERTY AND RESIDENTIAL COMPLEXES

Sections:

|          |                                   |
|----------|-----------------------------------|
| 6.07.010 | Definition                        |
| 6.07.020 | Authority to Enter Into Contracts |
| 6.07.030 | Violations                        |
| 6.07.040 | Fines and Enforcement             |

6.07.010 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 Santa Claus which are zoned as "Residential" (R-1, R-2, or R-3) under Title 11 of the Santa Claus Municipal Code, which are subdivided into a platted and recorded subdivision which contains private roadways and streets owned and maintained by any nonprofit corporation established for the mutual benefit of the members of such corporation.
- (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.

#### **6.07.020 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:
  - 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 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 I.C. §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 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;
  - 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;

E. Any other reasonable and desirable terms or conditions considered appropriate by the Town Council.

#### **6.07.030 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 vehicles in a space reserved for handicap parking under I.C. §5-16-9 or I.C. §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;

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 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.

**6.07.040 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.

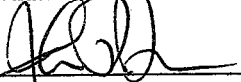
The following fines and enforcement shall apply to violations of Section 6.07.030:

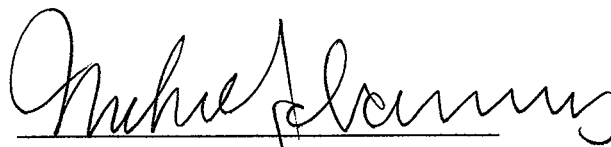
- (1) The penalty for violation of this chapter shall be a municipal fine in the amount of \$20.00, and such violation shall be referred to the Town Attorney for prosecution.
- (2) In addition to the fines imposed above, any vehicle parked in a fire lane, handicap parking space, or in such a manner as 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."

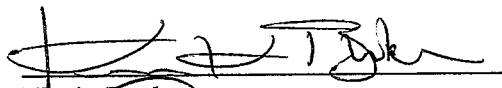
The foregoing amendment to Municipal Code Chapter 6.09 shall be in full force and effect upon its adoption and publication as required by law.

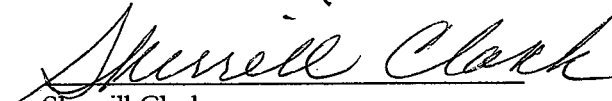
**PASSED AND ADOPTED** by the Town Council of the Town of Santa Claus, Indiana this 12<sup>th</sup> day of September, 2016.

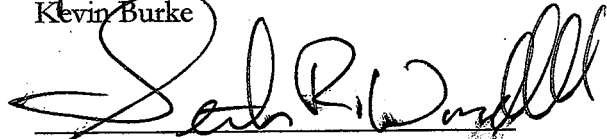
SANTA CLAUS TOWN COUNCIL

  
\_\_\_\_\_  
John Bowen, President


  
\_\_\_\_\_  
Michael Johannes

  
\_\_\_\_\_  
Kevin Burke

  
\_\_\_\_\_  
Sherrill Clark

  
\_\_\_\_\_  
Seth R. Windell

Attest:

  
\_\_\_\_\_  
Kelly Greulich, Clerk-Treasurer