

Title 4. Motor Vehicles and Traffic

Article 1 Motor Vehicles and Traffic

Chapter 1 In General

4.1.1.1 Obedience required.

Sec. 1 It is unlawful for any person to do any act forbidden or fail to perform any act required in this Code title.

(Ord. 2678, § 1, 5-13-1980)

4.1.1.2 Push carts, riding and driving animals, etc.

Sec. 2 Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this Code article applicable to the driver of any vehicle, except those provisions of this Code article which by their very nature can have no application.

(Ord. 1607, § 32, 5-6-1963)

4.1.1.3 Regulation of traffic on school properties.

Sec. 3 (a) Applicability. This Code section shall be applicable and in full force and effect after adoption, publication and posting of signs with respect to all school properties located inside the City limits of the City which make up Goshen Community Schools.

(b) Speed limits; notification. The speed limit for all motor vehicles on all drives and roadways located upon the aforementioned school properties shall be twenty-five (25) miles per hour. The speed limit signs shall be erected to notify all motor vehicle operators of the speed limits.

(c) Responsibility for erection of signs. Stop signs, yield right-of-way signs, speed limit signs and one-way directional signs shall be erected at locations as determined by the Board of Public Works and Safety of the City, after consulting with the superintendent of Goshen Community Schools or the superintendent's designated representative.

(d) Payment for erection of signs. The cost of the signs to be placed upon the school properties shall be paid for by Goshen Community Schools.

(e) Violations; Penalties. It is unlawful for any person to violate any of the provisions of this Code

section. Every person convicted of a violation of any of the provisions of this Code section shall, for the first conviction thereof, be punished by a fine of not more than One hundred Dollars (\$100.00); for a second such conviction within one (1) year after the first conviction, such person shall be punished by a fine of not more than Five hundred Dollars (\$500.00).

(Ord. 2309, §§ 1-5, 3-2-1976; Ord. 2679, § 1, 5-13-1980)

4.1.1.4 Pedestrians subject to traffic control signals.

Sec. 4 Pedestrians shall be subject to traffic-control signals, and at all places pedestrians shall be granted those rights and be subject to the restrictions stated in this Code article.

(Ord. 1607, § 89, 5-6-63)

4.1.1.5 Obedience to official traffic control devices.

Sec. 5 No driver of a vehicle or motorman of a street car shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this Code article unless otherwise directed by a police officer or a fireman.

(Ord. 1607, §§ 41, 44, 46, 51, 54, 55, 57, 60, 63, 96, 104, 121 to 123, 5-6-1963)

4.1.1.6 Evading signs, signals, etc.

Sec. 6 No person shall drive through any filling station driveway, or other driveway, in order to evade an official traffic control sign, signal, device or other marking.

(Ord. 1607, § 72, 5-6-1963)

4.1.1.7 Obedience to police officers.

Sec. 7 No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(Ord. 1607, § 31, 5-6-1963)

4.1.1.8 Obedience to fireman.

Sec. 8 No person shall willfully fail or refuse to comply with any lawful order of direction of a fireman.

(Ord. 1607, § 31, 5-6-1963)

4.1.1.9 Play streets.

Sec. 9 Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or who reside within such closed area, and then any said driver shall exercise the greatest care in driving upon any street or portion thereof.

(Ord. 1607, § 44, 5-6-1963)

4.1.1.10 Passing restriction.

Sec. 10 No person operating any motor vehicle having a gross weight of five thousand (5,000) pounds on any public highway or street, shall overtake and pass any motor vehicle traveling any such public highway or street, whether or not such highway or street is wide enough to accommodate more than two (2) lanes of traffic.

(Ord. 1607, § 78, 5-6-1963)

4.1.1.11 Entering intersections so as to obstruct traffic.

Sec. 11 No driver of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Ord. 149, § 15, 9-14-1903; Ord. 1607, § 62, 5-6-1963)

4.1.1.12 Limitations on backing.

Sec. 12 The driver of a vehicle shall not back the same unless movement can be made with reasonable safety and without interfering with other traffic.

(Ord. 1607, § 69, 5-6-1963)

4.1.1.13 Drivers in a procession.

Sec. 13 Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Ord. 1607, § 68, 5-6-1963)

4.1.1.14 Driving on sidewalk.

Sec. 14 The driver of a vehicle shall not drive within any sidewalk area except at a permanent or

temporary driveway.

(Ord. 1607, § 68, 5-6-1963)

4.1.1.15 Pedestrians generally.

Sec. 15 (a) No pedestrian shall cross a roadway at any place other than a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

(b) No pedestrians shall cross a roadway other than in a crosswalk in central traffic district or in any business district.

(c) No pedestrians shall pass through, around, over, or under any crossing gate or barrier at railroad grade crossing gate or bridge while such gate or barrier is closed or is being opened or closed.

(Ord. 1607, §§ 90 and 91, 5-6-1963)

4.1.1.16 Pedestrians soliciting employment.

Sec. 16 No person shall stand on a street or highway for the purpose of soliciting employment, or business from the occupant of any vehicle.

(Ord. 1607, § 92, 5-6-1963)

4.1.1.17 Vehicle doors.

Sec. 17 No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so. No person shall leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Ord. 1607, § 70, 5-6-1963)

4.1.1.18 Boarding or alighting from vehicles.

Sec. 18 No person shall board or alight from any vehicle while such vehicle is in motion.

(Ord. 1607, § 73, 5-6-1963)

4.1.1.19 Unlawful riding of vehicle.

Sec. 19 No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary

discharge of his duty, or to persons riding within truck bodies in space intended for merchandise.

(Ord. 1607, § 74, 5-6-1963)

4.1.1.20 Roller skating, etc.

Sec. 20 No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a cross-walk and when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Code section shall not apply upon any street while set aside as a play street pursuant to this Code article.

(Ord. 1607, § 33, 5-6-1963)

4.1.1.21 Impoundment of vehicles.

Sec. 21 (a) Members of the police department are authorized to remove a vehicle from a street or highway to any garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by this City under any of the following circumstances:

- 1) When any vehicle is left unattended upon a bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
- 2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic, and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal, or when the person in charge of the vehicle refuses to move the vehicle to a safe place within a reasonable time after a lawful request or notice to move said vehicle.
- 3) When any vehicle is left unattended upon a street or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- 4) Whenever such vehicle is parked in violation of this Code article or must be moved for any reasonable purpose, including cleaning of streets; the members of the police department are authorized to remove or cause to be removed such vehicle to any garage or other place designated by the police department.

(b) Whenever an officer removes a vehicle from a street as authorized in this Code section and the officer is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore, and the place to which such vehicle has been

removed. In the event any such vehicle is stored in a public garage, a copy of such notices shall be given to the proprietor of such garage.

(Ord. 1607, § 145, 5-6-1963; Ord. 2504, § 2, 6-6-1978)

4.1.1.22 Parental responsibility.

Sec. 22 It shall be unlawful for the parent of any child and the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this Code article.

4.1.1.23 Definitions.

Sec. 23 Whenever words and phrases used in this Code article are not defined in this Code but are defined in the Uniform Act Regulating Traffic on Highways, such definitions shall be deemed to apply to such words and phrases. As used in this Code article, the following terms shall have the meaning ascribed to them below:

- 1) ALLEY. A public roadway which affords only secondary means of vehicular access to abutting property and not over twenty (20) feet in width.
- 2) CENTRAL BUSINESS DISTRICT. All streets and portion of streets within the area bounded by Madison Street on the south, Sixth Street on the east to Lincoln Avenue, thence east on Lincoln to Penn Central Railroad track. Following Penn Central Railroad track northwesterly to Main Street, thence south to Pike Street, thence west on Pike to the Elkhart River, thence southerly along Elkhart River to Lincoln Avenue, thence east on Lincoln Avenue to Second Street south on Third to Madison.
- 3) COMMERCIAL VEHICLE. Every vehicle designed, maintained, or used primarily for the transportation of property.
- 4) STAND or STANDING. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- 5) STOP. The complete cessation of movement.
- 6) STOP or STOPPING. Any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- 7) TRUCK. Every commercial vehicle having dual back wheels, over two (2) axles, or over four (4) wheels. This definition does not include those vehicle used primarily for personal use,

delivery of goods to local residence, or municipally-owned vehicles.

(Ord. 1607, §§ 2, 7, 11, 18, 5-16-1963; Ord. 2787, § 1, 5-6-1981)

Article 2 Administration and Enforcement

Chapter 1 Administration and Enforcement

4.2.1.1 Emergency and experimental regulations.

Sec. 1 (a) The chief of police, by and with the approval of the Board of Public Works and Safety, is hereby empowered to make regulations necessary to make effective the provisions of 4.2.1 of this Code, and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(b) The Board of Public Works and Safety may test traffic control devices under actual conditions of traffic.

(Ord. 1607, § 28, 5-6-1963)

4.2.1.2 Traffic Commission.

Sec. 2 (a) There is established a Traffic Commission to serve without compensation, consisting of the Board of Public Works and Safety, the chief of police, or in his discretion as his representative, a member of the police department, a member of the Common Council, such other City officers and representatives of unofficial bodies as may be determined and appointed by the mayor and may be removed by him.

(b) It shall be the duty of the Traffic Commission, and to this end, it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise preparation and publication and to recommend ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

(c) The traffic commission shall meet when called into session by the commission chairman or the mayor. The commission shall meet biannually, once in the first half and once during the second half of the fiscal year, with a reasonable advance notice. The number of sessions over the minimum requirements shall be left to the discretion of the mayor and the chairman of the commission.

(Ord. 1607, § 291, 5-6-1963)

4.2.1.3 Authority of police and fireman.

Sec. 3 (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all provisions of this Code article and all of the state vehicle laws.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic law.

(c) Officers of the fire department, when in uniform, may direct or assist the police in directing traffic.

(Ord. 1607, § 30, 5-6-1963)

4.2.1.4 Presumption.

Sec. 4 In any prosecution charging a violation of any law, ordinance or regulation governing the parking or standing of a vehicle, proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute prima facie evidence that such registered owner was the person who parked such vehicle at the time and place and for the time during which such violation occurred.

(Ord. 1607, § 140, 5-6-1963)

4.2.1.5 Notice for unattended cars.

Sec. 5 Whenever any a motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Code article and other ordinances relating to traffic, then the officer finding such vehicle shall take its registration number and may take any other information displayed on such vehicle which may identify its owner or user, and shall conspicuously affix to such vehicle a notice in writing on a duplicate form provided by the clerk treasurer, for the driver to answer to the charge against him within the time and at the place specified in the notice. The officer shall send one copy of such notice to the Traffic Violations Bureau.

(Ord. 1607, § 139, 5-6-1963)

4.2.1.6 Destruction of traffic ticket or notice for unattended cars.

Sec. 6 No person, whether the recipient thereof or otherwise, shall willfully throw away, mar,

mutilate, destroy or discard a traffic ticket or the notice required in 4.2.1.5 of this Code.

(Ord. 1607, § 141, 5-6-1963)

4.2.1.7 Records.

Sec. 7 (a) The chief of police shall maintain or cause to be maintained, in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the City judge or the traffic violations bureau.

(b) The chief of police shall also maintain or cause to be maintained, a record of all warrants issued by the City judge or by any other court on said traffic violation charges and which delivered to the police department for service, and of the final disposition of all such warrants.

(Ord.1607, § 135, 5-6-1963)

4.2.1.8 Disposition of fines, fees, etc.

Sec. 8 All fines, forfeitures, fees and costs collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any provisions of this Code article shall be paid into and received by the clerk-treasurer as required by law.

(Ord. 1607, § 142, 5-6-1963)

4.2.1.9 Parking enforcement personnel.

Sec. 9 (a) The Board of Public Works and Safety may enter into contracts for the employment of parking enforcement personnel.

(b) Parking enforcement personnel shall be uncommissioned personnel under the jurisdiction of the chief of police who shall be responsible for their supervision and direction. Their duties shall be to patrol assigned areas during periods designated and they are empowered to enforce all parking regulations and those parts of this Code pertaining to pedestrians and bicycles, to issue violation tickets or notices on forms prescribed by the police department, to answer inquiries and give direction to the public and to be of service within the range of the job assignment; to observe, record and report defective or damaged meters and to perform such other duties as are required to those enumerated. Parking enforcement personnel shall not be police officers and shall have no police powers to arrest. They shall wear a uniform prescribed by the chief of police.

(c) Parking enforcement personnel shall serve at the pleasure of the Board of Public Works and Safety and their salaries, uniforms, and others costs of operation shall be from time to time appropriated by the Common Council.

(Ord. 1864, §§ 1 to 3, 11-4-1968; Ord. 1939, 7-6-1970)

Article 3 Traffic Regulations

Chapter 1 Traffic Control Signals

4.3.1.1 Generally.

Sec. 1 (a) Vehicular movement or parking on all streets and highways under the jurisdiction of the City of Goshen, shall be governed by the traffic control signals promulgated by the Board of Public Works and Safety.

(b) All changes and additions to the traffic signals or their location shall be made by action of the Board of Public Works and Safety after determining that the traffic control signals are warranted by the terms and conditions of the Indiana Manual of Uniform Traffic Control Devices for Streets and Highways. All changes and additions shall be promptly made available from the Engineering Department.

(Ord. 3424, § 3, 8-7-1990)

4.3.1.2 Violations.

Sec. 2 Any person who violates any provision of 4.3.2 of this Code shall upon judgment of violation be fined not more than Five hundred Dollars (\$500.00).

(Ord. 3424, § 3, 8-7-1990)

Chapter 2 Speed Limits

4.3.2.1 Established.

Sec. 1 (a) The laws of the State of Indiana establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the City of Goshen, Indiana, except in the circumstances where, as properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an engineering and traffic investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances, it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof.

(b) A listing of each City street or highway upon which the speed has been increased or decreased by local authorities of the City of Goshen, Indiana, has been compiled by the City and shall be known as the Goshen Speed Limits. The clerk-treasurer of the City of Goshen shall maintain the list of

Goshen Speed Limits and make such listing available for public inspection. All changes in such listing by the City authorities shall be promptly attached to such listing by the clerk-treasurer.

(Ord. 2932, § 2, 12-7-1982)

4.3.2.2 Penalties for violations.

Sec. 2 Any person who violates any provision of this Code chapter shall upon successful adjudication be fined not more than Two thousand five hundred Dollars (\$2,500.00).

(Ord. 2932, § 3, 12-7-1982)

Article 4 Parking

Chapter 1 Generally

4.4.1.1 Parking prohibitions generally.

Sec. 1 No vehicle shall be parked:

- 1) Across the main line or marking of a parking space or in a position that the vehicle shall not be entirely within the area designated by the lines or markings.
- 2) In a road right-of-way in the opposite direction of oncoming traffic.
- 3) In any area where parking is prohibited.
- 4) In any City-owned parking lot in violation of the regulations posted for the lot.
- 5) For a period of time in excess of the posted time limitation.
- 6) In a parking space reserved in accordance with Indiana Code 5-16-9-2 for a vehicle of a person with a physical disability without displaying a placard issued under Indiana Code 9-14-5 or under the laws of another state, a registration plate of a person with a physical disability, or a registration plate of a disabled veteran.

(Ord. 4174, § 1, 9-2-2003)

4.4.1.2 City-owned or operated parking lots.

Sec. 2 All rules and regulations regarding parking, standing, or moving vehicles embodied in this Code chapter, shall apply on all City-owned and operated parking lots.

(Ord. 1607, § 76, 5-6-1963)

4.4.1.3 Violation.

Sec. 3 (a) Upon discovery of any violation, a notice shall be attached to the vehicle that is parked in violation of this Code chapter.

(b) For the purposes of this Code chapter, the owner or person in whose name the vehicle is registered shall be liable for the violation.

(Ord. 4174, § 2, 9-2-2003)

4.4.1.4 Penalties.

Sec. 4 (a) Upon receiving notice of a violation of this Code chapter other than 4.4.1.1, 6) of this Code, the owner or operator may, within twenty-four (24) hours of the time when the notice is attached to the vehicle, pay at the Goshen Police Department the sum of Ten Dollars (\$10.00) in full satisfaction of the violation. The overtime parking fee shall be increased to Twenty Dollars (\$20.00) if the violation exceeds the legally posted limit by more than two (2) hours but less than four (4) hours, and an additional fee of Ten Dollars (\$10.00) shall be paid for each additional two (2) hours of violation or fraction thereof, beyond four (4) hours.

(b) Upon receiving a notice of a violation of 4.4.1.1, 6) of this Code, the owner or operator may, within twenty-four (24) hours of the time when the notice is attached to the vehicle, pay at the Goshen Police Department the sum of Forty Dollars (\$40.00) in full satisfaction of the violation.

(c) An administrative charge of Ten Dollars (\$10.00) shall be added to any violation which is not paid within twenty-four (24) hours but is paid within thirty (30) days of the notice of the violation.

(d) If the violation has not been paid within thirty (30) days, the parking violation shall be referred to the City Attorney to file an ordinance violation with the court. Upon such referral, the owner of the vehicle shall be liable for a fine not to exceed Five hundred Dollars (\$500.00) and court costs.

(Ord. 4174, § 3, 9-2-2003)

4.4.1.5 Alleys.

Sec. 5 (a) No person shall park any vehicle within an alley, except while in the process of loading or unloading merchandise, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicle traffic.

(b) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Ord. 1607, § 102, 5-6-1963)

4.4.1.6 Repair or storage.

Sec. 6 No person shall park a vehicle upon any roadway for the principle purpose of repairing or storing such vehicle.

(Ord. 1607, § 103, 5-6-1963)

4.4.1.7 Display for sale.

Sec. 7 No person shall park a vehicle upon any roadway for the principal purpose of displaying it for sale.

(Ord. 1607, § 103, 5-6-1963)

4.4.1.8 Unloading permit.

Sec. 8 (a) The Board of Public Works and Safety is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials, subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privileges as therein stated and authorized herein.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Ord. 1607, § 97, 5-6-1963)

4.4.1.9 Curb loading zones.

Sec. 9 (a) The Board of Public Works and Safety shall designate loading zones upon application for a permit for such zone requesting two (2) signs to indicate the ends of each zone. The Board upon granting the permit and issuing the signs shall collect from the applicant, and deposit in the City treasury, a fee per year or fraction thereof as set forth in the ordinance and may by general regulations, impose conditions under the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage, and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

(b) 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 hours when regulations applicable to such curb loading zones are effective, and then only for a period not exceed three (3) minutes.

(c) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as freight curb loading zone during hours when the provisions applicable to such zones are in effect, except for the unloading or loading of passengers, with a three (3) minute time limit. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(Ord. 1607, §§ 108 to 110, 5-6-1963)

4.4.1.10 Taxi and bus stands.

Sec. 10 (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any place for the purpose of loading or unloading passengers or their baggage, other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of emergency.

(c) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb, and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated, as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in expeditious loading or unloading of passengers.

(e) 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 the passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Ord. 1607, §§ 112 and 113, 5-6-1963)

4.4.1.11 Maximum parking.

Sec. 11 No person shall park a vehicle upon any roadway or any street for a period of time longer than seventy two (72) hours.

(Ord. 1607, § 107, 5-6-1963)

4.4.1.12 Annual parking pass in Central Retail District.

Sec. 12 (a) Any residential use within the Central Retail District that cannot demonstrate the availability of at least two (2) off-street parking spaces per unit within one hundred fifty (150) feet of the unit under the same ownership will be required to purchase two (2) annual parking passes per unit, except a residential unit of less than four hundred fifty (450) square feet will only be required to purchase one (1) parking pass.

(b) A parking pass must be displayed in the lower corner of the front window on the driver's side.

(c) A parking pass will entitle the vehicle displaying the pass to park in any public parking lot in the Central Retail District. A parking pass will not entitle the vehicle displaying the pass to park on the street in the Central Retail District in violation of the posted restrictions.

(d) A parking pass may be purchased from the Goshen Clerk-Treasurer's Office for an annual amount as set forth by the ordinance per pass. Parking passes will only be sold to the owners of real estate in the Central Retail District who have residential uses. The parking passes are limited to no more than two (2) for each residential use within the Central Retail District. If real estate is converted to a residential use or if additional residential units are occupied after March 1st of any year, the cost of the parking passes for such residential units will be prorated, except a minimum amount as set forth in the ordinance will be charged.

(e) The Central Retail District is defined, for the purpose of this Code section, as the area west of the centerline of Fifth Street, south of Pike Street, east of the alley between Third Street and Second Street, and north of the centerline of Madison Street. In addition, the Central Retail District includes 210 East Lincoln Avenue.

(f) All proceeds from the sale of parking passes will be placed in a non-reverting fund to be used for the acquisition, construction, improvement, or maintenance of parking facilities for the benefit of the Central Retail District.

(Ord. 4341, 2-7-2006)

Chapter 2 Controlled Parking in Yards; Sidewalks

4.4.2.1 Prohibited parking areas.

Sec. 1 (a) It shall be unlawful to park a vehicle in a front yard, in a side yard on the street side of a corner lot, or in a rear yard that abuts a street.

(b) It shall be unlawful to park a vehicle over any part of the sidewalk or curb that is parallel to the public way, including the part of the sidewalk that is part of a driveway.

(Ord. 3900, § 1, 8-3-1999)

4.4.2.2 Exceptions.

Sec. 2 For the purposes of this Code chapter, parking is permitted in the following areas:

- 1) An improved space in the prohibited parking area used as a parking space before this Code chapter is adopted, provided that the entrance to the improved area is via a driveway or curb cut, except where adjacent to a paved street where there is no curb.
- 2) Parking in any portion of the driveway that may be located in the front yard, rear yard, or side yard, except the portion that is part of the sidewalk.
- 3) Parking within ten feet (10') of the edge of the street where no curb is present, within the existing right-of-way, and in an improved area.
- 4) Any improved area meeting setback requirements and other applicable zoning provisions. The Planning and Zoning Department must determine compliance with all such improved areas.
- 5) Parking in a front yard, side yard, or rear yard for the purpose of unloading a vehicle, washing a vehicle or some other similar purpose. The vehicle, however, must be removed from the front yard, side yard, or rear yard once the task is completed.

(Ord. 3900, § 2, 8-3-1999)

4.4.2.3 Enforcement; citation; penalty.

Sec. 3 (a) The City of Goshen Ordinance Administrator, a representative of the Planning and Zoning Department, and representative of the Building Department, or any officer of the Police Department may enforce the provisions of this Code chapter. The preceding authorized persons shall be known as "officer" for the purposes of this Code chapter.

(b) An officer may issue a citation for a violation of this Code chapter, subjecting the violator to a fine up to Five hundred Dollars (\$500.00). The citation shall be placed in a prominent place upon the vehicle.

(c) The citation shall be filed with the City of Goshen Violations Bureau or with any court of competent jurisdiction in Elkhart County, Indiana.

(d) For the purposes of this Code chapter, the violator shall be the person to whom the unlawfully parked vehicle is registered.

(Ord. 3900, § 4, 8-3-1999)

4.4.2.4 Definitions.

Sec. 4 For the purpose of this Code chapter, the following terms, phrases and words shall have the following meanings:

- 1) 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 furthestmost projection of the principal building or group of buildings.
- 2) SIDE YARD. The term “side yard” refers to a yard lying between the furthestmost projection of a building and a side lot line and extending from the required front yard to the required rear yard.
- 3) REAR YARD. The term “rear yard” refers to a yard extending across the full width of a lot and lying between the rear lot line and the furthestmost projection of a building.
- 4) DRIVEWAY. The term “driveway” refers to a passage way for vehicles composed of concrete, asphalt, or gravel that serves to connect a public street or alley to a garage or legal parking space.
- 5) 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, for the means of providing a parking space for a vehicle. The improved area must be entered via a driveway or curb cut, except where adjacent to a paved street where there is no curb.

(Ord. 3900, § 3, 8-3-1999)

Chapter 3 Parking During Infrastructure Improvement

4.4.3.1 Parking on streets designated for infrastructure repair, snow removal or brush removal.

Sec. 1 It shall be unlawful for any person to park any vehicle or to permit a vehicle to remain parked along any street designated for infrastructure repairs, snow removal, leaf removal or brush removal.

(Ord. 3874, § 1, 2-2-1999)

4.4.3.2 Designation and notice.

Sec. 2 (a) When required for infrastructure repairs, snow removal, leaf removal or brush removal, the area and duration of the prohibited parking on a street shall be designated by the City. The prohibited parking shall be as limited in scope as possible. All vehicles shall be prohibited from parking or remaining parked in the effected area until notice of the parking prohibition is removed.

(b) The designation shall be made by posting notice of the parking prohibition along the effected streets and on cars parked along the streets at the time the notice is posted, except if the need for the parking prohibition is for snow removal. In the case of snow removal, the designation shall be made by posting notice along the effected streets only. Notice shall be posted a minimum of 12 hours prior to the parking prohibition going into effect.

(Ord. 3874, § 2, 2-2-1999)

4.4.3.3 Suspension of area parking restrictions authorized.

Sec. 3 The Engineering Department or Police Department shall have the authority to suspend parking restrictions in areas neighboring the affected area during the duration of the parking prohibition.

(Ord. 3874, § 3, 2-2-1999)

4.4.3.4 Enforcement; violations.

Sec. 4 (a) A representative of the Engineering Department or Police Department may cause vehicles to be towed that are parked on a street in violation of this Code chapter. The owner of the vehicle parked in violation of this Code chapter shall be responsible for all costs incurred by the City of Goshen for towing and storage of the vehicle. All costs shall be paid prior to release of the vehicle to the owner.

(b) In the event the City decides not to tow a vehicle parked on a street in violation of this Code chapter, the owner of a vehicle may be charged with an ordinance violation and subject to a fine of not more than Twenty-five Dollars (\$25.00) and court costs. The City may initiate a violation of this Code chapter in accordance with 1.2.1 of this Code, as may be amended from time to time.

(Ord. 3874, § 4, 2-2-1999)

4.4.3.5 Right to hearing; right to appeal.

Sec. 5 (a) The owner of a vehicle that has been towed by the City may appeal such enforcement action to the Board of Public Works and Safety by requesting a hearing. Such request must be made

in writing and addressed to the Mayor's Office within 30 days of the date of the violation. Upon receipt of such request, a hearing shall be scheduled before the Board of Public Works and Safety within ten days of the written request unless a later date is agreed upon by the City of Goshen and the person requesting the appeal. The person requesting the appeal will be entitled to appear at the hearing, be represented by counsel, call and cross-examine witnesses, require the production of evidence, and have the City's cooperation in having subpoenas issued, served and executed.

(b) At the conclusion of the hearing before the Board of Public Works and Safety, the Board may make findings of fact and take action to affirm, modify or reverse any enforcement action taken by the City of Goshen.

(c) Any action taken by the Board of Public Works and Safety is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A person requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Board of Public Works and Safety. The complaint must be filed within 60 days after the date the action was taken. Any appeal will be heard by the court de novo. The court may affirm, modify or reverse the action taken by the Board of Public Works and Safety.

(Ord. 3874, § 5, 2-2-1999)

Chapter 4 Customer / Visitor Parking

4.4.4.1 Prohibition.

Sec. 1 (a) Between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday, no vehicle shall park in a municipally owned parking lot or within the right-of-way of a City street or alley in an area designated for customer/visitor parking unless the driver's or passenger's primary purpose for parking in the designated area is to purchase or look to purchase goods or services from the surrounding businesses, or to visit a governmental office, museum or other business entity in the area.

(b) Customer/visitor parking spaces are not available for the employees or owners of the area businesses or downtown residents unless the employee, owner, or resident is purchasing goods or services from another area business.

(Ord. 4281, § 1, 2-1-2005)

4.4.4.2 Designation of customer / visitor parking spaces.

Sec. 2 The spaces reserved for customer/visitor parking shall be designated by posting signs within thirty feet (30) of the parking space designating the space for customer/visitor parking only. The

sign shall be clearly visible to a driver of a vehicle parking in the designated space and shall clearly designate the space for customer/visitor parking only.

(Ord. 4281, § 2, 2-1-2005)

4.4.4.3 Enforcement.

Sec. 3 (a) Any person observing a violation of this Code chapter may file a report of the violation on a form supplied by the City. The form will contain two parts. One part of the form shall be filed with the City Attorney's Office and the other part of the form shall be placed on the offending vehicle's windshield.

(b) Upon receipt of a report of violation, the City Attorney or the City Attorney's designee shall review the report. If it is determined that action is warranted, the City Attorney shall file an ordinance violation with the Goshen Ordinance Violations Bureau or with a court of competent jurisdiction within Elkhart County.

(c) For the purposes of this Code chapter, the party in whose name the vehicle is registered shall be liable for the violation.

(d) A police officer or Code Compliance officer of the City who observes a violation may issue a Parking ticket in the same manner that a parking ticket can be issued for a parking violation under 4.4.1.1, 4.4.1.3 and 4.4.1.4 of the this Code.

(Ord. 4281, § 3, 2-1-2005)

4.4.4.4 Penalties.

Sec. 4 The amount of the fine to be imposed shall not exceed Fifty Dollars (\$50.00). In addition to the fine, the violator shall be liable for all court costs.

(Ord. 4281, § 4, 2-1-2005)

Article 5 Snow Emergencies

Chapter 1 Snow Emergencies

4.5.1.1 Public policy declared.

Sec. 1 It is declared to be in the best interest of the public safety of the City of Goshen to regulate and restrict the parking of vehicles on public streets during snow emergencies.

(Ord. 2925, § 1, 11-3-1982)

4.5.1.2 “Snow emergency” defined.

Sec. 2 A snow emergency is declared to be a period of time during and after a snowfall during which vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of the vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing, and making safe of all the public streets of the City.

(Ord. 2925, § 2, 11-3-1982)

4.5.1.3 Mayor to declare snow emergency.

Sec. 3 A snow emergency shall commence by executive order and proclamation by the mayor or his duly appointed representative, issued to local radio, television, and news services either during or after a snowfall, when in his sound judgment and discretion the circumstances warrant the determination of such an emergency for the public safety of the City of Goshen. The snow emergency shall continue in effect until the mayor or his duly appointed representative determines that an emergency no longer exists and accordingly terminates the emergency using the same media which was used to announce its commencement.

(Ord. 2925, § 3, 11-3-1982)

4.5.1.4 Parking restricted.

Sec. 4 During any snow emergency, parking shall be restricted on all streets as follows: When the snow emergency is declared, parking shall be permitted only on the even-numbered sides of the streets on even days of the month, and parking shall be permitted only on the odd-numbered sides of the street on odd days of the month. In areas in which parking is restricted by previous provision on one side of the street, the provisions of the snow emergency shall override the designated no parking provisions for the duration of declared emergency.

(Ord. 2925, § 4, 11-3-1982)

4.5.1.5 Exceptions to Code section 4.5.1.4.

Sec. 5 The following designated business district shall be exempt from the parking restrictions during a declared snow emergency; Jefferson Street to Pike Street, and Third Street to Fifth Street, inclusive of both sides of the street and all streets contained within the area so formed.

(Ord. 2925, § 5, 11-3-1982)

4.5.1.6 Penalty for violation.

Sec. 6 Violation of the parking restrictions imposed by the declaration of a snow emergency shall result in a penalty of Ten Dollars (\$10.00). Each day of violation shall constitute a separate offense. In addition to any penalty any police officer, upon discovering any such vehicle so parked in violation of the restrictions set out in 4.5.1.4 of this Code, may remove or cause the vehicle to be removed to any City-owned property or to a private garage or place so authorized pursuant to contract where the vehicle may be impounded and retained and shall be released only upon payment of all expenses for its impoundment.

(Ord. 2925, § 6, 11-3-1982)

Article 6 Abandoned Vehicles**Chapter 1 Removal and Disposal of Abandoned Vehicles****4.6.1.1 Adoption of Indiana Code 9-22-1 et seq.**

Sec. 1 This Code article specifically adopts the provisions of Indiana Code 9-22-1-1 through 9-22-1-32 inclusive.

(Ord. 3879, § 1, 4-12-1999)

4.6.1.2 Vehicle defined.

Sec. 2 The term "vehicle" refers to an automobile, a motorcycle, a truck, a trailer, a semi-trailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(Ord. 3879, § 2, 4-12-1999)

4.6.1.3 Abandoned vehicle defined.

Sec. 3 (a) The term "abandoned vehicle" means the following:

- 1) A vehicle located on public property illegally.
- 2) A vehicle left on public property without being moved for three (3) days.
- 3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
- 4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
- 5) A vehicle from which the engine, transmission, or differential has been removed or that is

otherwise partially dismantled or inoperable and left on public property.

- 6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute, this Code or any other ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
- 7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

(b) A vehicle otherwise fitting the definition of an abandoned vehicle shall not be considered an abandoned vehicle if it is:

- 1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- 2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- 3) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing or leasing facility.
- 4) A vehicle located upon property licensed or zoned as an automobile scrap yard.
- 5) A vehicle registered and licensed under Indiana Code 9-18-12 as an antique vehicle.

(c) A vehicle shall not be considered an abandoned vehicle if it is stored in a garage or other building or within a fenced area which blocks the vehicle from public view.

(Ord. 3879, § 3, 4-12-1999)

4.6.1.4 Parts defined.

Sec. 4 The term "parts" refers to all components of a vehicle that as assembled do not constitute a complete vehicle.

(Ord. 3879, § 4, 4-12-1999)

4.6.1.5 Enforcement authority.

Sec. 5 The City of Goshen Ordinance Administrator, a representative of the Goshen Building Department, a representative of the Goshen Planning and Zoning Department, or any member of the Goshen Police Department, including the Public Services Officer, is hereby designated to carry out the provisions of this Code article or the provisions of Indiana Code 9-22-1-1 through 9-22-1-32. For

the purposes of this Code article, the preceding authorized persons may hereafter be referred to as "officer."

(Ord. 3879, § 5, 4-12-1999)

4.6.1.6 Responsibility and liability of owner of abandoned vehicle or parts.

Sec. 6 The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts. All costs incurred shall constitute a lien against the vehicle or parts, and the vehicle or parts shall not be released until all such costs are paid.

(Ord. 3879, § 6, 4-12-1999)

4.6.1.7 Tagging abandoned vehicle or parts.

Sec. 7 An officer authorized under 4.6.1.5 of this Code finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- 1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- 2) That the vehicle or parts are considered abandoned.
- 3) That the vehicle or parts will be removed after seventy-two (72) hours.
- 4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- 5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

(Ord. 3879, § 7, 4-12-1999)

4.6.1.8 Abandoned vehicle report.

Sec. 8 If a vehicle or a part tagged under 4.6.1.7 of this Code, is not removed within the seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

(Ord. 3879, § 8, 4-12-1999)

4.6.1.9 Disposal of vehicle or parts.

Sec. 9 If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under 4.6.1.8 of this Code, is less than Five hundred Dollars (\$500.00), the officer may immediately dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Indiana Bureau of Motor Vehicles. The City shall retain the original records and photographs for at least two (2) years.

(Ord. 3879, § 9, 4-12-1999)

4.6.1.10 Towing and storage of vehicle or parts.

Sec. 10 If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under 4.6.1.8 of this Code, is at least Five hundred Dollars (\$500.00), the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area.

(Ord. 3879, § 10, 4-12-1999)

4.6.1.11 Non-liability for loss or damage.

Sec. 11 The City of Goshen shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this Code article.

(Ord. 3879, § 11, 4-12-1999)

4.6.1.12 Search by Indiana Bureau of Motor Vehicles for owner or lien holder.

Sec. 12 (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under 4.6.1.9 or 4.6.1.10 of this Code, the officer or storage lot shall prepare and forward to the Indiana Bureau of Motor Vehicles an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- 1) The make.
- 2) The model.
- 3) The identification number.
- 4) The number of the license plate.

(b) The officer or storage lot shall request that the bureau advise the officer or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle.

(Ord. 3879, § 12, 4-12-1999)

4.6.1.13 Charges allowed for towing and storage.

Sec. 13 (a) The owner of an abandoned vehicle which is not removed within the seventy-two (72) hour period is responsible for the towing and storage charges incurred by the City of Goshen. The towing charge shall be the amount actually incurred by the City, but not exceed the sum of One hundred Dollars (\$100.00). The storage charge shall be the amount actually incurred by the City, but not exceed One thousand Dollars (\$1,000.00).

(b) All costs incurred by the City against the vehicle or parts must be paid before the vehicle or parts will be released.

(c) The proceeds from the sale of an abandoned vehicle or parts by the Indiana Bureau of Motor Vehicles shall be credited against the cost of the removal, storage, and disposal of the vehicle. (d) Should the proceeds from the sale of an abandoned vehicle or parts be insufficient to meet the total costs incurred for the removal, storage, and disposal of a vehicle or parts, the City may file suit in a court of competent jurisdiction against the person owning the abandoned vehicle or parts to collect the balance due.

(Ord. 3879, § 13, 4-12-1999)

4.6.1.14 Abandoned vehicle fund.

Sec. 14 (a) The Abandoned Vehicle Fund established under Ordinance 3494 shall continue.

(b) The fund shall be used to pay for the costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle.

(c) The costs incurred by the City in administering this Code article shall be paid from the abandoned vehicle fund.

(d) The Common Council shall annually appropriate sufficient money to the fund to carry out this Code article. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(Ord. 3879, § 14, 4-12-1999)

Article 7 Bicycles, Skateboards, Snowmobiles, etc

Chapter 1 Bicycles

4.7.1.1 License required.

Sec. 1 It shall be unlawful for any person to ride or use a bicycle on any street or sidewalk without a license.

(Ord. 3284, 5-10-1988)

4.7.1.2 License application.

Sec. 2 Any person desiring the license required by this Code chapter shall apply in writing to the police department giving such information as may be necessary for the issuance of the license. The police department shall issue a license plate or sticker suitable for attachment to the bicycle. The owner shall plainly display the license plate or sticker on the bicycle at all times. The police department will also issue a registration card bearing the license plate or sticker number as well as the name and address of the owner of the bicycle.

(Ord. 3284, 5-10-1988)

4.7.1.3 Transfer.

Sec. 3 It shall be the duty of the person who sells or transfers ownership of any bicycles to report the sale or transfer to the Goshen City Police Department and shall return the registration card to the Goshen City Police Department at the time of the transfer. It shall be the duty of the new owner of the bicycles to apply for registration within five (5) days of the sale or transfer.

(Ord. 3284, 5-10-1988)

4.7.1.4 Violation.

Sec. 4 It shall be unlawful for any person to remove, destroy or alter the license plate or sticker located on the bicycle without first advising the police department of a transfer of ownership. It shall be unlawful for any person to alter the registration card issued by the Goshen City Police Department.

(Ord. 3284, 5-10-1988)

4.7.1.5 Registration fee.

Sec. 5 The registration fee to be collected by the Goshen City Police Department at the time of the application for registration is an amount as set forth in the ordinance. The license or sticker

issued by the police department need not be renewed except in the event that ownership of the bicycle is changed at which time a new application must be made and new registration fee will be charged.

(Ord. 3284, 5-10-1988)

4.7.1.6 Establish bicycle license registration and trails fund.

Sec. 6 All bicycle license fees collected shall be placed in a special fund known as the Bicycle License Registration and Trails Fund. These funds shall only be used for the purchase of license plates and/or stickers, printing or registration cards and providing bicycles trails. Any costs incident to providing bicycles trails within the City of Goshen may be met by appropriations from this special fund, including but not limited to, costs of planning and designing such trails, acquisition of real estate and easements, costs of constructing and maintaining the trails as well as the costs incurred in the acquisition and posting of appropriate signs.

(Ord. 3284, 5-10-1988)

4.7.1.7 Riding restrictions.

Sec. 7 It shall be unlawful for any person operating a bicycle to engage any conduct that would result in them not being able to maintain full control of the bicycle. It shall be unlawful for any person to operate a bicycle in the central business district on the sidewalks where buildings are adjacent to the sidewalks. Every person operating a bicycle shall comply with all vehicle traffic laws, except where such laws, by their nature, do not apply to bicycles. All persons operating a bicycle shall adhere to all vehicle traffic signs and signals erected for the regulation of the traffic.

(Ord. 3284, 5-10-1988)

4.7.1.8 Penalty under eighteen year of age.

Sec. 8 Any person under the age of eighteen (18) years of age who violates any provision of this Code chapter relating to the licensing, registration and operation of bicycles or any traffic laws of this state relating to the operation of bicycles, will be summoned to appear at the police headquarters with his or her bicycle and after a hearing on the violation conducted by the chief of police or his representative, the offender's bicycle may be impounded for a period of time not to exceed thirty (30) days. No violation of this order shall be considered a matter of court record where the offender is under eighteen (18) years of age. A violation of the provisions of this Code chapter shall subject the offender to a fine not to exceed Ten Dollars (\$10.00).

(Ord. 3284, 5-10-1988)

4.7.1.9 Penalty eighteen years of age or older.

Sec. 9 Any person violating the provisions of this Code chapter who has reached eighteen (18) years of age or older commits a Code violation and is subject to a fine of up to Five hundred Dollars (\$500.00) and the impoundment of the bicycle for a period not to exceed thirty (30) days.

(Ord. 3284, 5-10-1988)

Chapter 2 Skateboards

4.7.2.1 Operation in General.

Sec. 1 It shall be unlawful for any person to operate or ride a skateboard, roller skates, in-line skates, toy vehicle, or other similar device upon a public street, sidewalk, pedestrian/bicycle trail, or public parking area in a manner that would reasonably result in a loss of control of the device, or cause damage to property or injury to another.

(Ord. 4348, § 1, 5-4-2006)

4.7.2.2 Operation in Downtown Business District Prohibited.

Sec. 2 (a) It shall be unlawful for any person to operate or ride a skateboard, roller skates, in-line skates, toy vehicle, or other similar device upon a sidewalk or public parking area within the downtown business district.

(b) For the purposes of this Code chapter, the downtown business district shall include the area described below, including the sidewalks and public parking areas within and adjacent to the streets listed, but excluding designated pedestrian/bicycle trails within and adjacent to the described downtown business district.

- 1) Madison Street from Third Street to Fifth Street;
- 2) Fifth Street from Madison Street to Pike Street;
- 3) Pike Street from Fifth Street to Second Street;
- 4) Second Street from Pike Street to Washington Street;
- 5) Washington Street from Second Street to Third Street; and
- 6) Third Street from Washington Street to Madison Street.

(Ord. 4348, § 2, 5-4-2006)

4.7.2.3 Operation on Privately Owned Real Estate.

Sec. 3 It shall be unlawful for any person to operate or ride a skateboard, roller skates, in-line skates, toy vehicle, or other similar device upon any private parking area or parts of privately owned real estate without the real estate owner's consent.

(Ord. 4348, § 3, 5-4-2006)

4.7.2.4 Enforcement.

Sec. 4 (a) 4.7.2.3 above may be enforced on privately owned real estate where the real estate owner has:

- 1) Executed a contract with the City of Goshen to authorize enforcement by the Goshen Police Department.
- 2) Posted signs within the private parking area or parts of privately owned real estate that skateboarding, roller skating, etc. is prohibited and a violation may be enforced by the Goshen Police Department.

(b) In all other respects, this Code chapter shall be enforced in accordance with 1.1.3 of this Code as adopted in 2004, and as the City Code may be amended from time to time.

(Ord. 4348, § 4, 5-4-2006)

4.7.2.5 Penalty.

Sec. 5 Any person who violates this Code chapter is subject to a fine of up to Five hundred Dollars (\$500.00).

(Ord. 4348, § 5, 5-4-2006)

– End of Title 4 –