

ORDINANCE 3900

AN ORDINANCE TO PROHIBIT THE UNCONTROLLED PARKING OF VEHICLES

WHEREAS, the City of Goshen Common Council finds that parking should be prohibited in certain areas for health and safety reasons; and

WHEREAS, the City of Goshen Common Council finds that uncontrolled parking of vehicles contributes to the declining appearance of neighborhoods and is therefore considered a public nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

Section 1. Prohibited Parking Areas

- 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.

Section 2. Exceptions

For the purposes of this ordinance, parking shall not be prohibited in the following areas:

- A. An improved space in the prohibited parking area used as a parking space before this ordinance is adopted, provided that the entrance to the approved area is via a driveway or curb cut, except where adjacent to a paved street where there is no curb.
- B. 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.
- C. 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.
- D. Any improved area meeting setback requirements and other applicable zoning provisions. The Planning and Zoning Department must determine compliance with all such improved areas.
- E. 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.

Section 3. Definitions

- A. **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.
- B. **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.
- C. **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.
- D. **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.
- E. **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.

Section 4. Enforcement; Citation; Penalty

- 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 ordinance. The preceding authorized persons shall be known as “officer” for the purposes of this ordinance.
- B. An officer may issue a citation for a violation of this ordinance, 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 ordinance, the violator shall be the person to whom the unlawfully parked vehicle is registered.

Section 5. Severability

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

Section 6. Effective Date

This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication according to the laws of the State of Indiana.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on August 3, 1999.

/s/ Allan Kauffman

Presiding Officer

Attest:

/s/ Nancy Hoke

Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on August 6, 1999.

/s/ Nancy Hoke

Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on August 6, 1999.

/s/ Allan Kauffman

Allan Kauffman, Mayor