

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4314

FILED
MAR 12 2015
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CREATING ARTICLE IV IN CHAPTER 86 OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH PARKING PRIVILEGES FOR PHYSICALLY DISABLED PERSONS & AMENDING SEC. 50-483 PRESCRIBING FINES FOR PARKING VIOLATIONS

WHEREAS, the Michigan City Common Council desires to establish parking privileges for physically disabled persons when parking is either unavailable to said persons at their residence or off-street parking is unduly burdensome for said persons; and

WHEREAS, for purposes of reviewing and approving applications for physically disabled parking privileges and installing signage, the Common Council recommends that the Department of Central Services, in consultation with the City Engineer, should be the City Department responsible for the same.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, as follows:

SECTION 1. Article IV shall be created in Chapter 86 of the Michigan City Municipal Code and shall read as follows:

ARTICLE IV. PARKING PERMITS FOR PHYSICALLY DISABLED PERSONS

DIVISION 1. GENERALLY

Sec. 86-160. Definition(s).

Physically disabled person(s) means:

1. Any person who has been issued a disabled person placard for a permanent disability pursuant to I.C. 9-14-5;
2. Any person who has been issued a disabled person license plate pursuant to I.C. 9-18-22; or
3. Any person who has been issued a disabled veteran license plate pursuant to I.C. 9-18-18.

Sec. 86-161. Unauthorized Use of Reserved Permitted Space.

- (a) No person except a person driving pursuant to a disabled person parking permit shall park any motor vehicle in a parking space designated and reserved for a physically disabled person.
- (b) This Section shall apply not only to disabled persons parking spaces reserved on public streets, with or without permit, but also in parking lots owned or operated by the City as well as in all private parking areas in the City.
- (c) Any vehicle deemed in violation of any provision of this Article may be impounded and the costs of towing and storage shall be the responsibility of the vehicle's owner of record.
- (d) Any person violating any provision of this ordinance shall be fined as set forth in Sec. 50-483.

Sec. 86-162. Duration of Permit. A permit issued pursuant to this Article shall be valid for one (1) year from the date of issuance. Subsequent renewals of the permit may be granted by the Department of Central Services provided that the applicant submits a renewal application to the Department of Central Services within 15 days prior to the expiration date of said permit.

Sec. 86-163—86-170. Reserved.

DIVISION II. APPLICATION FOR PERMIT

CC: Central Services
Corporate Counsel
Controller (2x's)
M.C. Police Dept (2x's)

Sec. 86-171. Department of Central Services. The Department of Central Services is hereby authorized and empowered to grant to physically disabled persons the exclusive use of a parking space adjacent to or directly across the street from their residence, subject to such rules and regulations as the Department of Central Services may prescribe, in areas where such parking is otherwise permitted and not restricted in the manner provided herein.

Sec. 86-172. Application and Renewals. Any person eligible by virtue of a physical disability for privileges under this Article shall present to the Department of Central Services a written application, on a form furnished by the Department, for a permit entitling that person to the exclusive use for a period of one (1) calendar year from the date of issue of one (1) parking space adjacent to or directly across the street from the applicant's place of residence. Such application and any subsequent renewals shall include the following:

1. Documentation, which includes vehicle registration, that the applicant has either been issued a disabled person placard for a permanent disability pursuant to I.C. 9-14-5, a disabled person license plate pursuant to I.C. 9-18-22, or a disabled veteran license plate pursuant to I.C. 9-18-8.
2. If applicant seeks parking space across the street from his place of residence, he shall also present written consent from the owner of the real estate in front of which the applicant's parking space will be located. The written consent will be on a form approved by the Department. If the applicant is unable to secure the consent from the owner, the applicant shall, in writing, provide the Department with the name and address of the owner and a detailed explanation regarding applicant's attempts to secure consent. The Department shall refer the application to the Board of Public Works & Safety for consideration only after the Clerk's Office has provided the owner with notice of said meeting via U.S. Mail at least ten (10) days before said meeting.

Sec. 86-173. Grant or Denial of Application. Upon receipt of a written application, the Department of Central Services shall, within a reasonable time and no later than 30 days from receipt of a fully completed application, grant or deny the permit so applied for, subject to the following conditions:

1. No applicant shall be granted a permit for more than one (1) reserved space adjacent to or directly across the street from his place of residence.
2. No applicant who has access to parking on their residential property or off-street parking at his place of residence shall be granted a permit, with the exception that the Department of Central Services may, in its discretion, grant a permit to an applicant who is able to demonstrate that the location of such off-street parking renders it unduly burdensome for him to utilize the same.
3. Each permit granted pursuant to the provisions of this Article shall be assigned an identification number.

Sec. 86-174. Granting of Permit.

- a. Upon the granting of such permit, the Department of Central Services shall:
 1. Issue to the applicant a reserved space permit with an identification number.
 2. Install a sign restricting use of the space to the permit holder only, which sign shall show thereon the holder's permit number.
- b. Upon the granting of such permit, the permit holder shall:
 1. Display the reserved space permit in the windshield of any vehicle used by the permit holder and parked in the reserved space. In addition, the permit holder shall also display his state license plate and/or state placard issued due to the permit holder's disability.
 2. Promptly notify the Department of Central Services in writing within thirty (30) days when he will no longer regularly use the parking space(s) allocated to the permit because of a change of residence or a change in health status.

Any failure by a permit holder to comply with the above requirements shall be grounds for refusal by the Department of Central Services to issue such a permit to such person thereafter, or to revoke such permit prior to expiration, or to make the issuance of further permits subject to reasonable conditions.

Sec. 86-175. Denial of Permit. If a permit is denied, the Department of Central Services will provide written notice to applicant. Within 30 days after a permit has been denied by the Department of Central Services, the applicant may appeal to the Board of Public Works and

Safety by filing a written request with the Board that it review the denial of the permit. The decision of the Board of Public Works & Safety is a final decision.

Sec 86-176. Revocation of Permit and Removal of Signage. The City reserves the right to revoke any permit and remove signage for cause only after the applicant has been provided with notice and opportunity to be heard by the Board of Public Works and Safety. Notice shall be sent to applicant at the address provided by applicant in its application to the Department of Central Services at least ten (10) days prior to the hearing.

Sec. 86-177. Existing Signage. After the passage of this Ordinance, all existing disabled person parking signage for which a permit is required hereunder will be removed by the City within sixty (60) days.

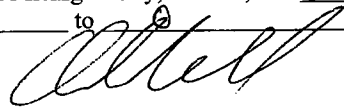
Sec. 86-177--86-182. Reserved.

SECTION 2. Section 50-483 in Article XXIV in Chapter 50 of the Michigan City Municipal Code shall be amended to add "*and Sec. 86-161*" immediately following "...by section 94-32(b)..." in the first sentence of this paragraph.

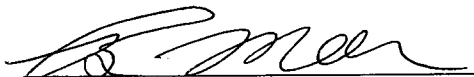
This Ordinance to be effective upon passage by the Council, approval by the Mayor, any Necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: 
Pat Boy, Member
Michigan City Common Council

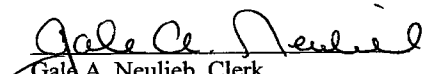
Passed by the Common Council of the City of Michigan City, Indiana, this 21st day of April, 2015 by a vote of 8 to 0.


Chris Schwanke, President
Michigan City Common Council

Approved by me, this 23rd day of April, 2015.


Ron Meer, Mayor
City of Michigan City

ATTEST:


Gale A. Neulieb, Clerk
City of Michigan City

Prepared by City Attorney's Office Upon Request