

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 943

AN ORDINANCE ESTABLISHING SNOW EMERGENCY
REGULATIONS FOR THE TOWN OF ST. JOHN
AND REPEALING ALL ORDINANCES, OR PARTS
THEREOF, IN CONFLICT HEREWITH

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the existing regulations within the Town for snow emergencies and parking on roadways within the Town during snowfall events; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined, after its review of the existing snow emergency regulations for the Town, that said regulations are insufficient due to lack of clarity in said regulations; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that it is in the best interests of the residents of the Town for their health, safety, and general welfare and well-being, that clear, unambiguous and defined snow emergency regulations be established in order to promote the public health and well-being, and in order to permit the Town to improve and enhance its services provided to the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: These regulations shall be known, and may be sited as the "SNOW EMERGENCY REGULATIONS" for the Town of St. John, Lake County, Indiana.

SECTION TWO: DEFINITIONS.

For the purposes of this Ordinance and these regulations, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

"ROADWAY": That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"SNOW EMERGENCY": Any weather event of falling snow, sleet or freezing rain, occurring within the Town, at any time.

"SNOW EMERGENCY ROUTES": All roadways marked as such in accordance with the provision of this Ordinance.

SECTION THREE: DECLARATION OF PARKING PROHIBITION ON SNOW EMERGENCY ROUTES.

(A) In the event of any falling snow, sleet, or freezing rain, occurring within the Town, at any time, a parking prohibition on all snow emergency routes in the Town shall immediately be in effect.

(B) Once a parking prohibition is in effect as described in this Ordinance, as amended from time to time, the parking prohibition shall remain in effect until the falling snow, sleet, or freezing rain has been cleared entirely on the snow emergency route from curb to curb for the length of an entire block, and the falling snow, sleet or freezing rain weather conditions have completely terminated. While the parking prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this Ordinance shall be construed to permit parking at any time or place where it is prohibited by any other provision of law.

(C) Any provision of this Ordinance, as amended from time to time, which becomes effective upon the occurrence of certain weather conditions shall, while in effect, take precedence over other conflicting provisions of law normally in effect. However, any provisions of this Ordinance, amended from time to time, which becomes effective upon the occurrence of certain weather conditions, shall not take precedence over provisions of law relating to traffic accidents, emergency travel, authorized emergency vehicles, or emergency traffic directions issued by a Police Officer.

SECTION FOUR: SIGNS TO MARK SNOW EMERGENCY ROUTES.

On each street designated by this Ordinance, as amended from time to time, as a snow emergency route, the Town Council shall direct the posting of appropriate special signs. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

SECTION FIVE: STALLED VEHICLE ON SNOW EMERGENCY ROUTE.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Ordinance, as amended from time to time, on any part of a snow emergency route on which there is a covering of snow, sleet, or ice, or on which there is a parking prohibition in effect, the person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the snow emergency route, either into the first cross street which is not a snow emergency route, or onto the public space of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of a snow emergency route (regardless of whether he indicates by raising the hood or otherwise that the

vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

SECTION SIX: REMOVAL AND IMPOUNDMENT OF VEHICLES.

(A) Members of the Police Department are hereby authorized to remove, or have removed, a vehicle from a snow emergency route to the nearest garage or other place of safety, including another place on a street, or to a garage designated or maintained by the Police Department, or otherwise maintained by the Town, under the following circumstances or conditions.

(1) The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect.

(2) The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect and the person who was operating the vehicle does not appear to be removing it in accordance with the provisions of this Ordinance, as amended from time to time.

(3) The vehicle is parked in violation of any parking Ordinance or other provision of law, and is interfering or about to interfere with snow removal operations.

(B) Whenever a Member of the Police Department removes or has removed a vehicle from a street as authorized in this section, and the Officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the Officer shall immediately give or cause to be given notice in writing to the owner thereof, the fact of the removal, the reasons therefore, and the place to which the vehicle has been removed. In the event the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage.

(C) Whenever a Member of the Police Department removes or has removed a vehicle from a street as authorized under this section, and the Officer does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as provided in Paragraph (B) above, and in the event the vehicle is not returned to the owner within a period of Three (3) days, then the Officer shall immediately send or cause to be sent a written report of the removal by mail to the Bureau of Motor Vehicles, whose duty it is to register motor vehicles, and shall file a copy of the notice with the proprietor of

any public garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time, and place from which it was removed, the reasons for the removal, and the name of the garage or place where the vehicle is stored.

(D) It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.

(E) This section shall be supplemental to any other provisions of Law granting members of the Police Department authority to remove vehicles.

SECTION SEVEN: RECOVERY OF IMPOUNDED VEHICLES.

No person shall recover any vehicle removed in accordance with this Ordinance, as amended from time to time, except as provided herein. Before the owner or person in charge of the vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a Member of the Police Department evidence of his identity and right to possession of the vehicle; sign a receipt for its return; pay the cost of removal, and pay any cost of storage accrued.

SECTION EIGHT: CITATION ON VEHICLES IN VIOLATION.

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this Ordinance, as amended from time to time, and is not removed and impounded as provided for in this Ordinance, the Police Officer finding the vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user and shall conspicuously affix and issue a uniform traffic summons.

SECTION NINE: EVIDENCE THAT VEHICLE WAS IN VIOLATION.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Ordinance, as amended from time to time, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Ordinance, together with proof that the Defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the Defendant was the person who parked or left the vehicle in violation of this Ordinance, as amended from time to time.

SECTION TEN: DESIGNATION OF SNOW EMERGENCY ROUTES.

All streets or portions of streets within the Town are hereby designated as snow emergency routes, when marked conspicuously as such.

SECTION ELEVEN: PENALTY.

Every person found liable of a violation of any provision of this Ordinance, as amended from time to time, shall be punished by a fine of not more than \$500.00, or less than \$50.00.


SECTION TWELVE: That all existing Ordinances, Guidelines, Regulations, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THIRTEEN: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

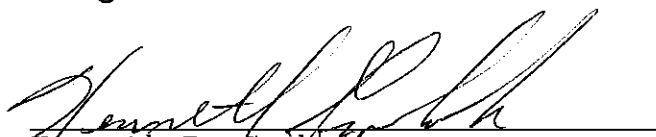
SECTION FOURTEEN: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 27 DAY OF Dec., 1993.

TOWN OF ST JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Douglas E. Patterson,
President



Kenneth D. Gembala,
Vice-President



Carl Brown, Member

ATTEST:



Judith L. Companik
Clerk-Treasurer