AGENDA RESERVATION REQUEST

CITY OF FRANKLIN
COMMON COUNCIL
Please type or print

Date Submitted:	April 8, 2016	**Meeting Date:**	April 18, 2016
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:	City of Franklin		
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Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Public Hearing of Ordinance 2016-06: Ordinance Regulating Traffic, Vehicles, Street, Sidewalks, and Public Places			
List Supporting Documentation Provided:			
1. Ordinance 2016-06			
Who will present the request?			
Name:	Joanna Myers & Tim O'Sullivan	**Telephone:**	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

ORDINANCE 2016-06
OF THE CITY OF FRANKLIN, INDIANA

An Ordinance Regulating Traffic, Vehicles, Streets, Sidewalks, and Public Places

WHEREAS, the City of Franklin, Indiana ("City") regulates certain activities and conduct as authorized by the applicable sections of the Indiana Code, including traffic, vehicle, parking, street, sidewalks and public places to promote public safety, the efficient flow of traffic, the maintenance of public ways, and the general welfare of the citizens of the City;

Now, therefore, the Common Council of the City of Franklin, Indiana, Ordains and Enacts the following:

1. AUTHORITIES AND DUTIES.

Board of Public Works and Safety: In addition to its other administrative and statutory responsibilities, the Board of Public Works and Safety is empowered to establish rules and regulations relating to the following:

SPEED LIMITS
TRAFFIC SIGNS, SIGNALS AND DEVICES
TRUCKS AND OTHER HEAVY VEHICLES
MISCELLANEOUS TRAFFIC REGULATIONS
PARKING
STREETS AND SIDEWALKS GENERALLY

And to promulgate any other rule for the use of public ways within the City consistent with Laws of the State of Indiana and the purpose of these regulations.

The Department of Planning & Engineering shall submit to the Board for its approval (and provide to citizens upon request) traffic and parking schedules, including but not limited to, speed limits, stop intersections, yield intersection, traffic control signalized intersections, and time-limited parking zones. These schedules shall be updated as required by law by the Board of Public Works and Safety.

Citizens seeking to change or amend decisions of the Board of Public Works and Safety related to traffic and parking schedules shall present their requests to that Board. The citizens may appeal a decision of the Board of Public Works to the Common Council of the City of Franklin. The Council, upon review, may direct the Board to modify or alter its decision. The review should include, but is not limited to, the concerns arising from the appeal and reports from the Board and relevant City agencies.

Park Board: In addition to its other administrative and statutory responsibilities, the Park Board shall determine appropriate speed limits, parking areas, cross-walks and motor vehicle rules for all City parks. The Park Board's determinations shall be passed forward to the Board of Public Works and Safety for enactment and to the Police Department for its information.

Whenever suggested to do so by the Director of the Park Department, the Chief of Police or his authorized representative shall assign such necessary personnel as, in his discretion, may be necessary to enforce Park Board traffic and parking rules.

Chief of Police: In addition to his other administrative and statutory responsibilities, it shall be the duty of the Chief of Police of the City of Franklin to enforce the street traffic regulations of the City and all state vehicle laws applicable to street traffic in the City; to make arrest for traffic violations; to investigate all traffic accidents and make reports on a standard report form; to maintain a standard system of filing accident records and records of all arrests and warnings; to cooperate with other officers of the City, county, and state for the improvement of traffic conditions; and to file a report with the Board concerning the number of traffic accidents, the number of moving violation and parking violation arrests and other data on the traffic activities of his office as required by law or at the request of the Board.

Whenever requested to do so by the Fire Chief or his authorized representative, the Chief of Police shall assign such available Police Department personnel as, in his discretion, may be necessary to assist the Fire Chief in enforcing the provisions related to fire safety.

The Chief of Police with the approval of the Board of Public Works is empowered to make regulations necessary to effectuate the provisions of this title and any other City traffic ordinances, and to make and enforce temporary or experimental regulations. The Chief of Police, in consultation with the Fire Chief, is empowered to make regulations necessary to deal with emergencies or special conditions.

Temporary, experimental, or emergency regulations shall not remain in effect for more than ninety days. In the event that the Chief of Police recommends that any order entered under this section be made permanent, such recommendation shall be made in writing and submitted to the Common Council for its consideration within sixty days of the date of entry of said order.

Fire Chief: In addition to his other administrative and statutory responsibilities, it shall be the duty of the Chief of Fire Department of the City of Franklin to enforce and administer the regulations of this ordinance pertaining to the movement, storage, use and handling of explosive flammable, toxic, corrosive and other hazards gaseous, solid and liquid materials, the maintenance of fire lanes, and all other regulations specifically assigned to the Fire Chief. In addition, he shall file a report with the Board concerning the enforcement of the articles of this ordinance as required by law or at the request of the Board.

In emergency situations the Fire Chief, or his authorized representative, may request that the Chief of Police assign such available police officers as in his discretion are needed to enforce the articles of this ordinance relating to fire safety.

Street Commissioner: In addition to his other administrative and statutory responsibilities, it shall be the duty of the Street Commissioner of the City of Franklin, as directed by the Board of Public Works and Safety, to enforce this ordinance. In addition, he shall file a report with the Board concerning the enforcement of the articles of this ordinance as required by law or at the request of the Board.

In emergency situations, the Street Commissioner, or his authorized representative, or Mayor may request that the Chief of Police assign such available police officers as in his discretion are needed to enforce the articles of this ordinance relating to emergencies. The Street Commissioner is empowered to declare a Snow Emergency.

2. DEFINITIONS

For the purpose of this ordinance, all terms shall have their common meanings except those terms defined below (unless the context clearly indicates or requires a different meaning).

ALLEY. A right-of-way, other than a street, road, crosswalk, sidewalk or easement, that provides secondary access for special accommodations of the abutting property.

AUTHORIZED TOWING SERVICE: A business that engages in moving or removing disabled vehicles, and, once removed, to store or impound vehicles, and that has been requested by the Franklin police department to tow vehicles.

BUSINESS DISTRICT: The business district of the City shall extend to and include Walnut Street on the west (from Madison Street extended to Monroe Street), Madison Street on the north (from Walnut Street to Crowell Street), Crowell on the east (from Madison Street to Monroe Street), and Monroe Street on the south (from Crowell Street extended to Walnut Street).

BUS: A vehicle for public passenger transportation having seats on either side of a central aisle.

CITY: This refers to the City of Franklin, Indiana.

CITY PARKING LOT: Areas owned by the City and designated by the Board of Public Works and Safety specifically for public and City employee parking.

CURB: A visible raised edging (rolled or chairback) of the paving along a public-way.

DANGEROUS MATERIAL: Material which has been designated as “dangerous” by the Federal Environmental Protection Agency, the Johnson County Board of Health, the Indiana State Board of Health, or the City Fire Chief.

DESIGNATED PUBLIC PARKING AREA: A public parking area designated by the Board of Public Works and Safety in which a specific section may be reserved for the parking of trucks and trailers.

FIRE DEPARTMENT: The governmental organization which is responsible for providing fire protection services to the City.

FIRE HYDRANT: A valve connection on a piped water supply system having one or more outlets and which is used to supply hose and fire department pumpers with water.

FIRE LANE: The road or other passageway developed to allow the passage of fire apparatus.

FIRE CHIEF: For the purposes of this chapter, the individual designated as the administrative head of the agency responsible for the administration and enforcement of the fire protection laws of the jurisdiction. For purposes of utilizing this standard, this term shall also apply to any person specifically designated as the authority in charge by the Fire Chief during the Chief's absence.

HAZARDOUS WASTE: Material which has been designated as "hazardous waste" by the Federal Environmental Protection Agency, the Johnson County Board of Health, the Indiana State Board of Health, or the City Fire Chief.

IMPOUND AREA: An area designated by the Board of Public Works and Safety for storage of vehicles seized and taken into custody of the Police according to the provisions of this ordinance.

MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motor scooter, golf cart dune buggy, snowmobile, all-terrain vehicle, go-cart, mini-bike, trail bike, and truck with gross vehicular weight of less than 8,000 pounds.

PARKING: The placement of a stationary vehicle with its motor either running or not running for a period of time in excess of two minutes, whether the vehicle is occupied or not and whether the vehicle is accompanied by an operator or not.

PARKING SPACES: A portion of the paved surface of the public street of sufficient length and depth from the curb or edge of the public way to accommodate a vehicle to be parked, where parking on said paved surface is not specifically prohibited.

PARTS: All components of a vehicle that as assembled do not constitute a complete vehicle.

PERSON: An individual or any association, corporation, organization, partnership, or unit of government which acts as a unit.

POLICE CHIEF: For the purposes of this chapter, the individual designated as the administrative head of the agency responsible for the administration and enforcement of the City's laws of the jurisdiction. For purposes of utilizing this standard, this term shall also apply to any police officer specifically designated as the authority in charge by the Police Chief in the Chief's absence.

POLICE DEPARTMENT: The governmental organization which is responsible for providing police protection services to the City.

POLICE OFFICER: Includes all sworn officers hired as members of the Police Department of the City.

PRIVATE DRIVE, ROAD, and/or STREET: Any access way normally intended for vehicular use not designated for the use of or maintained by the City.

PRIVATE PROPERTY: All property other than public property.

PUBLIC PROPERTY: A public right of way, street, highway, alley, sidewalk, trail or park owned or operated by a governmental unit.

PUBLIC WAY: Any street, road, avenue, alley, sidewalk, or trail within the City's boundaries provided and maintained by the City for the vehicular and pedestrian use of its citizens, including those ways within the park system.

RECREATIONAL VEHICLE: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers.

RIGHT-OF-WAY: For the purpose of this statute the public right-of-way is hereby defined as the property or space from the edge of the public way to the adjoining private property line not controlled by the City.

RIGHT-OF-WAY PARKING SPACE: A graveled or paved parking area of no more than eight feet in width, for one or more vehicles, within the public right-of-way, which parking area must be designated by the Board of Public Works and Safety and conform to standards established by the Department of Planning & Engineering.

SIDEWALK: Any walkway or pedestrian corridor within the right-of-way.

SOLICIT: Any one or more of the following activities:
(1) Seeking to obtain gifts or contributions for the support or benefits of any charitable or nonprofit association, organization, corporation, or project;
(2) Seeking to obtain contribution, support, votes or political support for any candidate;
(3) Seeking to sell, or obtain orders or subscriptions of goods, wares, merchandise, foodstuffs, publications, or services; or
(4) Seeking to distribute any advertising, literature, or other materials.

STANDPIPE: A pipe and attendant hose valves and hose (if provided) used for conveying water to various parts of a building for firefighting purposes.

STOP: Any halting, even momentarily, of a vehicle, whether occupied or not.

STREET: A public way that is established by a recorded plat, or other form of recorded dedication of public right-of-way, to provide the principal means of access to abutting property.

STREET COMMISSIONER: For the purposes of this chapter, the individual designated as the administrative head of the City's Street Department. For purposes of utilizing this standard, this term shall also apply to any Street Department employee specifically designated as the authority in charge by the Street Commissioner during the Commissioner's absence.

TRAFFIC AND PARKING SCHEDULES: A list of speed limits, stop intersections, yield intersection, traffic control signalized intersections, time-limited parking zones and other parking and traffic lists deemed necessary by the Board of Public Works and Safety and which may be updated from time to time as deemed necessary.

TRUCK CAB: A passenger section of any truck from which the storage trailer has been detached.

UNTAGGED VEHICLE: A vehicle without a valid license plate or with a plate which does not match the registration.

VEHICLE OWNER: The person who is the last known recorded titleholder of a vehicle according to the records of the Bureau of Motor Vehicles under IC 9-14-1-1.

3. SPEED LIMITS

CITY SPEED LIMITS
The Indiana motor vehicle laws regulating the speed of vehicles shall be applicable upon the streets within this City, except as this chapter provides otherwise. The Board of Public Works and Safety may determine other speed limits where appropriate throughout the City and place the names of streets or parts of streets with other speed limits in the traffic schedules, and update this list as deemed necessary. When appropriate signs are erected, these speed limits are the maximum speeds that a vehicle may be driven; no person shall drive a vehicle at a speed greater than that posted, with the exception of police, fire and emergency vehicles in emergency situations.

SCHOOL SPEED ZONES
The speed limit for all motor vehicular traffic within properly designated school zones when children are present shall be no less than 20 miles per hour as designated by the Board of Works and Safety. When appropriate signs are erected, no person shall drive a vehicle at a speed greater than that posted, except that the time of such reduced speed limits shall be confined to periods when children are present.

The Board of Public Works and Safety shall cause to be posted certain signs and markings on the public streets within these school zones, clearly indicating the restrictions herein imposed and shall place the names of streets or parts of streets within school zones in the traffic schedules and update this list as deemed necessary.

PARK AND PLAYGROUND SPEED ZONES
The speed limit for all motor vehicular traffic within properly designated park and playground speed zones shall be designated by the Park Board. When appropriate signs are erected, no person shall drive a vehicle at a speed greater than that posted.

The Board of Public Works and Safety, in consultation with the Park Board, shall define park and playground speed zones and cause to be posted, at its expense, certain signs and markings within these zones, clearly indicating the established speed limit. The Board of Public Works and Safety shall place the names of streets or parts of streets within park and playground speed zones in the traffic schedules and update this list as deemed necessary.

4. TRAFFIC SIGNS, SIGNALS AND DEVICES

All traffic control signs, signals and devices erected under this title shall conform to the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as approved by the

Indiana Department of Transportation and Board of Public Works and Safety. All signs and signals shall as far as practicable be uniform as to type and location throughout the City.

The Board of Public Works and Safety shall designate and maintain official traffic control devices when and as required by this title to effectuate City traffic ordinances, and may place and maintain such additional official traffic control devices as deemed necessary to regulate, warn, or guide traffic under City or state traffic laws.

TURN RESTRICTIONS

The Board of Public Works and Safety shall have the power to restrict certain turning movements. When appropriate signs or pavement markings are provided indicating that no right, left, U turn, or turn on red is permitted, no driver of any vehicle shall disobey the direction of any sign or pavement marking.

STOP RESTRICTIONS

The Board of Public Works and Safety shall have the power to establish stop and multi-stop intersections. When appropriate signs are erected at the entrances to such intersections, the operator of a vehicle approaching any of the streets where a sign has been erected shall bring such vehicle to a full and complete stop before entering the intersection, except when directed by a police officer to do otherwise. The Board of Public Works and Safety shall publish and update as deemed necessary in the traffic schedules the names of intersections to which stop restrictions apply.

YIELD RESTRICTIONS

The Board of Public Works and Safety shall have the power to establish yield intersections. When appropriate signs are erected at the entrance to such intersections, the operator of a vehicle approaching any of the streets where a sign has been erected shall slow down and yield the right-of-way to any vehicle on the cross street, except when directed by a police officer to do otherwise. The Board of Public Works and Safety shall publish and update as deemed necessary in the traffic schedules the names of intersections to which yield restrictions apply.

SIGNALIZED INTERSECTIONS

The Board of Public Works and Safety shall have the power to establish signalized intersections. When appropriate traffic control signals are installed at each intersection, the operator of a vehicle entering the intersections shall obey the signal displayed as the driver approaches the intersection, except when directed by a police officer to do otherwise. The Board of Public Works and Safety shall publish and update as deemed necessary in the traffic schedules the names of intersections at which traffic control signals are placed.

PEDESTRIANS CROSSWALKS

The Board of Public Works and Safety is empowered to designate and maintain by appropriate devices, marks, or lines, upon the surface of the roadway, lanes for any crosswalks at any intersection in any business area or on any highway, where, in its discretion and opinion, there is particular danger to pedestrians crossing such roadway.

5. TRUCKS AND OTHER HEAVY VEHICLES

TRUCK WEIGHT LIMITS

A. Freight-carrying, pneumatic-tired vehicles with a gross weight of over 11,000 pounds shall be operated only on the truck routes approved by the Board of Public Works and Safety. These truck routes are listed in Table A.

B. The restriction in subsection A shall not prohibit the operation of:

1. Any public or private emergency or medical services vehicle;
2. Vehicles owned and operated by a governmental agency;
3. Regular trash removal and pickup service vehicle;
4. Recreational vehicle;
5. Vehicles having origin or destination on a public way other than a designated truck route, shall be permitted to travel on such public way to the extent reasonably necessary to reach their destination from a designated truck route or to reach a designated truck route from their point of origin. These vehicles shall use the designated destination routes approved by the Board of Public Works and Safety to the greatest extent possible. These destination routes are listed in Table B;
6. Moving vans engaged in removing or delivering residential or business property;
7. Construction vehicles which are entering or leaving a construction site which cannot reasonably be accessed by another route;
8. Vehicles owned or operated by the city, public utilities or any contractor or material man engaged in the repair, maintenance, or construction of streets, street improvements, or utilities.
9. School buses used to transport school children to and from school and to and from athletic games, events, or school functions.
10. Vehicles upon any officially established detour where such vehicles could lawfully be operated upon for which the detour is established.

C. The Board of Public Works and Safety shall cause to be posted certain signs and markings on the approved truck routes and destination routes.

TABLE A – TRUCK ROUTES (Through Traffic)		
THROUGH ROUTES	FROM	TO
I-65	City Limits (north)	City Limits (south)
SR 44	I-65	Jim Black Road
SR 44	City Limits (west)	West Jefferson Street
SR 144	City Limts (west)	Westview Drive
US 31/Morton Street	City Limits (north)	City Limits (south)

Arvin Road	Commerce Parkway	Hurricane Road
Commerce Drive	US 31/Morton Street	Graham Road
Commerce Parkway	Graham Road	Arvin Road
Earlywood Drive	US 31/Morton Street	City Limits (east)
Eastview Drive	Hurricane Road	King Street
Graham Road	City Limits (north)	Commerce Drive/Parkway
King Street	Eastview Drive	I-65
Jefferson Street	Westview Drive	US 31/Morton Street
Jim Black Road	City Limits (north)	SR 44
Westview Drive	US 31/Morton Street	Jefferson Street

TABLE B – DESTINATION ROUTES (No Through Traffic)		
PUBLIC WAY	FROM	TO
Arvin Road	Graham Street	Commerce Parkway
Branigin Boulevard	Jefferson Street	South Street
Forsythe Street	King Street	Jefferson Street
Graham Road/Street	Commerce Drive/Parkway	Martin Place
Grizzly Drive	Branigin Boulevard	First Street
Hamilton Avenue	Hurricane Street	Hurricane Road
Hurricane Road	Arvin Road/Eastview Drive	Hamilton Avenue
Hurricane Street	Arvin Road	Hamilton Avenue
Jackson Street	Jefferson Street	Monroe Street
Jefferson Street	US 31/Morton Street	Forsythe Street
King Street	Forsythe Street	Eastview Drive
Lovers Lane	King Street	City Limits (south)
Main Street	US 31/Morton Street	Jefferson Street
Monroe Street	Jackson Street	Branigin Boulevard
Park Avenue	First Street	City Limits (southeast)
South Street	US 31	Branigin Boulevard/State Street
State Street/Old US 31	South Street	City Limits (southeast)

CONSTRUCTION VEHICLES AND MOVING VANS

Construction vehicles and moving vans may cross the public right-of-ways at appropriate driveways or entry ways. If an appropriate entry way is not available, the owner of such vehicle

may cross the public right-of-way, but said owner is responsible to the City for damage done to the sidewalk curb, or to trees and shrubbery on the right-of-way. At no time shall such vehicle block a sidewalk or the right-of-way.

PARKING OF TRUCKS, TRAILERS AND CABS

It shall be unlawful for any person or persons to park a truck or truck cab twenty (20) feet in overall length or eight (8) feet or more in overall width except in a designated industrial zone or in a designated public parking area within the City for over a 2-hour period except while actually engaged in the loading and unloading of freight or other material on or from the vehicle.

It shall be unlawful for any person to park a trailer of any size or type on any public way in the City except (1) temporarily, not to exceed two hours in any 24-hour period, or (2) while actually engaged in loading or unloading freight or other material on or from the vehicle, or (3) within an industrial area or in a designated public parking area.

PARKING AND STORING OF HAZARDOUS WASTE AND DANGEROUS MATERIALS

It shall be unlawful for any person or persons to park within the City any truck or vehicle containing hazardous waste or dangerous material on any street except when actually engaged in the loading and unloading of said materials.

It shall be unlawful for any person to park a trailer or vehicle for the purpose of storing any hazardous waste or dangerous material in the City on private or public property except in designated industrial zones within the City. Persons parking or storing hazardous waste or dangerous material within industrial zones must notify the Fire Chief within 2 hours from the time of arrival at the storage cite, detailing the duration of stay, nature of material and future destination of said material.

PARKING AND GARAGING OF TANKERS

It shall be unlawful for any person to park or store a tank trailer or tank vehicle for any purpose in the City on private or public property except:

(1) At outside locations approved by the Fire Chief and not less than 50 feet from any building in designated industrial zones within the City.
(2) When the vehicle is being loaded or unloaded. During the actual discharge of the vehicle, the provisions of the City Fire Code shall apply.
(3) In case of accident or other emergency when the operator must leave to obtain assistance.
(4) Inside a plant or building approved by the Fire Chief for storage or servicing and 25 feet from the property line.

MARKING ON TANK VEHICLES

All tank vehicles used within the City for the transportation of any flammable or combustible liquids, and or any hazardous waste or dangerous materials regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked indicating their contents in accordance with NFPA, UFC and U. S. Department of Transportation Hazardous material regulations.

RECREATIONAL VEHICLES AND BOATS
Motorized and non-motorized recreational vehicles and boats may not be:

(1) Parked or stored on a public way for more than 48 hours during any one week.
(2) Stored or parked on a public right-of-way at any time.

At no time shall a parked or stored recreational vehicle be used for habitation except in designated areas in public parks. Motorized and non-motorized recreational vehicles and boats may be stored in a designated commercial storage area which complies with the City's zoning standards and approved by the Fire Chief. The owner of a recreational vehicle or boat trailer shall not park or store such vehicle so as to create a dangerous or unsafe condition. Parking or storage of the recreational vehicle or boat trailer (whether it is loaded or unloaded) so that its wheels are not locked or chocked, shall be considered a dangerous and unsafe condition.
No recreational vehicle shall be connected to gas, electric, water, or sanitary sewer service for purpose of habitation, except as cited herein.

PARKING OF BUSES AND TRUCKS
It shall be unlawful for any person to park a bus or truck of any kind closer than twelve (12) feet from any intersection, alley or driveway in the City. It shall be unlawful for any person or persons to park a trailer or bus in any residentially zoned section of the City for over a 2-hour period, except while actively engaged in the loading and unloading of people, freight, or other material on or from the vehicle. After 48 hours from the time of notification of violation, any truck or truck trailer or bus illegally parked in the City may be towed to a City impound lot.

6. MISCELLANEOUS TRAFFIC REGULATIONS

QUIET ZONES
The Board of Public Works and Safety may determine the location of quiet zones within the City and shall have placed and maintained appropriate signs indicating the same. Within these zones, traffic movement, the operation of certain vehicles, and the duration of operation of vehicular traffic shall be limited.

ONE-WAY STREETS
The Board of Public Works and Safety may declare specific streets or alleys as one-way streets or alleys, in which traffic shall move only in the indicated direction when proper signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. One-way streets must be listed in the traffic schedules and updated as deemed necessary.

LIMITATION ON BACKING
A driver shall not back up his or her vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.

DRIVING IN PARKS, PICNIC GROUNDS OR PARK FACILITIES
No person shall operate a motor vehicle, motorcycle or motorized bicycle across any part of a public park, picnic ground or other public property not designed and intended to be used by vehicles. City Departments and Utility Service vehicles are exempt from this section.

HANGING ON MOVING VEHICLES
It shall be unlawful for any person (other than an authorized City, emergency response, or trash removal employee) to get on or off, swing on or hang on from the outside, or hitch on to any vehicle of any description, while the vehicle is passing on or along any public way within the City.

It shall be unlawful for any person other than railroad and City or emergency response employees to get on or off, or swing on or hang on from the outside of any railroad engine or car, while it is in motion or switching within the City.

It shall be unlawful for any person or persons to ride in an unsafe manner in the back of an open pick-up truck or upon any vehicle within the City limits.

SKATEBOARDING
No person shall use a skateboard on a public way or sidewalk, decorative wall, handrail, curb, bench, or other City owned personal property within the Business District.

7. PARKING

SPECIFIC VIOLATIONS
No person shall park a vehicle or trailer at any time upon any public way (or right-of-way):

a. With one or more tires on a public sidewalk;
b. With one or more tires upon or across a curb or with the vehicle being entirely within a public right-of-way that is bounded by a curb;
c. Within an area designated no parking either by a no parking sign or by a yellow-painted curb or edge of pavement;
d. Outside the limits of a delineated parking space (applies only to those streets in which parking spaces are marked with pavement markings within the block);
e. So as to obstruct, prevent, or interfere with traffic flow;
f. Within an alley;
g. So as to obstruct any street gutter or drain in any public way;
h. Other than in the direction of lawful traffic movement;
i. Outside of designated parking areas within the public parks of the City;
j. Within a marked pedestrian crosswalk;
k. So that the vehicle or trailer is parallel to a second vehicle legally parked along any public way;
l. So that the vehicle or trailer is parked behind a vehicle properly angle parked;
m. Closer than ten (10) feet to any intersection, driveway, or alley;
n. Within twenty (20) feet of any fire hydrant, sprinkler, or standpipe connection, or in any other manner so as to obstruct or interfere with the Fire Department’s use of the hydrant or connection;

PARKING ADJACENT TO BUILDINGS AND FIRE LANES
It shall be unlawful to park any vehicle that is not in the process of being loaded or unloaded, in any lane, alley, privately-owned public parking lot, driveway, or service area, within twelve (12) feet of any building, accessory structure or sidewalk which is immediately adjacent to or attached to any building, where such building is occupied by more than two families or is

occupied for commercial, professional, religious or other type of occupancy or assembly, in such manner as to obstruct the free passage of Fire Department vehicles, police cars, emergency or rescue vehicles, or any other vehicle performing a public or emergency function, or in such a manner as to obstruct the free passage of any other vehicle through or over such restricted area.

Where there are areas inaccessible to vehicular traffic between a lane, alley, privately-owned public parking lot, driveway, or service area and attached to any building, the restricted area of twelve (12) feet shall be measured from the inaccessible areas abutting the lane, alley, privately-owned public parking lot, driveway, or service area and a twelve (12) foot fire lane established so as to permit free and continuous passage of vehicles.

The Franklin Fire and Police Department shall inspect areas surrounding all buildings to which this section applies, and the Chiefs in charge of said departments shall determine the location of the emergency vehicle lanes established herein, notify in writing the property owner of legal title that they have the responsibility to erect signs provided by the City within 30 days, and report the same to the City Street Commissioner.

The property owner shall cause the erection or posting of signage approved by the City which shall read: "NO PARKING, FIRE LANE TOW AWAY ZONE" and a line shall be caused to be painted upon the surface adjacent to such buildings marking such lanes.

Any person causing a violation of this section may be fined and his or her vehicle may be removed at the order of a police officer with expense for such removal to be assessed against the owner of the vehicle.

NO PARKING BY SPECIAL ORDER

When authorized by the Board of Works and Safety, the Chief of Police may post No Parking signs along public ways, or on City property, to temporarily prohibit parking. No Parking conditions are to include, but not limited to, fire, natural disaster, traffic congestion, weather conditions, construction area, parade routes, special events, and public safety.

When authorized by the Board of Works and Safety, the Chief of the Fire Department for reasons related to public safety, in the execution of his department's duties, may post No Parking signs along City streets or private property, to temporarily prohibit parking.

Any vehicle in violation of this section may be impounded and removed by a police officer and the expense of the impounding and removal of the vehicle shall be paid by the owner thereof.

PARKING DURING SNOW REMOVAL, STREET REPAIR, AND STREET CLEANING

In the event weather conditions or the condition of City streets makes it necessary for parking on City streets to be prohibited or restricted for snow plowing, snow removal, street repair, street cleaning, and other related purposes, the Street Commissioner shall implement a parking prohibition on parts or all of the City as deemed necessary. It shall be unlawful to park or allow to remain parked any vehicle on any street to which the prohibition applies during the hours of the prohibition when signs have been properly posted. Any vehicle in violation of this section may be impounded and removed by a police officer and the expense of the impounding and removal of the vehicle shall be paid by the owner thereof.

UNTAGGED VEHICLES
Untagged vehicles may not be parked upon any public way.

PARKING ALONG STATE HIGHWAYS
Should the Board of Public Works and Safety establish right-of-way parking spaces along any state highway, the State Highway Commission of Indiana shall first grant approval, unless authority and jurisdiction over said highway has been granted by agreement of the State.

TOWING ILLEGALLY PARKED VEHICLES
A police officer, the Fire Chief, or the Street Commissioner may order the removal of a vehicle or trailer parked in violation of this ordinance if the vehicle creates a safety hazard or, within 20 minutes of being requested to properly park or move the vehicle, the owner of the vehicle refuses to comply. The expense for such removal shall be assessed against the vehicle's owner.

PARKING SCHEDULES
The Board of Public Works and Safety shall place in its parking schedules and update as deemed necessary lists of streets upon which no parking signs shall be placed.

UNDUE HARDSHIP APPEAL
Prior to notice of violation, citizens seeking an exemption from the strict application of the regulations of this ordinance may appeal to the Board of Public Works and Safety. The only ground for appeal shall be undue hardship. The Board must weigh the convenience and interest of the citizen making the appeal against the general welfare of the community, public safety, and efficient flow of traffic. Specifically, any resident may request the Board to grant a "right-of-way parking space" on the basis of undue hardship caused by a law prohibiting the resident from parking on the right-of-way adjacent to his or her property.

PARKING TIME LIMITED ON CERTAIN STREETS
The Board of Public Works and Safety may limit parking along certain public ways or parts thereof. When proper signs are in place in each block, no person shall park a vehicle for longer than the period which the Board determines. The list of these streets shall be placed in the traffic and parking schedules and updated as deemed necessary.

Any vehicle which occupies a parking space within a time-limited zone longer than the posted time limit shall be and is hereby declared to be in violation of this chapter and the owner or operator of such vehicle, or either of them, shall be liable for the penalties prescribed.

Any police officer for the City who shall observe any violation of the parking zone, as herein defined, shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this section and instructing such owner or operator as to payment or trial through the Franklin City Court.

Any police officer shall have the right to tow in and remove, or cause to be towed in or removed, any vehicle found to be in violation of the provisions of this section and the costs of such tow-in and storage thereafter shall be paid by such violator before such vehicle may be released to the owner or operator.

The City shall cause to be posted certain markings and signs upon the curbs of the sections of streets herein designated which signs shall clearly advise the public of the time limit imposed upon the parking of any vehicle during the hours therein stated.

METHOD OF PARKING NEAR CURB
Unless angle parking is specifically designated, no person shall park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway except as otherwise provided in this chapter.

SIGNS OR MARKINGS INDICATING ANGLE PARKING
The Board of Public Works and Safety shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any state highway within this City unless the State Highway Commission of Indiana has determined by resolution or order entered in its minutes that angle parking shall be permitted.

PARKING SPACES FOR HANDICAPPED PERSONS
The Board of Public Works and Safety shall designate in front of all public buildings one or more spaces for handicapped parking. The Board of Public Works and Safety may designate on-street handicapped parking spaces in front of properties to meet the needs of handicapped persons. A property owner or tenant may make a request to the Board for consideration. . Only persons with a designated handicapped plate or sticker issued by Bureau of Motor Vehicles may park his or her vehicle, or a designated vehicle in a designated handicapped space.

Any person who does not suffer from physical disability or infirmity which would make it difficult to walk to and from or otherwise access a place of business within the City who parks a vehicle in a space marked for only the use of handicapped persons shall be subject to a fine. Even though a vehicle has a proper handicapped plate or sticker, if the driver is not a handicapped person or is not in the process of picking up or delivering a handicapped person, he or she also shall be subject to a fine.

CURB LOADING ZONE
The Board of Public Works and Safety may determine the location of curb loading zones and shall have placed and maintained appropriate signs indicating the same.

During the hours when the regulations applicable to curb loading are effective, no person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or materials in any place marked as a curb loading zone.

PARKING IN CITY PARKING LOTS
The parking spaces in all City parking lots, in which no specific time limits are posted, shall not be occupied by any one vehicle for more than twenty-four (24) hours. Government vehicles are exempt from this segment of the statute. Said lots may be closed after business hours. Parking shall be limited to passenger vehicles or by approval from the Board of Works and Safety.

8. STREETS AND SIDEWALKS GENERALLY

SNOW AND WEATHER EMERGENCY ROUTES
The Board of Public Works and Safety is charged with the responsibility of establishing a series of snow emergency routes within the City and shall have placed and maintained appropriate signs indicating the same. The Street Commissioner or the Mayor of Franklin may declare a snow emergency at which time no person shall park a vehicle for any purpose or period of time along the snow emergency route. In the interest of public safety the City police may tow or ticket vehicles.

HAZARDOUS AND DANGEROUS MATERIALS ROUTES
The Board of Public Works and Safety shall determine, in conjunction with the Chief of Police and the Fire Chief, hazardous waste and dangerous materials routes through the City of Franklin. All vehicular traffic carrying said materials shall be restricted to their designated routes.

SPILLS OF HAZARDOUS WASTE OR DANGEROUS MATERIALS
The costs of the City of the clean up of any spill of hazardous waste or dangerous materials shall be billed directly to the person determined by the Fire Chief to have caused said spill.

POLES AND WIRES
No person shall erect or maintain any poles or wires on or over any public way or right-of-way without a permit.

GAMES
It shall be unlawful for any person or persons to play any game upon or along any street or alley within the City. The Board of Public Works and Safety from time to time may authorize the closing of City streets or alleys for purposes of festivals or community activities.

OBSTRUCTING PUBLIC WAYS
No person shall obstruct or cause to be obstructed any public ways within the City so as to hinder the safe and efficient flow of pedestrian or vehicular traffic. No vehicle shall be permitted to cross a public right-of-way or sidewalk where there is no driveway or entryway. Any driver doing so is responsible to the City for damage done to the sidewalk, curb, or to trees and shrubbery on the right-of-way.

No equipment or machinery, whether self-propelled or towed, shall be parked or permitted to stand on a street without a permit from the Board of Public Works and Safety. Service trucks may be parked on the public-way while the operators are engaged in repair or service.

No persons shall congregate at any point upon any sidewalk in the City so as to hinder or interfere with the free passage of pedestrians thereon.

When any public way is obstructed so as to impede or interfere with the free use thereof, the Chief of Police or his designee may remove, or cause to be removed, such obstruction to some suitable place. The cost of removing such obstruction may be recovered from the person causing the obstruction. Notice of violation shall be issued to the violator, in person, posting on site or by mail, within 24 hours of removal of such obstruction.

This does not prohibit the reasonable and necessary use of parts of public ways for the purpose of depositing building materials in front of, beside, or in the rear of buildings in the process of erection or repair, provided that permission of the Board of Public Works and Safety has been obtained and subject to such conditions as may be prescribed by that Board. Where necessary to properly protect the public in the nighttime, lighted, blinking amber lamps shall be placed about such materials. Any police officer shall have the right to tow in and remove any vehicle found to be in violation of the provisions of this section, and the cost of such tow-in and storage thereafter shall be paid by the owner or operator before such vehicle may be released.

Any person convicted for violating the provisions of this section is subject to the penalties provided by ordinance, laws and/or statutes of the State of Indiana.

VEHICLES ON SIDEWALKS AND RIGHT-OF-WAY

No person shall operate any motorized vehicle, including but not limited to golf carts, (except motorized wheelchairs, electric personal assistive mobility device, or by special permit) along any sidewalk or across a curb, a public right-of –way or sidewalk. This does not prohibit crossing on any public way, driveway or alley. No person or persons shall cause a motorized vehicle to be parked or placed on any part of a City sidewalk except in the process of crossing the public right-of-way through a City designed driveway or alley.

SOLICITING IN THE PUBLIC WAY

Soliciting for commercial purposes in the public way or the public right-of-way shall be unlawful. Soliciting for charitable purposes in the public way or the public right-of-way is a permitted use for organizations obtaining approval from the Board of Public Works. Each day that a violation occurs shall constitute a separate offense.

VEHICULAR HABITATION

At no time shall a parked or stored vehicle be used for habitation.

INJURY TO STREETS AND THE PUBLIC RIGHT-OF-WAY

No person shall deface, injure or move any part of any sidewalk, street, greenspace, alley, or pavement or any street sign, lamp post, bench, trash can, gutter, curb, drain, sewer or any tree, unless authorized to do so by the city.

No vehicle (except as outlined for construction vehicles and moving vans) shall be permitted to cross a public right-of-way or sidewalk where there is no driveway or entry way. Any driver doing so is responsible to the city for damage done to the sidewalk, curb, or to trees and shrubbery on the right-of-way.

LITTERING OF STREETS DURING CONSTRUCTION

No contractor or employee thereof or the owner, if the owner is working on his own land, shall cause a foreign substance to be deposited on any public way, right-of-way or sidewalk within the City beyond the end of the working day. The phrase “the end of the working day” shall mean that time at which construction or other activity on a project shall cease permanently during any 24-hour period.

Any such contractor or employee thereof or the owner, if the owner is working on his own land, who fails to remove such substance within the time specified above, shall be liable for the cost of such removal. The City may remove the same, and the cost of such removal shall be charged against the property upon which such construction or other work is being done and the same shall become a lien upon such property in the manner in which taxes become a lien. Additionally, the contractor, employee thereof or owner is subject to fines, penalty and cost of enforcement as set forth herein.

Failure to remove such foreign substance from the surface of the public way shall constitute a second and separate violation and the contractor or employee thereof or the owner shall be liable for a second and separate violation and subject to the same penalty.

BURNING OF LEAVES AND RUBBISH ON STREETS OR WALKS
It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets or sidewalks within the corporate limits of the City. EPA rules and regulations shall apply and be enforced at the discretion of the Fire Chief.

CLEANING SIDEWALKS OF DEBRIS
The occupant or the owner where there is no occupant, of the property adjoining any public sidewalk shall keep the sidewalk free of obstructions, debris, any foreign matter, snow and weeds.

ENCROACHMENTS
No person or persons shall maintain or construct any building, fence, sign, platform or structure in the public right-of-way without a permit from the Board of Public Works and Safety.

SIGNS WITHIN PUBLIC WAY AND PUBLIC RIGHT-OF-WAY
No person shall attach any sign, advertisement, or handbill or notice to any tree or shrub, pole, traffic sign or vehicle in or on any public way or anywhere within the public right-of-way, utility right-of-way. The placement of any temporary or portable signage immediately adjacent to or upon the public right-of-way is prohibited.

OBSTRUCTING FIRE LANES
It shall be unlawful to place an obstruction in a designated fire lane without prior written approval by the Fire Chief.

10. ENFORCEMENT AND PENALTIES

NOTICE OF VIOLATION
Any police officer or designee of the Police Chief who shall observe any parking violation of this title shall attach to the vehicle in violation a notice to the owner or operator that the vehicle is in violation of a provision of this title, thereby instructing such owner or operator as to the legal consequences of such violation, including but not limited to the fine and penalty incurred for the violation. If the operator of the vehicle is not present, the name of the person to whom the vehicle is registered shall be considered prima facie proof that the person was in control of the vehicle at the time of the parking.

Any police officer who shall observe a non-parking violation of this chapter shall serve notice to the person in violation that he or she is in violation of City ordinance and the fine and penalty incurred.

TOW-IN OF VEHICLE, REDEMPTION
Prior to a tow-in vehicle being released by the possessor, the obligations owed to the City, and all charges owed for tow-in and storage shall be paid.

If the vehicle is not redeemed within 30 days after its being towed-in, the vehicle may be treated as abandoned property and disposed of according to law.

TOW-IN FOR CONTINUED VIOLATION
The owner of any vehicle found to be in continuous violation of the parking sections of this ordinance may receive additional notice of violation for each two hours of the violation, and after 24 hours of continuous violation the vehicle, shall be subject to the tow-in provisions. Whenever a vehicle is found to have accrued five notices of parking violation or the violations remain unpaid for a period of 48 hours, excluding weekends and holidays, after the date of the last notice of violation, the vehicle, if it continues to be in violation, shall be subject to the tow-in provisions in the ordinance.

PAYMENT IN LIEU OF FINE
Within 48 hours, excluding weekends and holidays, following the date of violation, any person receiving notice of violation(s) of this ordinance with a penalty or fine of $25.00 may discharge any obligation with respect to the notice by voluntarily paying $20.00 by mail or in person at the office of the Clerk-Treasurer. Mailed payment must be post marked within the 48 hour period. Each act of violation and every day upon which the violation occurs constitutes a separate offense. The failure of a violator to pay the amount shall result in the violator's becoming liable for the full penalty provided in this ordinance.

DEPOSIT AND ADMINISTRATION OF MONEY FROM FINES
All money received by the City Clerk-Treasurer of the City from violators of all sections of this chapter shall be deposited in the general fund of the City of Franklin, all in accordance with the laws of the State of Indiana.

CITY COURT JURISDICTION
In addition to any other jurisdiction that the Franklin City Court may have, such Court shall also have jurisdiction over all violations of this ordinance and municipal code violations and is authorized to exercise all powers permitted by law.

PROSECUTION AND COURT PENALTIES
If a violation of this ordinance is not adjudicated within the terms of this ordinance within 30 days, said violation will be referred to the City Attorney for prosecution.

The failure of a violator to pay voluntarily the payment in lieu of fine within 48 hours, if applicable, or the full penalty at the office of the City Clerk-Treasurer within 30 days of the issuance of the notice of violation shall result in the violator being arraigned in the City Court and, upon conviction, becoming liable for all fines, penalties, and costs of prosecution including attorney fees.

PENALTIES NOT SPECIFICALLY PROVIDED

When a penalty for violation of a provision of this ordinance is not specifically provided for, the violator, upon conviction, may be fined in the City Court a sum not exceeding $500 and shall be required to pay the cost of prosecution and court costs.

Each act of violation and every day upon which a violation occurs constitutes a separate offense.

The penalty provided herein applies to the amendment of any section of this chapter for which another penalty is not provided, or any code adopted herein by reference, whether or not a penalty is reenacted in the amendatory ordinance.

SPECIFIC PENALTIES

The failure of a violator to pay in lieu of fine within 48 hours (if applicable), excluding weekends and holidays, shall result in the violator's becoming liable to the full penalty provided below:

The fine for violation of Park & Playground Speed Limit shall be $25.00.

The fine for violation of Truck Weight Limit shall be $250.00.

The fine for violation of Construction Vehicle & Moving Vans regulations shall be $100.00.

The fine for violation of Parking of Trucks, Trailers & Cabs shall be $100.00.

The fine for violation of Parking or Storing of Hazardous Waste & Dangerous Materials shall be $500.00.

The fine for violation of Parking or Garaging of Tankers shall be $100.00.

The fine for violation of Recreational Vehicle or Boat Parking shall be $25.00.

The fine for violation of Buses or Truck Parking shall be $25.00.

The fine for Backing Violation shall be $25.00.

The fine for Improper Parking or Vehicle Use in City Park shall be $25.00.

The fine for Hanging on Moving Vehicle shall be $25.00.

The fine for violation of Skateboarding on public way or within Business District shall be $25.00.

The fine for violation of Specific Violations (a-n) shall be $25.00.

The fine for Obstructing a Fire Lane shall be $100.00.

The fine for violation of No Parking by Special Order shall be $25.00.

The fine for violation of Parking During Snow Removal, Street Repair and Street Cleaning shall be $25.00.

The fine for Exceeding Parking Time Limit shall be $25.00.

The fine for Improper Curb Parking shall be $25.00.

The fine for Improper Angle Parking shall be $25.00.

The fine for Unauthorized Parking in Handicapped Zone shall be $25.00.

The fine for Illegal Parking at Curb Loading Zone shall be $25.00.

The fine for Overtime Parking in City Parking Lot shall be $25.00.

The fine for violation of Emergency Route shall be $100.00.

The fine for violation of Hazardous & Dangerous Material Route shall be $100.00.

The fine for violation of Placement of Poles & Wires shall be $25.00.

The fine for Playing Game in Street shall be ($10.00).

The fine for Obstructing Public Way shall be ($15.00).

The fine for violation of Vehicles on Sidewalks shall be ($25.00).

The fine for Soliciting in the Public Way shall be ($10.00).

The fine for Vehicular Habitation shall be $50.00.

The fine for Injury to Streets & Public Right-of-way shall be $100.00 & cost of damage.

The fine for Littering of Streets During Construction shall be $50.00.

The fine for Burning on Streets or Walks shall be $50.00.

The fine for violation of Signs within Public Way or Right-of-Way shall be $25.00.

Each act of violation and every day upon which violation occurs constitutes a separate offense.

Citizens who have received notice of violation and who have not made payment in lieu of fine may pay the prescribed penalty by mail or in person at the office of the City Clerk-Treasurer within 30 days of the issuance of the notice of violation.

11. REPEAL OF ORDINANCES: The provisions of all other ordinances in conflict with the provisions of this ordinance, specifically Ordinance 2005-10, Ordinance 1990-09, Ordinance 1990-22, Ordinance 2014-06, and Ordinance 2014-07 are of no further in force or effect, and are repealed upon passage and adoption of this ordinance in the manner prescribed by law.

No ordinance or part thereof, previously repealed shall be considered, re-ordained or re-enacted by virtue of this ordinance unless specifically re-enacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby. Nothing in this ordinance is intended to repeal ordinances not otherwise in conflict with the provisions of this ordinance.

12. DURATION AND EFFECTIVE DATE: The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) thirty (30) days after the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-15,16.

Introduced and Filed on the _____day of _____, 2016.

DULY PASSED on this _____ day of _____, 2016, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:	Voting Opposed:
_____	_____
Stephen Barnett, Council President	Stephen Barnett, Council President
_____	_____
Kenneth W. Austin, Vice President	Kenneth W. Austin, Vice President
_____	_____
Joseph P. Abban	Joseph P. Abban
_____	_____
Joseph R. Ault	Joseph R. Ault
_____	_____
Andrew Eggers	Andrew Eggers
_____	_____
Keith Fox	Keith Fox
_____	_____
Richard L. Wertz	Richard L. Wertz

Attest:

_____
Jayne Rhoades
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this _____ day of _____, 2016 at _____ o'clock a.m./p.m.

_____
Jayne Rhoades,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this_____ day of _____, 2016 at _____ o'clock a.m./p.m.

_____
Joseph E. McGuinness
Mayor

Attest:

_____
Jayne Rhoades,
City Clerk-Treasurer

Prepared by:
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