

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2020-01**

**AN ORDINANCE REVISING CHAPTER 93 OF THE WHITELAND TOWN CODE TO
REGULATE THE NUISANCE OF VEHICLES PARKING ON PROPERTY WITHOUT
AN APPROVED HARD SURFACE**
(Yard Parking Nuisance)

WHEREAS, the Town Council of the Town of Whiteland (the “Town Council”) believes that reasonable health and public safety regulations addressing parking are needed to protect and improve the quality of life, character and safety of residential neighborhoods, and the Town of Whiteland as a whole;

WHEREAS, the Town Council has determined that the parking of vehicles on non-hard surfaced property interferes with the use, enjoyment, and safety of properties of the Town; and

WHEREAS, the Town Council has determined that ensuring all future driveway construction conforms to appropriate building standards is necessary to ensure continued use, enjoyment, and safety of the Town, including without limitation, the Town’s roads, sidewalks, and rights-of-way.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA AS FOLLOWS:

SECTION 1. The recitals of this ordinance are hereby incorporated herein by reference and deemed to be findings of the Town Council.

SECTION 2. Section 93.04(A) of the Whiteland Town Code is hereby amended to add the following enumerated nuisance:

(15) The unauthorized operating, parking, or storage of any vehicle, trailer, boat, camper, travel trailer or other similar item as provided under Section 93.05, unless operated, parked, or stored upon an approved driveway or other approved hard surface parking area, or otherwise expressly permitted, in accordance with Section 93.05 and all other provisions of the Town Code and applicable laws.

SECTION 3. Chapter 93 of the Whiteland Town Code is hereby amended to add Section 93.05 to address yard parking nuisances as follows:

§ 93.05 YARD PARKING NUISANCE.

(A) No portion of a vehicle (“vehicle” for purposes of this Chapter is defined as provided in I.C. 9-13-2-196, including without limitation a motor vehicle, commercial motor vehicle, trailer, boat, recreational vehicle, camper, or travel trailer) shall be parked or stored on any area of property other than areas paved with concrete or asphalt, or other hard surface material approved by the Town (gravel or stone may be permitted if specifically approved by the Town), unless expressly authorized under the Town Code or as otherwise expressly

authorized in writing by the Town. Areas paved with gravel or stone as of September 8, 2020 shall be grandfathered and considered paved with acceptable hard surface material.

(B) No portion of a vehicle shall be parked or stored on property primarily used for residential purposes any deeper than the front of the dwelling on the property, unless stored or parked within a fully enclosed building.

(C) No portion of a vehicle shall be parked or stored on property over any part of a sidewalk or curb that is parallel to the street adjacent to the property.

(D) Construction or other service vehicles being used for construction at a property or nearby property, may be temporarily parked on non-hard surfaced areas and in rear yards or side yards as reasonably necessary during such construction, but not overnight unless expressly authorized in writing by the Town. The terms "rear yard" and "side yard" shall have the meanings defined in § 154.03 of the Town Code.

(E) All new hard surfaces (including any gravel or stone surfaces) to be installed for vehicle parking or storage shall require a proper permit issued by the Town, and except as otherwise approved by the Town, shall be installed in accordance with the Town of Whiteland's Design Standards and Specifications Manual. Before a permit is issued, the applicant shall meet with the Town Manager or its designee to discuss the proposed hard surface installation and what hard surface materials will be acceptable, based on the predominant general conditions of the nearby area and for functionality. The Town Manager, or its designee, is authorized to determine whether a hard surface material other than concrete or asphalt is approved for a permit application. Any new hard surface to be installed on property primarily used for residential purposes shall only be located in front of the building on the property (or its front building line as extended to the side property lines), and shall not extend deeper than the front of the building on the property, except as reasonably necessary to provide vehicular access to a garage located behind the front building line. Entry from the nearby roadway to any new hard surface area on property shall only be in a location approved by the Town. Any hard surface installed within an easement or right of way shall be installed at the risk of the property owner and is subject to damage or disturbance that may be caused by users of the easement(s) and right-of-way.

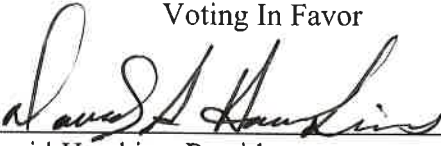
(F) Driving Over Curbs. No person shall operate, park, or store any vehicle on property in a way requiring driving or pulling the vehicle over a curb instead of through an approved and properly installed curb cut, unless the use of temporary ramp structures have been specifically authorized and approved in writing by the Town Manager or its designee.

(G) Repairing Lawn Ruts. All owners of any property on which any vehicle has been parked or stored on a non-hard surface portion of the property shall repair any and all yard ruts and other damage to the property caused by such use, within thirty (30) days of such damage, weather permitting.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL


Voting In Favor

Voting Opposed



David Hawkins, President

David Hawkins, President




Scot Ford, Vice President

Scot Ford, Vice President

Brad Goedeker

Brad Goedeker



Joseph Sayler

Joseph Sayler



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

SECTION 4. Section 93.11(A) of the Whiteland Town Code, concerning enforcement of nuisance violations, is hereby amended to read as follows:

(A) The Town Manager or its designee is hereby granted authority to take all actions described in the enforcement provisions of this chapter. For any property found to be in violation of this chapter, a notice of violation shall be issued to the owner, occupant, or other responsible party, and any other person holding a substantial property interest in the property, ordering the abatement of the violation within a reasonable time of at least ten (10) calendar days but not more than sixty (60) calendar days, which notice shall state the nature of the alleged nuisance, the action deemed necessary to correct the condition, the amount of penalty if the violation is not abated within the time provided in the notice, that a hearing on the alleged violation may be requested with the Town Council within ten (10) calendar days of the date of service of the notice, that if the violation is not abated within the time provided and a hearing is not requested within ten (10) calendar days of service the notice, the Town may have the violation abated, either by its own workers and equipment or by a contractor hired by the Town for this purpose, and that if the penalty and charges provided in this section and authorized by law are not paid when due, they may be added to the property taxes and/or be a lien against the property. The owner or other responsible party shall abate the violation or request a hearing within ten (10) calendar days of the date of service of the notice. A request for a hearing must be in writing, addressed to the Town Council and delivered in person or by certified mail. If the violation is abated by the owner or other responsible party within the time provided in the notice, no further action shall be taken and no penalty shall be imposed. Upon the failure of the owner and/or other responsible parties to cause the abatement of the nuisance, as required by this section, after notice and opportunity for hearing before the Town Council, the Town may proceed to cause the nuisance to be abated, and may charge the costs thereof against the owner and/or occupant of the property. The monetary penalty, the administrative cost incurred by the Town in processing the matter, attorney's fees, and all other costs authorized by law, shall be added to the cost of abatement, and the liability therefore shall be joint and several as to the owners and all other responsible parties.

SECTION 5. The Town Council hereby authorizes and directs the appropriate officials and representatives of the Town to take all necessary actions to implement this Ordinance following final adoption.

SECTION 6. All prior ordinance provisions in conflict herewith are repealed as of the effective date of this Ordinance.

SECTION 7. This Ordinance shall be in full force and effect immediately upon final adoption and publication in accordance with applicable law.

PASSED through first reading by the Town Council on the 8th day of September 2020, by a vote of 5 in favor and 0 against.

DULY ADOPTED on second and final reading this 13 day of October, 2020, by a vote of 4 in favor and 0 against.