

ORDINANCE NO. D-2359-17
AS AMENDED

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 6, ARTICLE 4, SECTION 6-63 OF THE CARMEL CITY CODE

Synopsis: Regulates and provides penalties for parking on City sidewalks, multi-use paths and bicycle lanes. Creates a permit system that, in unusual circumstances, would allow permit holders to park vehicles on City sidewalks, multi-use paths and bicycle lanes for a limited time.

WHEREAS, the City of Carmel (the "City") regulates the operation of motorized vehicles on City sidewalks, multi-use paths and bicycle lanes; and

WHEREAS, the Common Council of the City of Carmel, Indiana, now finds that it is in the interests of the public safety and welfare to amend the regulations related to the parking of motorized vehicles on City sidewalks, multi-use paths and bicycle lanes.

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

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Carmel City Code Section 6-63 should be and hereby is amended to read as follows:

§ 6-63 Regulation of Vehicular Use on Sidewalks, Multi-Use Paths, Bicycle Lanes, and Roadways.

(a) *Definitions.* As used in this section, the following terms have the following meanings:

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Bicycle Lane. That portion of a Roadway or Roadway shoulder that has been distinguished from the portion of the Roadway that is to be used by Motor Vehicle traffic by a painted stripe, a curb, or another bicyclist traffic control marking or device.

Motor Vehicle. Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:

- a) A Bicycle;
- b) A manual or power wheelchair;
- c) An electric personal assistance mobility device that constitutes a self-balancing, two-wheeled device designed to transport one person with an electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;

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This Ordinance was prepared by Jon Oberlander, Senior Carmel Assistant City Attorney, on 4/17/17 at 4:14 PM. It may have been subsequently revised. However, no subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

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- d) A City or Carmel-Clay Parks and Recreation owned or leased snow plow, snow blower, sweeper, lawn mower, maintenance vehicle or repair vehicle;
- e) A City or Carmel-Clay Parks and Recreation owned or leased public safety vehicle;
- f) An Authorized Emergency Vehicle, as that term is defined in § 8-1;
- g) An authorized lawn mower, sweeper, or snow removal machine weighing no more than 2,200 pounds; and

Multi-Use Path. An off-road public accessway intended for pedestrians, bicyclists, and other non-motorized users.

Roadway. All roads, streets, highways, alleys, courts, squares, or other public ways in the City that are dedicated and open to public use for Motor Vehicle traffic.

Sidewalk. A walkway as defined in I.C. 9-13-2-167, as the same may be amended from time to time.

(b) *Motor Vehicle Use Prohibited.* Except as provided in this section, no person shall, at any time, operate, drive, park, or let stand any Motor Vehicle on or along any Sidewalk, Multi-Use Path, or Bicycle Lane located within the City's corporate limits, except that Motor Vehicles are permitted to otherwise lawfully cross the same at a driveway, alley or highway as necessary to enter or exit a highway or adjacent property. Motor Vehicles with a Combined Gross Vehicle Weight Rating of less than 10,000 pounds may cross a Sidewalk, Multi-Use Path or Bicycle Lane to access an adjacent property. Such vehicles are not relieved of any liability for damage they may cause to infrastructure.

- 1) Permit required for motor vehicle parking on a City Sidewalk, Multi-Use Path or Bicycle Lane.
 - a. Persons who wish to park a motor vehicle upon a City Sidewalk, Multi-Use Path or Bicycle Lane must purchase a Sidewalk, Multi-Use Path and Bicycle Lane Parking Permit (the "Permit") from the Carmel Police Department.
 - b. The cost of a Permit is \$100.
 - c. A Permit allows one motor vehicle to park on a City Sidewalk, Multi-Use Path or Bicycle Lane and is valid for a single motor vehicle for a period of seven (7) days. in a single location. The City reserves the right to revoke a Permit at any time, for any reason.
 - d. All vehicles parked on a City Sidewalk, Multi-Use Path or Bicycle Lane must prominently display a valid Permit. Failure to do so will result in a violation of this Section.
 - e. Permit holders parked on a Sidewalk, Multi-Use Path or Bicycle Lane must allow a minimum width of five (5) feet of the path to remain accessible in order to maintain ADA accessibility.
 - f. Motor vehicles that are improperly parked on City Sidewalks, Multi-Use Paths and Bicycle Lanes may be cited for a violation by Carmel

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Police Department, Carmel Engineering Department inspectors or DOCS Code Enforcement.

(k) *Penalties.* Any person violating this section shall be subject to a fine of \$10, for the first such offense, a fine of \$25, for the second offense, and a fine of \$100, plus costs, for all subsequent offenses. If a vehicle displays an invalid permit, the fine amount will be increased by an additional \$150. This does not limit the authority of the court to impose additional penalties as permitted by law for moving violations, including suspension of driving privileges and mandating the violator attend and complete a defensive driving class. First and second offense violations of this section may be filed with the City Court Ordinance Violations Bureau.

Section 3. The remaining provisions of Carmel City Code Sections 6-63 are not affected by this Ordinance and shall remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.