

**ORDINANCE NO. 2012-2**

**AN ORDINANCE OF THE TOWN OF GENEVA, INDIANA  
DECLARING A SNOW ROUTES**

WHEREAS, the Board of Trustees of the Town of Geneva wishes to set forth a snow route to effectuate and facilitate the efficient removal of snow and ice from town streets.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF GENEVA HEREBY ORDAINS AND ENACTS that a new Schedule V and Schedule VI be added to Chapter 74 of the Code of Ordinances of the Town of Geneva, Indiana entitled "Snow Routes" and "Removal of Vehicles," respectively and such Schedules are hereby established as follows:

**SECTION 1. Establishment of Schedule V (Snow Routes) and Schedule VI (Removal of Vehicles).** Schedule V and Schedule VI are added to Chapter 74 of the Code of Ordinances of the Town of Geneva, Indiana, and shall read as follows:

**SCHEDULE V: SNOW ROUTES.**

(A) The following streets or portions thereof are designated as priority snow routes. On a declaration by the Board of Trustees of the Town of Geneva or the Town of Geneva Street Department that a snow emergency exists due to heavy snowfall in the Town of Geneva, or the declaration of a snow warning by Adams County (Level Red), no parking by any vehicle shall be permitted on the priority snow routes listed below. The routes shall be designated as priority snow routes and reasonable insignias shall be placed on them to indicate to the public that they are priority snow routes.

<b><u>Street</u></b>	<b><u>Portion</u></b>
Line Street	US 27 to Railroad Street
Winchester Road	SR 116 to East Lake Road
Rainbow Road	US 27 to CR 950 S

**SCHEDULE VI: REMOVAL OF VEHICLES.**

(A) Individuals shall be charged with the responsibility of knowing the priority of their street of residence or business and shall be deemed to know the same. Further, individuals shall be responsible for ascertaining the priority of the street upon which they are traveling or upon which they have parked or have become stalled and shall be deemed to know the same and shall take whatever measures necessary to remove such parked or stalled vehicles from those routes in accordance with this section.

(B) The Town Street Department and the Town of Geneva Police Department are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place (including another place on a street) or to a garage designated or maintained pursuant to a contract with the Town of Geneva when:

- (1) The vehicle is parked or stalled on a street that is declared a snow route;

- (2) A snow emergency has been declared; and
- (3) The vehicle is interfering or about to interfere with snow removal operations.

(C) In the event that it is deemed by any law enforcement officer that a vehicle shall be towed for the purpose of removal, he or she shall order the vehicle towed immediately in accordance with the provisions of this section. In the event that there is an insufficient number of contract wreckers available, the Geneva Town Council, or its designee, shall have the authority to enter into a service contract with other wrecker services for the purpose of towing vehicles during the period of snow removal operations. Vehicles shall be towed to any approved storage lot owned by a wrecker service. In the event that there is no space available on such a lot, the vehicle shall be stored at a site designated by the law enforcement officer.

(D) Whenever a vehicle has been removed from a street as authorized in this section and the appropriate agency is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such agency shall, as soon as possible, give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the manner in which such vehicle may be reclaimed. In this event, any such notice shall be given to the proprietor of such storage lot or garage.

(E) Whenever an officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the bureau of motor vehicles and shall file a copy of such notice with the proprietor of any storage lot or garage in which the vehicle may be stored.

(F) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he or she shall present to a member of the Geneva Police Department evidence of his or her identity and right to possession of the vehicle and shall:

- (1) Sign a receipt for its return;
- (2) Pay the cost of removal;
- (3) Pay any cost of storage accrued for each additional day or portion thereof thereafter; and
- (4) Pay the associated fine to the Town of Geneva for violating this chapter.

Until paid, these charges constitute a lien on the vehicle that may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of the applicable state statutes.

(G) It shall be the duty of the Geneva Police Department to keep a record of each vehicle removed in accordance with this section. The record shall include:



- (1) A description of the vehicle;
- (2) Its license number;
- (3) The date and time of its removal
- (4) Location from where it was removed
- (5) Its present location
- (6) The name and address of its owner and last operator, if known;
- (7) Its final disposition; and
- (8) The parking violation involved.

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

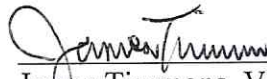
(I) Any party who received a citation for violation of any provision of this article shall pay a penalty not to exceed One Hundred Dollars (\$100.00). The penalty for a first violation shall be the sum of Twenty-Five Dollars (\$25.00), which is in addition to any and all other costs as provided in subsection (F) of this section. ). The penalty for a second violation of the same driver or person in charge of the vehicle which is in violation shall be the sum of Fifty Dollars (\$50.00), which is in addition to any and all other costs as provided in subsection (F) of this section. The penalty for a third or subsequent violation of the same driver or person in charge of the vehicle which is in violation shall be the sum of One Hundred Dollars (\$100.00), which is in addition to any and all other costs as provided in subsection (F) of this section. All assigned fines and penalties collected locally shall be deposited in the Town of Geneva Police Department's Local Law Fund.

**SECTION 2. Effective Date.** This Ordinance shall be in full force and effect upon passage, approval of the Board of Trustees and due publication.

**PASSED AND ADOPTED** by the Board of Trustees of the Town of Geneva by all members present and voting on May \_\_\_\_, 2012.

**Board of Trustees of Town of Geneva**

  
Richard Clutter, President

  
James Timmons, Vice-President

  
Doug Milligan

ATTEST:   
William Warren, Clerk-Treasurer

I, affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security Number in this document, unless required by law (David N. Baumgartner).

This instrument prepared by David N. Baumgartner, Town Attorney  
Attorney at Law, 110 S. Jefferson Street, Berne, Indiana 46711

**Ordinance 2012-1**

**SHORT TITLE: AN ORDINANCE AMENDING PARKING ON WINCHESTER ROAD  
WITHIN THE LIMITS OF THE TOWN OF GENEVA (ADAMS COUNTY), INDIANA.**

WHEREAS, the Town of Geneva, Adams County, Indiana, desires to provide safe traffic flow on Winchester Road; and

WHEREAS, vehicle traffic, including emergency vehicles, are restricted by vehicles being parked on both sides of Winchester Road; and

WHEREAS, parking on both side of Winchester Road at the intersection of Winchester Road and SR 116 creates an unsafe traffic situation; and

WHEREAS, the Council of the Town of Geneva has received complaints about vehicles parked on said street;

IT IS THEREFORE ORDAINED BY THE GENEVA TOWN COUNCIL, as follows:

Section 1: No person shall park a motor vehicle on west side of Winchester Road from SR 116 to Butcher Street.

Section 2: No person shall park a motor vehicle on the east side of Winchester Road from SR116 to a point a distance north of 105 feet from center of SR116.

Section 3: No Parking signs shall be placed along said street (Indiana Code Section 9-20-1-3(c)(2)).

Section 4: Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined for each violation a sum of fifty dollars(\$50.00)-1<sup>st</sup> offense, seventy-five dollars(\$75.00)- 2<sup>nd</sup> offense, and one hundred Dollars (\$100.00) for subsequent offenses. To be deposited in Local Law

Section 5: The ordinance shall be in effect after passage and publication as required by law.

Duly adopted by the Town Council of the Town of Geneva, Adams County, Indiana, on this \_\_\_\_ of \_\_\_\_\_, 2012.

  
Richard Clutter, President

  
James Timmons, Vice-President

1<sup>st</sup> reading 4-3-12  
2<sup>nd</sup> reading 5-1-12  
3<sup>rd</sup> reading 6-5-12

  
Douglas Milligan, Council Member

ATTEST:   
William Warren, Clerk-Treasurer