

ORDINANCE 12-C-21

Synopsis: This ordinance, if adopted, would amend the Code of Ordinances of the City of Huntington, Indiana by: (i) amending Chapter 72 by inserting a new Section 72.12 as a technical change and adding a new Section 72.27 authorizing the City with the authority to tow vehicles for certain parking violations; and (ii) amending Chapter 94 by removing the ability of the Fire Department to offer a burn permit from Section 94.10, a process which is not utilized, and itemizing the penalties applicable for violations within Section 94.15.

AN ORDINANCE AMENDING CHAPTERS 72 AND 94 OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON, INDIANA

WHEREAS, the City of Huntington (“City”) has an established system of parking restrictions; and

WHEREAS, the City’s Police Department and Ordinance Officers encounter certain parking offenses with vehicle owners repeatedly disregarding parking restrictions and have suggested amendments to the existing system of parking restrictions to address the same;

WHEREAS, the City has established regulations for open burning which permits small, recreational campfires and the Fire Marshall has suggested amendments to the same to improve the health, safety and wellness of the City’s citizens;

NOW, THEREFORE, BE IT ORDAINED THAT, the Common Council of the City of Huntington, Indiana, in meeting duly assembled, after consideration and deliberation deemed by it to be sufficient, hereby amends the Code of Ordinances of the City of Huntington by inserting a new Section 72.12 to read as follows:

“§72.12 AREAS DESIGNATED FOR NO PARKING.

No person shall park any vehicle upon a street within an area which has been signed or marked by the Traffic Director as “No Parking.”

BE IT FURTHER ORDAINED THAT, the City of Huntington, Indiana’s Code of Ordinances is hereby amended by inserting a new Section 72.27 to read as follows:

“§72.27 Removal of Vehicles.

(A) Any vehicles violating Sections 72.12, 72.16, 72.17, 72.18, 72.23, or 72.24 of this subchapter are subject to removal by towing or other means at the expense of the vehicle's owner when towing and/or removal is deemed necessary by the city services, Police or Fire Departments.

(B) Any vehicles violating Sections 72.20 or 72.26 of this subchapter are subject to removal by towing or other means at the expense of the vehicle's owner after the vehicle has received four (4) violations within any twelve (12) month period and the towing and/or removal is deemed necessary by the Police.”

BE IT FURTHER ORDAINED THAT, §94.10 of the City of Huntington, Indiana’s Code of Ordinances is hereby amended by deleting sub-sections (B), (C) and (D) in the entirety and inserting the following:

“ (B) No one shall kindle or maintain any open burning (which means any burning of combustible materials out of doors) within the corporate limits of the city except as provided in sub-section (C).

(C) Only in a situation where it is reasonably unlikely that the open burning may be spread to or damage other property, or that the smoke and/or fumes emissions would be a nuisance to persons upon adjacent property, the following are exempt from the prohibition of open burning: (i) recreational campfires with a total fuel area no greater than 36 inches in diameter and a fuel load not to exceed two vertical feet; and (ii) a reasonably sized and located barbecue pit or grill where either electricity, gas, wood, or charcoal is used for the preparation of food.

(D) All open burning shall be located a safe distance from structures, fences, and public rights-of-way, and attended at all times until completely extinguished. There shall be a garden hose or better connected to a water supply source and/or buckets, shovels, fire extinguishers, or other adequate fire extinguishing equipment readily available.”

BE IT FURTHER ORDAINED THAT, the City of Huntington, Indiana’s Code of Ordinances is hereby amended by deleting §94.15 in its entirety and replacing it with the following:

“§94.15 PENALTIES.

(A) The following fines may be imposed for each violation of Chapter 94:

First <u>Violation</u> \$50.00	Second <u>Violation</u> \$100.00	Third <u>Violation</u> \$200.00	Subsequent <u>Violations</u> \$200.00
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(B) The fines and penalties provided for in this section shall be in addition to all other remedies and penalties provided for herein and by law, and except where otherwise provided, every day any violation continues shall constitute a separate violation.”

BE IT FINALLY ORDAINED THAT, this ordinance shall be effective immediately upon its adoption and publication and in accordance with Indiana law and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of ___ in favor and ___ in opposition.

Duly adopted on first reading this 14 day of September, 2021, by a vote of 7 in favor and 0 in opposition.

Duly adopted on final reading this 14 day of September, 2021, by a vote of 7 in favor and 0 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

[Signature]

Charles Chapman
(President)

[Signature]

Joe Blomeke

[Signature]

P J Felton

[Signature]

Dave Funk

Seth Marshall

via phone

Jerry Meehan Jr.

via phone

Paul Pike

Attest:

[Signature]
Christi A. McElhaney, Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 14 day of September, 2021.

[Signature]
Christi A. McElhaney, Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 14th day of September, 2021.

[Signature]
Richard Strick, Mayor