

PARKING ORDINANCE

Section I. Title/Purpose. This ordinance is entitled “Parking Ordinance.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating parking in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

A. Definitions.

1. Vehicles: Cars, trucks, motorcycles, recreational vehicles, construction trailers and buses.
2. Large trucks: Trucks, including semi-trailers and semi tractor trailers, of fifteen thousand (15,000) pounds gross vehicle weight.
3. Recreational vehicles: Motor homes, camping trailers, utility trailers and boats.
4. Construction trailers: Trailer being used for storage of construction equipment for home construction, remodeling or repair.

B. Parking and Stopping of Vehicles.

1. When signs or parking meters are erected on any street or road in the Town of Shelby, giving notice of either “no parking” or “parking for designated periods at designated times”, it shall be illegal to park any vehicle in violation of such notice.
2. No motor vehicle shall stop, park or be left standing on the left side or wrong side of any Town of Shelby street or road, except on roads designated as one way streets or roads. No motor vehicle shall be double parked or parked to block a Shelby street or road.
3. No motor vehicle shall stop, park or be left standing on any Town of Shelby street or road for more than forty-eight (48) consecutive hours.

4. No motor vehicle shall be left standing or parked in any alley or thoroughfare where the result will be to block or impede the passage of other motor vehicles, except for loading and unloading purposes. Vehicles parked or left standing on public street resulting in a traffic hazard, shall be towed at their owner's expense.

C. Parking and Stopping of Recreational Vehicles, Large Trucks and Construction Trailers.

1. A recreational vehicle, large truck, bus or construction trailer shall be parked directly in front of and on the same side of the street as its owner or person whose control the vehicle is under, and shall not be parked for more than forty-eight (48) consecutive hours, if parked on a public street. The moving of the recreational vehicle from one spot to another does not constitute a separate parking. The recreational vehicle shall not be parked on the street for more than forty-eight (48) consecutive hours in a ninety-six (96) consecutive hour period.

2. Waivers to section C(1), to allow for out of the area guests or for other special circumstances, may be obtained by applying to the Town for a permit to park a recreational vehicle for longer than forty-eight (48) hours. Such permit shall not be for a period longer than seven (7) days and such parking shall be in front of the property and on the same side of the street as property being visited. Permits for construction trailers may be granted for up to thirty (30) days. Permits under this section shall be obtained from the Town Administrator or their designee and a copy of the permit shall be provided to the Police Department.

3. Recreational vehicles, large trucks, buses and construction trailers parked in violation of this section may be handled as Abandoned Vehicles as set up in section D of this Ordinance and may be towed as outlined in Section D.

D. Vehicle Abandonment.

1. No motor vehicle shall be left unattended on any public high-way or private or public property for such time and under such circumstances so as to cause the vehicle to reasonably appear to have been abandoned. Any vehicle that has been left unattended without the permission of the property owner on a public street for more than forty-eight (48) hours in the Town of Shelby constitutes a public nuisance and shall be deemed abandoned.

2. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of pursuant to Section II.B.4, except that if a duly authorized Town or County representative determines that the cost of towing and storage charges for the impoundment of said vehicle will exceed the value of said vehicle, the vehicle may be junked by the Town or County prior to the expiration of the impoundment period after a determination by the Chief of Police or Sheriff having jurisdiction that the vehicle is not wanted for evidence or any other reason.

3. Any Town or County police officer, sheriff deputy, county traffic patrolman or state traffic officer who discovers any vehicle on any public highway or private or public property, which has been abandoned, shall cause the vehicle to be moved to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the sheriff or town police chief of the abandonment and location of the impounded vehicle.

4. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. If said vehicle is not claimed by the owner within fourteen (14) days after impoundment, said Town may summarily sell or otherwise dispose of said vehicle. The costs of impoundment not recovered from the sale of the vehicle, may be recovered in a civil action by the Town of Shelby.

5. This Section III shall not apply to any motor vehicle immobilized by emergency mechanical failure or breakdown on the highway. In such cases, the vehicle shall be removed by the owner or operator as soon as is reasonably possible.

E. Additional Parking Restrictions.

No motor vehicle shall without the permission of the Town Board leave or park any motor vehicle on a Town of Shelby highway, street or thoroughfare contrary to a posted sign if there is in plain view on such street a "No Parking" sign or sign indicating limited or restricted parking. The Town of Shelby Board may permit parking of automobiles by permit issued by the Town of Shelby when said motor vehicle is operated by a person who resides in a dwelling which is adjacent to a street, thoroughfare or highway where parking has been limited or restricted.

Section III. Enforcement and Penalties. Any person who violates or resists the enforcement of Section II.B. and Section II. C. of this Ordinance shall upon conviction, be fined Forty Dollars (\$40.00) for each offense. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section IV. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, or if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section V. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk