

Chapter 34 - TRAFFIC AND VEHICLES ^[14]

⁽¹⁴⁾ **Cross reference**— Off-street parking and loading, § 46-156 et seq.

⁽¹⁴⁾ **State Law reference**— Traffic regulation, IC 9-21-1-1 et seq.; powers of local authorities, IC 9-21-1-2 et seq. (Back)

ARTICLE I. - IN GENERAL

Secs. 34-1 – 34.18 - Reserved

ARTICLE II. - PARKING AND VEHICLE OPERATION ^[15]

⁽¹⁵⁾ **Editor's note**— Ord. No. 2007-1, § 1, adopted April 17, 2007, repealed and reenacted article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter, and derived from original codification.

Sec. 34-19. - Intent to limit parking.

Dune Acres has narrow roads, no sidewalks and relatively few parking areas. This is due to the topography of the Town and the natural hills and sand dunes throughout the Town. Our intent is to preserve the natural environment with minimal parking areas. Therefore, it has been deemed necessary by the Town Council to limit parking on Town roads, easements and designated parking areas, to those vehicles possessing currently issued parking permits. The parking permits further assist security personnel to identify Town property owners or residents.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007)

Sec. 34-20. - Parking permits issued.

Vehicle parking permits (also known as parking stickers or decals) are sold only to property owners or residents of Dune Acres. Long term renters, those renting for one year or more may, upon submitting a copy of the signed property lease to the Clerk Treasurer, apply for a parking permit. Applications for parking permits are available from the Security Office or the Clerk-Treasurer. The Clerk-Treasurer will issue the parking permits and maintain a record of the address, vehicle description and signature of the property owner or resident. Only currently issued permits are valid and supersede any previous parking permits. Parking permits are to be permanently attached to the lower right hand inside corner of a windshield, or if no windshield, on any visible surface on the

right side of the vehicle. Parking permits are non-transferable, however they will be reissued in the event the property owner or resident replaces one vehicle with another vehicle. Vehicles that display parking permits, which do not match the registration records, will be considered in violation of this article and subject to towing. The Town Council shall periodically determine the design, fee and duration of parking permits.

- (A) Beach parking. Due to the limited beach parking facilities, residents must obtain a vehicle permit and guest parking cards. All cars parked in authorized municipal parking areas, therefore, should have either a Dune Acres permit or a guest card displayed on the inside of the windshield. The parking permit can be obtained from the office of the Clerk-Treasurer of the Town for a cost of forty and 00/00 dollars (\$40.00). The said parking permits shall be valid for 4 years from the initial issue date of the 4 year series.
- (B) Replacement Permit. In the event that the owner sells or transfers the vehicle with the permit, a replacement permit can be obtained from the Clerk-Treasurer for a prorated amount to be determined at the time of replacement.
- (C) Penalties. Cars violating this Ordinance are subject to being towed at the owner's expense and subjecting the vehicle owner to possible fines pursuant to Dune Acres Town Codes.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § 1, 12-18-2007; Ord. No. 2010-3, Amended Ord. No 2013-1; Amended Ord. No. 2014-4, 7-15-2014)

Sec. 34-22. - Definition of vehicles.

Whenever the term "vehicle" is used in the language of this chapter, it shall be construed to mean any motorized conveyance such as, but not limited to: automobile, bus, camper, truck, tractor, scooter, motorcycle, moped, golf cart, all terrain vehicle (ATV) or similar device to transport people. A non-motorized trailer of any kind, such as a camper, boat trailer or other towed device, if connected to any self-propelled device, is considered to be part of the motorized vehicle. If the non-motorized device is disconnected, then that non-motorized device is considered a motorized vehicle and the owner must obtain and display a parking permit for that device.

(Ord. No. 2007-1, § 1, 4-17-2007)

Editor's note— Definitions and rules of construction, § 1-2

Sec. 34-23. - Parking permits required for roads, easements or designated parking areas.

It shall be unlawful for any vehicle to stop, stand or park in the Town other than for emergencies or when legally required, unless the operator is a Town property owner or resident with a current parking permit permanently affixed to their vehicle, or the vehicle displays a visible guest, contractor or renter parking permit. Vehicles without a valid parking permit may be issued a parking violation summons and/or towed at the owner's expense. No overnight parking is allowed on any road from 1:00 a.m. through 7:00 a.m. any night, unless the Security Office has issued a written permit. Security Officer's personal vehicles and Town-owned vehicles are exempt from this section. No road parking is permitted anywhere within the Town when snowfall exceeds Two inches.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007)

Sec. 34-23.1 –Golf Carts

(A) For purposes of this Section, the term “Golf Cart” means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing a game of golf on a golf course. *State References: IC 9-13-2-69.7*

(B) The term “Vehicle” under this Article shall include Golf Carts.

(C) Except as hereinafter otherwise provided, the operation or parking of Golf Carts as defined herein, whether powered by battery, fuel engine or otherwise, and commonly referred to as “golf carts,” upon Town of Dune Acres’ roads, streets and thoroughfares, is and shall be prohibited, except insofar as such golf carts are registered, equipped and operated in full compliance with the following:

The owners or lessees of golf carts must register each golf cart with the Town of Dune Acres before April 1, when obtaining a “golf cart use and parking permit,” which shall be prominently attached to and displayed on the upper left rear of the golf cart. The fee for the Golf Cart Permit Stickers shall be \$40.00, renewable every four years, payable at the office of the Clerk-Treasurer of the Town of Dune Acres. (Ord. No. 2010-2, Amended Ord. No. 2013-2)

(D) The owner of a Golf Cart requesting a vehicle permit under this Section of the Code shall at the time of the application and prior to the issuance of the permit provide and/or certify to the following:

1. Proof of Liability Insurance coverage for injuries arising from the use of the golf cart in an amount of \$25,000 or more. Additionally, proof of such liability coverage must be available on the cart or carried by the operator at all times the golf cart is operated on the roads, streets or thoroughfares of the Town of Dune Acres.
2. Certify that the Golf Cart shall only be operated by a licensed driver. Owner shall execute a written certification that the owner will ensure compliance with this section of the ordinance.
3. Certify that the Golf Cart has been equipped with a rearview mirror, brakes, a “Slow Moving Vehicle” sign affixed to the back of the golf cart and seat belts, and Golf Carts operated at night (after sunset and before sunrise) or at any other time when, due to insufficient light or unfavorable atmospheric conditions (e.g. fog, rain, etc...) the vehicle shall be equipped with headlamps, and tail lamps visible from a distance of 500 feet. *State References: IC 9-21-1-3 et seq*

(E) Enforcement. The Security Commissioner or his/her respective designees are authorized to enforce the terms and provisions of this Ordinance.

(F) Penalties. Each violation of this shall subject the owner and/or operator of the Golf Cart to one hundred and 00/00 dollars (\$100.00)

(Ord. No. 2009-6)

Sec. 34-24. - Designated parking locations.

Designated off-road parking locations are:

- (1) East Road—Tennis court and Town Hall areas.
- (2) Ridge Drive—Beach parking area.
- (3) Beach Drive—Beach parking area.
- (4) West Road—Beach parking area.
- (5) Hill Road—Beach parking area.
- (6) Clubhouse—Upper and lower parking areas.
- (7) Security Office—Rear parking area.

(Ord. No. 2007-1, § 1, 4-17-2007)

Editor's note— Ord. No. 2007-1, § 1, adopted April 17, 2007, enacted provisions intended for use as subsections a.—g. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (1)—(7).

Sec. 34-25. - Designated beach parking.

It shall be unlawful for any person, property owner or resident to park a vehicle in a designated beach parking area or on a road or easement, unless that vehicle displays a current parking permit. Due to the limited beach parking facilities, residents must obtain a vehicle window sticker for their vehicles and guest parking cards for their guests.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007)

Sec. 34-26. - Guest parking permits.

- (1) Only property owners or residents, who have been issued a current Parking Permit, may obtain a Guest Parking Permit from the Security Office. They are issued for specific day or weekend and are not continuous. The Guest Parking Permit must be placed on the dashboard of each vehicle in a visible location at all times. Failure to do so may result in Towing. The Security Office has the authority to limit the number of Guest Parking Permits issued to any Property Owner or resident. The Police/Security Commissioner or their designee shall have the authority to make final decisions on the issuance of guest parking permits.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007; Ord. No. 2014-4, 7-15-2014)

- (2) Property Owners or residents, may on occasion, in advance, by alerting the security office of a private party or meeting at their residence, bypass the requirement of obtaining guest parking passes for roadside parking, as long as the parking does not block traffic or driveways. Residents must phone the security office with the date, time and estimated length of the party, and

approximate number of vehicles that may park on the street. All attempts to use the owner's driveway must first be made before parking on the street. Designated beach parking may not be used for private event guest parking. Time will be limited to 12 hours with no overnight street parking allowed.

(Ord. No. 2014-4, 7-15-2014)

Sec. 34-27. - Contractor parking permits.

Property owners or residents, who have been issued a current parking permit, may request contractor parking permits for contractors and their employees when performing new construction or maintenance at their property, only if there is no suitable parking site on the property. Permits must be placed in a visible location on the right side of the dashboard of the vehicle. These permits are available on a weekly or monthly basis. It shall be the responsibility of the property owner or resident to apply for any renewals, if necessary. Contractor and employee vehicle parking, delivery or unloading of any materials must not block traffic on any road. The Building Commissioner and/or Security Officers will enforce unreasonable blockage or parking. The Contractor in advance of any planned blockage or traffic restriction must obtain permission from the Building Commissioner.

The Town may issue contractor parking permits for contractors performing Town work. The Commissioner overseeing the work of the contractor must request contractor parking permits from the Security Office.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007)

Sec. 34-28. - Renter parking permits.

Property owners or residents who have been issued a current parking permit, and rent their residence to non-family individuals, may request a renter parking permit application from the Security Office. Renter parking permits are issued at the written request of, and signed by the property owner or resident. The application shall include a description of the vehicle(s) (limit Two), license plate information as well as list all the individuals who will drive the registered vehicles. Renter parking permits are issued for Fifteen-day periods only. Extensions require the written request of the property owner or resident. Renters must display this renter parking permit on the dashboard of their designated vehicle at all times. Violation subjects the vehicle to towing at the owner's expense.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2007-6, § I, 12-18-2007)

Sec. 34-29. - Driving vehicles on residential beaches or parkland is prohibited.

No vehicle shall be driven onto the residential beach or park areas of the Town, nor may any vehicle leave the paved road unless preapproved in writing by the Security Commissioner or Town Council.

(Ord. No. 2007-1, § 1, 4-17-2007)

Sec. 34-30. - Speed limits.

No person shall operate a vehicle at a speed in excess of Thirty miles per hour on

Mineral Springs Road or Twenty miles per hour on all other roads.

(Ord. No. 2007-1, § 1, 4-17-2007)

Sec. 34-31. - Weight restricted.

Due to the nature of the land on which roads are constructed and the type of road construction, no person shall operate a vehicle in excess of Fifteen tons on the roads in the Town. Any emergency equipment is exempted from this restriction. During any designated frost period, this weight restriction is reduced to Five tons.

(Ord. No. 2007-1, § 1, 4-17-2007; Ord. No. 2010-1)

Sec. 34-32. - Penalties.

Violations of the regulations of the article shall subject the operator of the vehicle and/or the property owner or resident, to a violation summons and/or towing. The violation summons will permit said owner or operator to plead guilty to improper parking or vehicle operation and pay a fine to the Clerk-Treasurer of the Town in the sum of Fifty dollars (\$50.00) for each violation.

Violation of the parking regulations of this article shall subject the vehicle improperly parked, to be towed at the owners or operator's expense. If any vehicle is found illegally stopped, standing or parked in violation of any of the provisions of this article and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered, shall be held prima-facie responsible for the violation penalty and is subject to Towing.

Failure on the part of the owner or operator of said illegally parked or ticketed vehicle to plead guilty and pay such fine, shall cause the Security Officer to issue to said owner or operator a summons setting forth the charge of improper parking or vehicle operation under terms and provisions of this article. Said summons shall be issued in the County Court system or other proper court of competent jurisdiction, and it shall be the obligation of the Town Attorney or their designee, to prosecute any violations of this article. Upon the finding of guilty by any court of proper jurisdiction, a fine shall be imposed against the operator or owner of said vehicle in the sum of One Hundred and Fifty dollars (\$150.00) for each violation.

(Ord. No. 2007-1, § 1, 4-17-2007)