

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 69, 2025

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 2/3/2025

REFERRED TO: Public Works Committee

SPONSOR: Councilor Evans, Jones, and Boots

DIGEST: amends Chapter 621 Article III of the Revised Code of the Consolidated City and County to require snow removal services on local city streets

SOURCE:

Initiated by: Councilor Jared Evans

Drafted by: LeAnnette Pierce, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

PROPOSED EFFECTIVE DATE:
Adoption and approvals

GENERAL COUNSEL APPROVAL: _____



Date: January 30, 2025

CITY-COUNTY GENERAL ORDINANCE NO. , 2025

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 621 Article III of the Revised Code of the Consolidated City and County to require snow removal services on local city streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

ARTICLE III. SNOW EMERGENCY ROUTES

Sec. 621-301. Name, scope and purpose

This article shall be referred to as the "Priority Snow Clearance Ordinance," and shall apply to all areas in the service district of the department of public works. It sets forth priorities and methods to effectuate and facilitate the efficient removal of snow and ice from public roads.

Sec. 621-302. Definitions.

As used in this article the following terms shall have the meanings ascribed to them in this section:

- (1) Mayor: The duly elected Mayor of the City of Indianapolis and Marion County.
- (2) Mayor's designee: Any party designated by the mayor with the responsibility of implementing the terms of this article.

- (3) First priority streets: Those streets on the official snow plan comprised of thoroughfares, collectors, and streets abutting hospitals and fire stations.
- (4) Second priority streets: Those streets abutting schools including, but not limited to, publicly-funded preschool programs operated by school corporations, township trustee offices, township small claims courts, connector streets, and other necessities.
- (5) Third priority streets: All remaining local streets.

Sec. 621-303. Priority routes designated.

It shall be the responsibility of the board of public works to designate which roads, streets and thoroughfares shall have which specific priority designation. The board of public works shall work with the IMPD in order that the city might best facilitate the removal of snow from the roadways and determine which roads shall have priority.

Sec. 621-304. Declaration by mayor or his designee.

- (a) The mayor or his designee shall cause each declaration made by him pursuant to this article to be publicly announced by means of broadcasts on all radio stations serving the general population of the City of Indianapolis and Marion County, telecasts on commercially operated stations serving the general population of the City of Indianapolis and Marion County, and all newspapers of general circulation when feasible. Each announcement shall describe the action taken by the mayor or his designee, including the time it shall become effective and specify the streets or areas affected.
- (b) The mayor or his designee shall make or cause to be made a record of each time, place and content of any declaration made and such shall become public record.

Sec. 621-305. Termination of parking prohibition.

Whenever the mayor or his designee shall find that some or all of the conditions which gave rise to the issuance of the parking prohibition in effect pursuant to this article no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed pursuant to subsection (b) of section 621-304 of this article.

Sec. 621-306. Parking on first priority streets.

- (a) Whenever the mayor or his designee finds, on the basis of falling snow or ice, or on the basis of a forecast by a designated weather service, that weather conditions will or could make it necessary that motor vehicle traffic be expedited and that parking on designated streets shall be restricted in accordance with the provisions of this article for snow plowing and other purposes as deemed necessary by the mayor or his designee for clearing the designated streets, the mayor or his designee shall put into effect a parking prohibition on first priority streets declaring it in a manner prescribed in accordance with section 621-304 of this article. Upon declaration of a parking prohibition, parking of any kind and in any manner shall be prohibited on all first priority streets until further indicated by the mayor or his designee.
- (b) Once in effect, the prohibitions for parking shall remain in effect until terminated by announcement of the mayor or his designee in accordance with section 621-305 of this article. The mayor or his designee may, at his discretion from time to time during the course of the effective period of this article, allow parking on any first priority street subsequent to its being cleared to the mayor's or his designee's satisfaction. Such discretionary announcements shall be made in accordance with and pursuant to the provisions of this article. However, nothing in this article shall be construed to permit parking at any time or place when it is forbidden by any other provision of law.

Sec. 621-307. Parking on second and third priority streets.

- (a) Whenever the mayor or his designee finds, on the basis of falling snow or ice, or on the basis of a forecast by a designated weather service, that weather conditions will or could make it necessary that motor vehicle traffic be expedited in accordance with the provisions of this article, and that parking on designated streets be restricted, the mayor or his designee shall put into effect a parking prohibition on part of or all second priority streets as necessary by declaring it in a manner prescribed by this article. The provision shall remain in effect until terminated by announcement of the mayor or his designee in accordance with the provisions of this article. The mayor or designee may, at his discretion from time to time during the course of the effective period of this article, allow parking on any second priority street subsequent to its being cleared to the mayor's or his designee's satisfaction. Such discretionary announcements shall be made in accordance with and pursuant to the provisions of this article. However, nothing in this article shall be construed to permit parking at any time or place when it is forbidden by any other provision of law. Prohibition and allowance of parking shall be on second priority streets as permitted below:
 - (1) Vehicles may be parked on the odd-street-numbered side of the street on dates which are odd numbered.
 - (2) Vehicles may be parked on the even-street-numbered side of the street on dates which are even numbered.
- (b) Whenever the mayor or his designee, at his discretion, shall determine that parking shall be expedited as set forth in subsection (a) above, he may prohibit and allow parking on third priority streets in the same manner as set forth in subsection (a) above.
- (c) However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.
- (d) The terms of this section shall become effective only upon declaration by the mayor or his designee as set forth in section 621-304.

Sec. 621-308. Signs to mark priority streets.

On first priority streets so designated by the board of public works, the mayor or his designee shall cause to be posted the appropriate signs in accordance with the Manual on Uniform Traffic-Control Devices.

Sec. 621-309. Removal, impounding and return of vehicles.

- (a) Individuals shall be charged with the responsibility of knowing the priority of their street of residence and 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 become stalled and deemed to know the same and shall take whatever measures necessary to remove stalled vehicles from those routes in accordance with this article.
- (b) The department of public works and the Indianapolis metropolitan 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 City of Indianapolis and Marion County, when:
 - (1) The vehicle is parked on a part of a priority street on which a declared prohibition is in effect;
 - (2) The vehicle is stalled on a part of a priority street on which there is a covering of snow or ice, or on which there is a declared parking prohibition in effect and the

person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this article;

- (3) The vehicle is parked in violation of any parking ordinance or provision of law and 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 storage, such officer shall order the vehicle towed immediately in accordance with the provisions of this article. In the event that there is an insufficient number of contract wreckers available, the mayor or the mayor's 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 the 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 such 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 therefor 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 the 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 shall present to a member of the appropriate law enforcement agency evidence of his identity and right to possession of the vehicle, and shall:
 - (1) Sign a receipt for its return;
 - (2) Pay the cost of removal; and
 - (3) Pay any cost of storage accrued for each additional day or portion thereof thereafter.

Until paid, these charges constitute a lien on the vehicle which 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 appropriate law enforcement agency 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 Indianapolis metropolitan police department authority to remove vehicles.
- (i) Any party who received a citation for violation of any provision of this article shall pay a penalty of twenty-five dollars (\$25.00), which is in addition to any and all other costs as provided in subsection (f) of this section and subsection (a) of section 441-215. The twenty-five-dollar penalty shall be deposited in the accounts of the City of Indianapolis.
- (j) In the event an individual feels that he has been improperly fined as a result of this article, he may enter a plea of not guilty and shall be entitled to a hearing in the court of appropriate jurisdiction.

Sec. 621-310. Stalled vehicles on priority streets.

- (a) Whenever a vehicle becomes stalled for any reason on any part of a priority street on which there is a declared parking prohibition in effect, the operator of the vehicle shall take emergency action to have the vehicle removed from the roadway in whatever manner necessary either onto the first cross street on which there is not a parking prohibition, or parking lot accessible to the general public.
- (b) No person shall leave or abandon his vehicle on any priority street upon which there is a parking ordinance prohibiting parking, except for the purpose of securing assistance during the actual time necessary to secure such assistance.
- (c) In the event that a vehicle is cited, removed or impounded during the absence of the operator, pursuant to the provisions of this article, the driver shall be deemed to have abandoned the vehicle at his own peril.

Sec. 621-311. Citation of vehicles parked or left in violation of article.

- (a) Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this article, the officer finding such vehicle shall take its registration number and other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, in the same manner as provided in this chapter.

Sec. 621-312. Evidence with respect to vehicles parked or left in violation of article.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this article.

Sec. 621-313. Snow Removal – Streets

- (a) The department of public works shall initiate a snow removal policy, approved by the board of public works (BPW) and presented to the City-County Council Public Works (PW) Committee that includes, but is not limited to, the following information:
 - (1) A provision that ensures that the department of public works will plow second priority streets when snow accumulation reaches two (2) inches and third priority streets will be plowed ~~at~~ when the accumulation reaches four inches of snow. The director of the department of public works, or their designee, may authorize deployment at different accumulation levels based on road conditions, such as not plowing if significant warming is expected, or deploying before four inches in cases of rapidly deteriorating conditions.

- ~~(2) A financial statement from the department of public works and/or the controller on how the policy will impact the department's budget;~~
~~(3) (2) A priority network of bike infrastructure to be published and included in the Indy Snow Force viewer for real-time tracking~~

~~(b) The department shall submit its initial snow removal policy approved by the BPW to the PW Committee at least 24 hours before the Committee's scheduled meeting on October 23, 2025. However, the Chair of the PW Committee may grant an extension of this requirement to at least 24 hours before the Committee's scheduled meeting on November 20, 2025.~~

~~(b)(c) Any Thereafter, any changes to the policy drafted in Section 621-313(a) shall be approved by and presented to the BPW, and the PW committee, respectively, at least 60 days before the policy is to go into effect. Within 60 days of the BPW's consideration of any policy change, the department must provide a briefing to the public works committee of the City-County Council.~~

~~(d) The department shall maintain an up-to-date version of the policy on its website.~~

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part 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 the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2025, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2025, at 10:00 a.m.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2025.

Joseph H. Hogsett, Mayor