
Sec. 14-55. Limited exceptions to permit temporary lawn parking for special events.

- (a) Any person who desires to temporarily park a motor vehicle on the nonpublic lawn of a residentially zoned area may only do so on a property which conspicuously posts in the inside front window of the residential building located thereon the one-day conditional use lawn parking permit authorizing such limited, temporary parking.
- (b) Permits shall not be required for construction or other service vehicles who have employees working at a residentially zoned area during such construction.
- (c) There shall be a maximum of twelve (12) calendar days authorized for lawn parking for a specific residentially zoned area per calendar year

(Ord. No. 9785-07, § 1)

Sec. 14-56. Temporary residential one-day conditional use parking permit procedures and fees and seasonal conditional use lawn parking permits.

- (a) *Application and proof of residency:* A person who desires to park or who desires to permit the parking of motor vehicle(s) on the nonpublic lawn area for a residentially zoned area must have a one-day conditional use lawn parking permit or a seasonal conditional lawn parking permit. Such persons must complete an application, file it with the Office of the City Clerk, and pay a nonrefundable application fee of twenty-five dollars (\$25.00). The cost for each additional one-day conditional use lawn parking permit thereafter shall be a nonrefundable application fee of five dollars (\$5.00).

Proof of residency for the subject property shall be required which lists the residential address for which the temporary residential special event one-day permit or a seasonal conditional lawn parking is requested.

Acceptable document include:

- (1) Copy of property tax bill;
- (2) Copy of a signed lease or real estate purchase agreement and letter from landlord approving lawn parking request; and
- (3) Indiana Driver's License.

A copy of such document(s) tendered shall be attached to the registration form.

- (b) *Nonrefundable fees for parking less than (10) motor vehicles:* If the applicant meets the requirements of this section for parking less than ten (10) motor vehicles, the Office of the City Clerk shall issue a one-day conditional use lawn parking permit to the applicant, upon the payment of a nonrefundable fee of three dollars (\$3.00) per parking space. All fees collected by the Office of the City Clerk shall be deposited into the General Fund.
- (c) *Nonrefundable fees for parking less than ten (10) motor vehicles for home football season:* A seasonal conditional lawn parking permit may be issued for an entire Notre Dame home football season by the Office of the City Clerk to qualifying applicants desiring to park less than ten (10) motor vehicles upon the payment of a nonrefundable fee of three dollars (\$3.00) per parking space times the number of total home football games. All fees collected shall be deposited into the General Fund.
- (d) *Additional documents and reviews when parking ten (10) or more motor vehicles:* Any person who applies for a one-day conditional use lawn parking permit or a seasonal conditional lawn parking permit seeking to park ten (10) or more motor vehicles must also provide a lot survey, site plan or similar legal document which shows the following:

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- (1) Location of lot lines and structures;
 - (2) Setback of parking spaces of at least five (5) feet from all structure and lot lines;
 - (3) Lanes of ingress and egress to parking surfaces; and
 - (4) The location of proposed parking spaces.

The above-listed information shall be referred to the Department of Public Works, along with a copy of the proof of residency document and the completed applications form, for review and recommendation. The Department of Public Works shall determine the maximum amount of motor vehicles which may be safely parked at such locations based on the size of the lot, the information set forth on the tendered lot survey, site plan or similar legal document, and relevant public safety considerations. The Department of Public Works shall indicate the locations of the approved ingress and egress locations(s) and any approved temporary ramp structures. All parking must comply with the approved document.

- (e) *Nonrefundable fees for parking ten (10) or more motor vehicles:* If the applicant meets the requirements of this section for parking ten (10) or more motor vehicles, the Office of the City Clerk shall issue a one-day conditional use lawn parking permit upon the payment by the applicant of a nonrefundable fee of fifty dollars (\$50.00). All such one-day permits shall be subject to the conditions set forth in this section. All fees collected by the Office of the City Clerk shall be deposited into the General Fund.
- (f) *Nonrefundable fees for parking ten (10) or more motor vehicles for home football season:* A seasonal conditional lawn parking permit for an entire Notre Dame home football season may be issued by the Office of the City Clerk to qualifying applicants desiring to park ten (10) or more motor vehicles, upon the payment of a nonrefundable fee of fifty dollars (\$50.00) times the total number of home football games. Such fee shall be subject to a ten (10) percent discount if applied for, and is issued such a permit, prior to the first home football game of the season. A seasonal conditional lawn parking permit may be issued to qualifying applicants desiring to park ten (10) or more motor vehicles, upon the payment of a nonrefundable fee of fifty dollars (\$50.00) times the number of remaining home football games, which shall not be subject to any fee discounts. All fees collected by the Office of the City Clerk shall be deposited into the General Fund.
- (g) *Filing deadlines:* No applications seeking a conditional use lawn parking permit for game day parking shall be taken after 12:00 noon on the Wednesday immediately prior to the game day. No applications seeking a conditional use lawn parking permit for game day parking shall be taken before thirty (30) days prior to the first home football game of each season.
- (h) *Permit required to be displayed:* Conditional use lawn parking permit holders and the motor vehicle owners who have their vehicles properly parked at such locations prominently displaying the permit in the inside front window of the residential building located thereon, or if there is no building said permit shall be prominently displayed separately with such persons being exempt from the provisions of Section 14-42 entitled, "Parking prohibited in residential lawn areas" and the zoning regulations set forth in Sections 21-02.11 and 21-07.04 of the South Bend Municipal Code.
- (i) *Exemptions:* No conditional use lawn parking permits are required for parking on an approved driveway or parking space.
- (j) *Violation for parking on date other than date listed on permit:* Any motor vehicle which is parked on the lawn of a residentially zoned area on a date other than the date listed on the conditional use lawn parking permit issued under this section shall be in violation of Section 14-42. The owner of such a vehicle shall be subject other penalties set forth in Section 14-44, as well as applicable zoning provisions of Chapter 21 of the South Bend Municipal Code.
- (k) *Restrictions:* All owners of any residentially zoned area who were issued a conditional use lawn permit under this section shall not permit any vehicle to drive over an adjoining property during ingress or egress to their property.

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- (l) *Sight distance and impeding traffic:* Motor vehicles parked pursuant to this section shall not interfere with the sight distance required for safe driving on a street, nor may parking of any vehicle impede pedestrian and/or vehicular traffic.
 - (m) *Driving over curbs:* No person shall operate or park any motor vehicle on any portion of a lot in any residential district in a way requiring driving the motor vehicle over the curb instead of through a curb cut; unless temporary ramp structures have been specifically authorized and approved by the Department of Public Works to be used, as evidenced on the conditional use parking permit. Visual events of driving over a curb shall be evidence of a violation of this subsection, subjecting the person filing the application for the subject property being subject to a citation.
 - (n) *Repairing lawn ruts:* All owners of any residentially zoned area who were issued a conditional use lawn parking permit under this section shall be required to repair all lawn ruts within thirty (30) days, weather permitting. All other lawn ruts must be repaired no later than April 30 of the following year.
 - (o) *Permit holder assumes all risk and peril:* Any person issued a permit under this section assumes all risk or peril. Such person may be responsible for any and all physical loss or damages incurred which may result from any lawn parking on such person's property. The City of South Bend is free and harmless from any liability loss, costs, damages or expenses, including attorney fees and related expenses.
 - (p) *Citations:* Any person violating any provisions of this section shall be issued a citation for each violation by a Police Officer or a Code Enforcement Officer subjecting the violator to the penalty provisions set forth in Section 14-58.

(Ord. No. 9785-07, § 1; Ord. No. 9889-08, § I, 12-8-08; Ord. No. 9949-09, § I, 8-10-09; Ord. No. 10035-10, § I, 8-9-10)

Sec. 14-57. List of permits approved to be sent by licensing auditor to City agencies.

- (a) *Notice of conditional use permit(s) issued for special event at a boarding house:* The Office of the City Clerk shall electronically send or distribute by other means of communication at the end of each business day to: South Bend Police Department's Uniform Division; the Department of Code Enforcement; and the neighborhood association located in the area, if any, a listing of all residential locations where a conditional use lawn parking permit or a conditional use permit has been issued for a special event at a boarding house, and the date(s) for each.
- (b) *Notice of conditional use lawn parking permit(s) issued:* The Office of the City Clerk shall electronically send or distribute by other means of communication at the end of each business day to: South Bend Police Department's Uniform Division; the Department of Code Enforcement; and the neighborhood association located in the area, if any, a listing of all locations of residential locations where it has issued a conditional use lawn parking permit and the date(s) for each.

(Ord. No. 9785-07, § 1; Ord. No. 9889-08, § II, 12-8-08)

Sec. 14-58. Penalties; enforcement procedures; dedication of fines.

- (a) *Citation for violation:* Any person, other than a sponsor, violating any provisions of this article shall be issued a citation by a Police Officer or Code Enforcement Officer subjecting the violator to the following penalties, unless otherwise provided:

1st violation \$50.00

2nd violation \$100.00

3rd violation and every subsequent violation \$200.00

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- (b) *Violations:* Each violation of this article shall be deemed a separate offense.
- (c) *Dedication of fines paid:* Fifty (50) percent of all monies collected and retained by the City for any violation of this article shall be deposited into the Law Enforcement Continuing Education Fund (Fund #220). Such monies shall be used for the purposes designated for such fund, as well as for items including, but not limited to, developing and printing of educational brochures aimed at fostering information exchange and ongoing communication; training sessions on the regulations; statistical reporting on the regulations; and hosting community public safety educations forums on the regulations set forth in this chapter.
- (d) *Public nuisance and dispersal order:* Any special event held at a boarding house where twenty-five (25) or more persons are invited to attend and who would have access to alcoholic beverages of any kind is, by reason of the conduct of those persons in attendance, results in more than one (1) of the following conditions or events occurring on the subject property, neighboring public or private property: Public intoxication; public urination or defecation; the unlawful sale, furnishing, or consumption of alcoholic beverages of any kind; the unlawful deposit of trash or litter; the destruction of property; the obstruction of vehicular or pedestrian traffic; noise which disturbs the comfort, quiet or repose of the immediate neighborhood; or conduct resulting in injury or which endangers the safety or health of the persons in attendance or the neighborhood residents, is declared to be an unlawful public nuisance. If, in the opinion of the responding Police Officer(s) the circumstances present an immediate threat to the public health, safety or welfare, or if the sponsor is not in compliance with all conditions of the conditional use permit for a special event at a boarding house, said Police Officer(s) may issue a dispersal order.
- (e) *Responsibilities of the legal department:* The Office of the City Attorney is authorized to seek fines and injunctive relief not to exceed two thousand five hundred dollars (\$2,500.00) for chronic violations of this article. The Office of the City Attorney shall provide a summary of such actions to the Council's Community Relations Committee and the Council's Residential Neighborhoods Committee at the times set forth in Section 14-60.
- (f) *Failure to file required application for special events at a boarding house:* Any sponsor who hosts, sponsor or permits a special event at a boarding house where twenty-five (25) or more persons are invited to attend and would have access to alcoholic beverages of any kind, without filing an application as required by this article shall be issued a citation subjecting the violator to a fine of five hundred dollars (\$500.00) for the first violation, with all subsequent violations be subject to a fine of one thousand dollars (\$1,000.00) each.
- (g) *Payment of fines:* Any person issued a citation for violating any provision of this article with a fine of two hundred fifty dollars (\$250.00) or less shall make payment through the Ordinance Violations Bureau. Failure to make payment within thirty (30) days of the issuance of such a citation shall result in the assessment of a late fee of fifty dollars (\$50.00). All fines greater than two hundred fifty dollars (\$250.00) which are not paid within thirty (30) days of the issuance of such a citation shall result in a late fee of one hundred dollars (\$100.00).
- (h) *Consequence of chronic violations:* A sponsor who is cited under this article for chronic violations shall lose the right to host, conduct or permit a special event requiring a permit under this article for the remainder of that calendar year. When a person, who has been issued a conditional use lawn parking permit, has been determined to be in chronic violation of this article, the City shall have the authority to cancel the remainder of such permit and/or revoke any conditional use lawn parking permit issued, upon proper notice of the same being issued to said person.

(Ord. No. 9785-07, § 1)

Sec. 14-59. Nontransferability; refusal to issue and revocation hearings.

- (a) Any person applying for a conditional use lawn parking permit or conditional use permit for a special event at a boarding house under this article is prohibited to transfer such document(s) to a different residential location. Such transfer shall be a violation of this article subjecting the violator to the penalty provisions of Section 14-58.
- (b) All refusals to issue a permit; suspension or revocation of permits issued under this article shall be governed by the procedures set forth in Section 4-16 of the South Bend Municipal Code.

(Ord. No. 9785-07, § 1)

Sec. 14-60. Information to be sent to the Council's Community Relations Committee and the Residential Neighborhoods Committee.⁶

- (a) In the interest of collaboration and information sharing, on or before March 31 of each year, a summary of the following information from the previous calendar year shall be coordinated and sent by the Office of the City Controller to the Office of the City Clerk for review by the Council's Community Relations Committee and the Council's Residential Neighborhoods Committee:
 - (1) Summary of data from all City agencies, offices and department involved in the issuance and enforcement of this article for each given time period, including, but not limited to, number and type of permits issued; amount of fees collected; number of warnings issued and addresses of each; amount of citations issued; amount of fines collected and the amount of fines outstanding; number of appeals filed and their disposition; number of pending lawsuits and their status; copies of all educational brochures; dates and locations of all community public safety educational forums held; summary of public comments from such forums; and any other relevant data;
 - (2) Summary of programs in place by any university or college located in, or contiguous to the City limits of South Bend addressing off-campus special events;
 - (3) Compilation of weekly summary sheets developed by the South Bend Police Department listing the address, date, time, problem and resolution for all calls for service to residential areas where boarding house(s) are located; and
 - (4) Community/Campus Advisory Coalition (CCAC) recommendations.
- (b) A joint committee meeting of the Community Relations Committee and the Residential Neighborhoods Committee shall be held within a reasonable period of time following the receipt of such data, with notice being given as required by State law, and such notice also being sent to all City offices who have responsibilities under this article; to all residential neighborhood groups; CCAC Officers, as well as to all universities and colleges who have tendered data. Following such public hearings, said committees shall make any advisory recommendations to the Common Council which it believes are in the best interests of carrying out the public health and safety intent and purposes of Section 14-50.

⁶ The U.S. Department of Health and Human Services' National Institutes of Health Task Force of the National Advisory Council on Alcohol Abuse and Alcoholism publication entitled A Call to Action: Changing the Culture of Drinking at U.S. Colleges and the U.S. Department of Justice's Office of Community Oriented Policing Services' Publication No. 39 (February 2006) entitled Student Party Riots recommend "...collaborations between campus administrators and community leaders to facilitate the process of information exchange and ongoing communication...".

(Ord. No. 9785-07, § 1; Ord. No. 10766-20, § II, 12-14-20)