

**TITLE VII: TRAFFIC CODE**

**Chapter**

**70. GENERAL PROVISIONS**

**71. TRAFFIC REGULATIONS**

**72. PARKING REGULATIONS**



## CHAPTER 70: GENERAL PROVISIONS

### Section

#### *General Provisions*

70.01 Definitions

#### *Traffic Control Devices*

70.20 Establishment and maintenance of traffic control devices

70.21 Obedience to signals

70.22 Interference with signals

70.23 Unauthorized signals or markings

70.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 70.01 DEFINITIONS.**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AUTHORIZED EMERGENCY VEHICLE.*** The following vehicles:

- (1) Fire Department vehicles;
- (2) Police Department vehicles;
- (3) Ambulances;
- (4) Emergency vehicles operated by or for hospitals or health and hospital corporations under I.C. 16-22-8;

(5) Vehicles designated as emergency vehicles by the State Department of Transportation under I.C. 9-21-20-1;

(6) Motor vehicles that, subject to I.C. 9-21-20-2, are approved by the State Emergency Medical Services Commission, that are:

(a) Ambulances that are owned by persons, firms, limited liability companies or corporations other than hospitals; or

(b) Not ambulances and that provide emergency medical services, including extrication and rescue services (as defined in I.C. 16-18-2-110).

(7) Vehicles of the Department of Correction that, subject to I.C. 9-21-20-3, are:

(a) Designated by the Department of Correction as emergency vehicles; and

(b) Responding to an emergency.

(I.C. 9-13-2-6)

**DRIVER.** A person who drives or is in actual physical control of a vehicle.  
(I.C. 9-13-2-47)

**ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.** A self-balancing, two non-tandem-wheeled device that is designed to transport only one person and that has the following:

(1) An electric propulsion system with average power of 750 watts or one horsepower; and

(2) A maximum speed of less than 20 mph when operated on a paved level surface, when powered solely by the propulsion system referred to in division (1) of this definition, and when operated by an operator weighing 170 pounds.

(I.C. 9-13-2-49.3)

**HIGHWAY** or **STREET.** The entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes an **ALLEY.**

(I.C. 9-13-2-73)

**INTERSECTION.**

(1) The area embraced within:

(a) The prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways that join at or approximately at right angles; or

(b) The area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways at least 30 feet apart, every crossing of each roadway of the divided highway by an intersecting highway is regarded as a separate intersection. If the intersecting highway also includes two roadways at least 30 feet apart, every crossing of two roadways of the intersecting highway is regarded as a separate intersection.

(I.C. 9-13-2-84)

**MOTOR VEHICLE.**

(1) Except as otherwise provided in this definition, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device as those terms are defined in I.C. 9-13-2-56, I.C. 9-13-2-77 and this section.

(2) **MOTOR VEHICLE** also means:

(a) A vehicle, except a motorized bicycle, that is self-propelled; or

(b) A vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(I.C. 9-13-2-105(a) and (b))

**MOTORCYCLE.** A motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term does not include a farm tractor or a motorized bicycle.

(I.C. 9-13-2-108)

**OPERATOR.** A person, other than a chauffeur or a public passenger chauffeur, who:

(1) Drives or is in actual physical control of a motor vehicle upon a highway; or

(2) Is exercising control over or steering a motor vehicle being towed by a motor vehicle.

(I.C. 9-13-2-118)

**OWNER.**

(1) A person who holds the legal title of a motor vehicle;

(2) A person renting or leasing a motor vehicle and having exclusive use of the motor vehicle for more than 30 days; or



(3) If a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event that the mortgagor, with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle, is entitled to possession, the conditional vendee or lessee or mortgagor.  
(I.C. 9-13-2-121(a))

**RIGHT-OF-WAY.** The privilege of the immediate use of a highway.  
(I.C. 9-13-2-155)

**ROADWAY.**

(1) Except as provided in division (2) below, that part of a highway improved, designed or ordinarily used for vehicular travel.

(2) As used in I.C. 9-21-12-13, the part of a highway that is improved, designed or ordinarily used for vehicular travel. The term does not include the sidewalk, berm or shoulder, even if the sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles.  
(I.C. 9-13-2-157)

**STREET.** See **HIGHWAY.**

**THROUGH HIGHWAY.** A highway or portion of a highway at the entrance to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on the through highway, in obedience to either a stop sign or a yield sign.  
(I.C. 9-13-2-178)

**VEHICLE.** A device in, upon or by which a person or property is or may be transported or drawn upon a highway.  
(I.C. 9-13-2-196(a))

**TRAFFIC CONTROL DEVICES**

**§ 70.20 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.**

The town may establish and maintain official traffic control devices necessary within the town. All traffic control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform and, as far as possible, shall be placed uniformly. All traffic control devices and signs shall conform to required state specifications.

**§ 70.21 OBEDIENCE TO SIGNALS.**

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the town, or any electric signal, gate or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for the barrier or sign must be approved by the town.

(B) The sign, signal, marking or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.99

**§ 70.22 INTERFERENCE WITH SIGNALS.**

It shall be unlawful for any person without authority to attempt to or in fact alter, deface, injure, knock down or remove any official control device or any railroad sign or signal, or any inscription, shield or insignia thereon, or any part thereof.

Penalty, see § 70.99

**§ 70.23 UNAUTHORIZED SIGNALS OR MARKINGS.**

(A) It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device which purports to be, is an imitation of, or resembles an official traffic device, railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal containing any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the town in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the town.

(B) Every prohibited sign, signal or marking is declared to be a public nuisance and the town is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.99

**§ 70.99 PENALTY.**

Any person, firm or corporation who violates any provision of this title for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.





## CHAPTER 71: TRAFFIC REGULATIONS

### Section

#### *General Provisions*

- 71.01 Trucks prohibited on certain streets
- 71.02 Stop intersections
- 71.03 One-way streets

#### *Cruising*

- 71.50 Definitions
- 71.51 Cruising prohibited
- 71.52 Posting of signs

#### ***Cross-reference:***

*Abandoned vehicles, see Ch. 90*

#### ***Statutory reference:***

*Authority to enact local traffic regulations, see I.C. 9-21-1-3*

*Authority to lower local speed limits, see I.C. 9-21-5-6*

### **GENERAL PROVISIONS**

#### **§ 71.01 TRUCKS PROHIBITED ON CERTAIN STREETS.**

No trucks, other than pickup trucks and passenger trucks and vans, shall be allowed to operate on any posted town streets unless they must use the particular street in question for the purpose of local pickup or delivery. Posted streets are those which have signs on them indicating that their use by through trucks is prohibited.

Penalty, see § 70.99

#### **§ 71.02 STOP INTERSECTIONS.**

(A) The town may designate intersections as stop intersections and require all vehicles to stop at one or more entrances to the intersections.

(B) The town shall post signs at designated intersections, giving notice of the designation as a stop intersection.

(C) It shall be unlawful for any person to fail to obey the markings or signs posted under this section.

Penalty, see § 70.99

### § 71.03 ONE-WAY STREETS.

(A) The town may designate streets or highways as one-way streets or highways and may require that all vehicles operated on the street or highway be moved in one specific direction.

(B) The town shall post signs at the entrance to the street or part of the street that is affected, giving notice of the designation as a one-way street.

(C) It shall be unlawful for any person to fail to obey the markings or signs posted under this section.

Penalty, see § 70.99

## *CRUISING*

### § 71.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### *CONGESTED TRAFFIC.*

(1) Traffic on any public street, alley or highway which is delaying to the point that:

(a) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light within two complete green-light cycles, where the delay in forward movement is due to the position of other motor vehicles;

(b) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light, stop sign or yield sign within a five-minute period of time, where the delay in forward movement is due to the position of other motor vehicles; or

(c) Motor vehicles cannot readily move forward on portions of public streets, alleys or highways between intersections because traffic speed is slowed to less than five mph, and the delay in movement is due to the position of other motor vehicles.

(2) The determination that a street, alley or highway is congested shall be made by the Town Marshal or ranking peace officer on duty within the affected area.

**CRUISING.** The repetitive driving of any motor vehicle past a traffic control point in traffic which is congested at or near the traffic control point.

**GREEN LIGHT CYCLE.** The period commencing upon the switching of a traffic light from a red light to a green light through to the return of a red light.

**PEACE OFFICER.** The Town Marshal, his or her designee, any member of the Town Police Department, or other town, county or state official designated to enforce this subchapter.

**PROPERTY IN THE PROXIMITY OF ANY POSTED NO-CRUISE ZONE.** Any property which is both visible from and located within 300 feet of any portion of a street, alley or highway which is posted as a no-cruising zone pursuant to this subchapter.

**TRAFFIC CONTROL POINT.** A location along a public street, alley or highway utilized by the Town Marshal or a peace officer on duty within the affected area as an observation point in order to monitor traffic conditions for potential violations of this title.

#### § 71.51 CRUISING PROHIBITED.

(A) *Conduct prohibited.* It shall be unlawful to engage in the activity known as cruising as defined in this subchapter on the public streets, alleys or highways of the town in any area which has been posted as a no-cruising zone.

(B) *First violation.* Any person who violates division (A) of this section may be given a written warning stating that any subsequent passage past that traffic control point within the next succeeding four hours will be a violation of this subchapter.

(C) *Subsequent violations.* Any person who, after having received a written warning under division (B) of this section, subsequently drives past or is a passenger in a vehicle passing the same traffic control point within the next succeeding four hours shall be in violation of this subchapter.  
Penalty, see § 70.99



**§ 71.52 POSTING OF SIGNS.**

This subchapter may be enforced in any area which has been posted as a no-cruising zone. "No Cruising" signs shall be posted at the beginning and the end of any public street, alley or highway, or portion thereof, which is a no-cruising zone.



## CHAPTER 72: PARKING REGULATIONS

### Section

- 72.01 No parking where posted
- 72.02 Limited parking
- 72.03 Other parking restrictions
- 72.04 Parking for persons with physical disability

72.99 Penalty

#### ***Cross-reference:***

*Abandoned vehicles, see Ch. 90*

#### ***Statutory reference:***

*Authority to enact local parking regulations, see I.C. 9-21-1-3*

### **§ 72.01 NO PARKING WHERE POSTED.**

No person shall stop, stand or park a vehicle upon the public streets of the town at any place where official signs or where appropriate devices, marks or painting, either upon the surface of the street or the curb immediately adjacent thereto, prohibit those acts.

Penalty, see § 72.99

### **§ 72.02 LIMITED PARKING.**

No person shall stop, stand or park a vehicle upon the public streets of the town where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official signs.

Penalty, see § 72.99

### **§ 72.03 OTHER PARKING RESTRICTIONS.**

The Town Board of Trustees may order the placing of signs, devices or marks, or the painting of streets or curbs prohibiting or restricting the stopping, standing or parking of vehicles on any street

where, in its opinion, the stopping, standing or parking is dangerous to those using the highway, or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs, devices, marks or painting shall be official signs, devices, marks or painting; and no person shall stop, stand or park any vehicle in violation of the restrictions thereon or as indicated thereby.

Penalty, see § 72.99

#### § 72.04 PARKING FOR PERSONS WITH PHYSICAL DISABILITY.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

**PERSON WITH A PHYSICAL DISABILITY.** Any person who has been issued a placard or special registration plate or decal for a motor vehicle by the State Bureau of Motor Vehicles under I.C. 9-14-5, I.C. 9-18-18, I.C. 9-18-22 or the laws of another state.

(B) *Parking prohibited.*

(1) It shall be unlawful for any person to park a motor vehicle, motorcycle, moped, bicycle or other vehicle of any nature, which does not have displayed a placard for a person with a physical disability issued under the laws of this state or the laws of another state, in a parking space reserved for a vehicle of a person with a physical disability.

(2) It shall be unlawful for any person to knowingly park in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled.

(C) *Violation.* If any vehicle is parked unlawfully in violation of any of the provisions of this section, 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.

(D) *Towing.*

(1) In addition to any fines which may be given as a result of violations of this section, any vehicle which is parked in a manner in violation of this section may be towed to an area designated by the town at the owner's expense.

(2) The owner shall also be required to pay any and all storage fees resulting from this action.

Penalty, see § 72.99

*Statutory reference:*

*Similar state law, see I.C. 5-16-9*

**§ 72.99 PENALTY.**

Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$100. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

