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TITLE VII: TRAFFIC CODE

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§ 70.01 DEFINITIONS.

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

(B) Whenever any words and phrases used herein are not defined herein, but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

ABANDONED. Any vehicle:

(1) Located on public premises that does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways of the state.

(2) That is left on public premises continuously without being moved for a period of seven days.

(3) Located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) That has remained on private premises without the consent of the owner or person in control of premises for more than 48 hours.

(5) From which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises.

(6) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this title, the violation of which may require the removal or impoundment of the motor vehicle, and which motor vehicle once impounded is not claimed or redeemed by

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the owner or his agent within 30 days of its removal.

ALLEY. A street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles, and such ambulances as are operated by or for health and hospital corporations pursuant to IC 16-12-21; provided, however, that ambulances and other vehicles which are owned by persons, firms or corporations other than hospitals and are used in emergency services, may be designated as emergency vehicles, if such vehicles are authorized to operate as such by the Public Service Commission of Indiana.

Editor=s Note:

*IC 16-12-21 as set forth in the definition **AUTHORIZED EMERGENCY VEHICLE** above has been repealed. For provisions concerning standards for emergency vehicles, see IC 16-31-3-2(3), (4).*

AUTOMOBILE WRECKER. An automobile wrecking and parts business.

BICYCLE. Any foot propelled vehicle, irrespective of the number of wheels in contact with the ground.

BUREAU. The bureau of motor vehicles of the state.

BUSINESS DISTRICT. The territory contiguous to and including a street when 50% or more of the frontage thereon for a distance of 500 feet or more is occupied by building in use for business.

COMMISSIONER. The commissioner of the bureau.

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, regardless of the presence of pavement markings.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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DISPOSAL AGENT. Any firm or individual engaged in business as a scrap metal processor or automobile wrecker.

DRIVER. Every person who drives or is in actual physical control of a vehicle.

HANDICAPPED PARKING. Any space so designated by the Police Department for parking of vehicle bearing a handicapped license plate or placard issued by the Bureau.

HOLIDAY. The following days of the year shall be designated as holidays:

- (1) The first day of January, commonly known as New Years' Day;
- (2) The last Monday of May, commonly known as Memorial Day;
- (3) July Fourth, commonly known as Independence Day;
- (4) The first Monday of September, commonly known as Labor Day;
- (5) The fourth Thursday of November, commonly known as Thanksgiving Day; and
- (6) December 25, commonly known as Christmas Day.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

(2) The junction of any alley with a street shall not constitute an intersection.

LOADING ZONE. A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

OFFICER or POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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OFFICIAL TIME STANDARD. Eastern Standard Time.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this title placed or erected, by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OWNER. The last known record title holder to a vehicle according to the records of the bureau under the provisions of IC 9-14-3-1 et seq.

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PARKING SPACE or PARKING PLACE. A designated portion of the surface of a street of sufficient length and depth to accommodate a vehicle of reasonable dimensions to be parked. Such designated portion shall be specified and marked off as provided in this title.

PARTS. All component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which in their state of assembly, do not constitute a complete vehicle.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, copartnership, association, or corporation.

PRIVATE PREMISES. All privately-owned property which is not classified within the definition of Apublic premises.@

PUBLIC AGENCY. The Police Department of the city which is assigned the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the Common Council.

PUBLIC PREMISES. Any public right-of-way, street, highway, alley, park, or other state-, county- or municipally-owned property.

RESIDENCE DISTRICT. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of 500 feet or more, is, in the main improved with residences or residences and

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buildings in use for business.

RIGHT-OF-WAY. The privilege of the immediate use of the street.

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel.

SCRAP METAL PROCESSOR. An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for remelting purposes.

SIDEWALK. That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property line, intended for use by pedestrians.

STAND or STANDING. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers

STATE LAW. Indiana laws regulating and relating to motor vehicles and their operation.

STOP. When required, means complete cessation from movement.

STOP or STOPPING. When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic – control sign or signal.

STREET. The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

TOWING SERVICE. A business organized for the purpose of moving or removing disabled motor vehicles and once removed, to store or impound such motor vehicles.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street for purposes of travel.

TRUCK. Every motor vehicle designed, used or maintained primarily for the

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transportation of property.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. 81986-1, passed 8-19-86; Am. Ord. 8691-4, passed 8-6-91)

§ 70.02 VEHICLES SHALL NOT BE DRIVEN OR PARKED ON A SIDEWALK.

(A) A vehicle shall not be driven over, on, and across any sidewalk within the city except to the extent that the sidewalk intersects with and continues across a driveway, whether the driveway is permanent or temporary, and then only and for such time as it takes to drive the vehicle across the sidewalk area.

(B) A vehicle shall not be parked on a driveway so as to block in any manner a sidewalk intersecting and crossing the driveway. It is the intent of this section that vehicles shall not, in any manner connected with the parking with the vehicle, obstruct, interfere, or impede pedestrian traffic, over, on, and through the sidewalks.

(C) The penalties for violation of this section shall be as otherwise contained within the Garrett City Code including, but not limited to, the schedule of civil penalties found currently in § 35.03 of the Garrett City Code.

('79 Code, § 19-124) (Ord. passed 12-4-62; Am. Ord. 4489-1, passed 4-4-89; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2008-4, passed 4-1-08)

Cross-reference:

For fine, see Schedule of Civil Penalties in § 35.03

§ 70.03 REGULATING THE USE OF GOLF CARTS WITHIN CITY.

(A) For purposes of this section, **GOLF CARTS** are defined as a four-wheeled motor vehicle originally and specifically intended to transport one or more individuals and golf clubs for the purpose of playing golf. Any motor vehicles not meeting this definition are prohibited from being operated upon the streets, alleys and highways under the jurisdiction of the city, except as otherwise provided by other provisions of the Indiana Code.

(B) The provisions of this section shall apply to owners of golf carts and to operators of golf carts leased or rented from a vendor.

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(C) Only persons with a valid operator=s license issued by the State of Indiana or by the state of residence of the operator of the golf cart may operate a golf cart as provided herein.

(D) All golf carts to be operated upon the public streets or alleys under the jurisdiction of the city shall be registered with the city and the owner shall pay the registration fee as provided herein. Registration forms are available in the office of the Clerk-Treasurer and the registration fee shall be paid to the city through the office of the Clerk-Treasurer as provided herein. The annual registration fee shall be \$25 and each registration expires December 31.

(E) At the time of the registration, the registrant shall present proof of insurance insuring not only the golf cart from property damage, but also carrying property damage and personal liability insurance for injury or damage to property for others and personal injury to others with a minimum combined single limit of \$50,000. Proof of insurance shall be available for inspection and verification at all times.

(F) Prior to the issuance of the registration by the Clerk-Treasurer, the golf cart shall be inspected by the Garrett Police Department to insure that the golf cart meets the definition as provided above and also meets all other requirements as provided herein. The Police Department shall have no discretion to interpret the provisions of this section.

(G) All golf carts being operated pursuant to the terms of this section shall obey all of the rules of the road and traffic regulations of the State of Indiana and the city and shall also display the following:

(1) An orange flag or pennant attached to a pole so that the flag or pennant is at least seven feet above the surface of the street;

(2) The appropriate sticker issued by the Clerk-Treasurer designating registration. Such sticker shall be of a minimum size of four inches by four inches, identifiable as a golf cart registration sticker, and a sticker shall be placed upon the front and rear of the golf cart, therefore each golf cart will have two stickers which shall be placed in a location as to be readily visible;

(3) A slow moving vehicle emblem and an orange flashing lamp as defined and described in IC 9-21-1-3 and 9-21-1-4 respectively; and

(4) Properly functioning headlights, tail lights and turn signals.

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(H) No golf carts shall be operated upon any sidewalk within the city. Provided, however, a golf cart used by the Garrett Garden Club to tend to the flowers and plants in the uptown area of Garrett shall be allowed to operate a golf cart on the sidewalks in the uptown area specifically for that purpose. The golf cart used by the Garden Club is not exempt from registration and other requirements of this section.

(I) Golf carts shall be equipped with a rear view mirror, factory seating, seat belts for all seats on the golf cart, which seat belts must be approved by the Chief of Police. Occupancy shall not exceed that to be accommodated by factory seating as a golf cart.

(J) No person under the age of five years shall be allowed to ride on a golf cart. The driver and all passengers in the golf cart must be seated while the golf cart is in operation.

(K) Golf carts shall not be operated on SR 327, SR 8 and North Taylor Road between SR 8 and the South Road. The operation of golf carts is limited to those streets with a speed limit of 30 miles per hour or less and are prohibited on all other streets.

(L) The City Common Council may exempt from the provisions of this section the use of golf carts by public safety personnel.

(M) Any fines collected under this section shall be deposited into the General Fund of the city.

(Ord. 2009-10, passed 8-4-09)

ADMINISTRATION AND ENFORCEMENT

§ 70.15 DUTY OF THE CHIEF OF POLICE.

It shall be the duty of the Chief of Police and deputies to enforce the street traffic regulations of this city and all of the state laws, make arrests for traffic violations, investigate accidents, cooperate with officials of the city in the administration of the traffic laws and in developing ways to improve traffic conditions, and carry out those duties specially imposed upon the Chief of Police and deputies by the traffic code and any other applicable ordinances of this city. (Ord. 81986-1, passed 8-19-86)

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§ 70.16 RECORDS OF TRAFFIC VIOLATIONS.

(A) The Police Department shall keep a record of all violations of the traffic regulations of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(B) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(C) All such records and reports shall be public records.
(Ord. 81986-1, passed 8-19-86)

§ 70.17 POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS.

It shall be the duty of the Chief of Police and deputies to investigate traffic accidents and arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.
(Ord. 81986-1, passed 8-19-86)

§ 70.18 TRAFFIC ACCIDENT STUDIES.

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate with city officials in conducting studies of such accidents and determining remedial measures.
(Ord. 81986-1, passed 8-19-86)

§ 70.19 TRAFFIC ACCIDENT REPORTS.

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of city officials.
(Ord. 81986-1, passed 8-19-86)

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§ 70.20 POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT.

The Police Department shall annually prepare a traffic report which shall be filed with the Common Council. The report shall contain information on traffic matters in this city as follows:

(A) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(B) The number of traffic accidents investigated and other pertinent data on the safety activities of the Police Department; and

(C) Any plans and recommendations of the Police Department for future traffic safety activities.

(Ord. 81986-1, passed 8-19-86)

§ 70.21 EMERGENCY TRAFFIC CONTROL.

The Chief of Police is authorized to temporarily place official traffic control devices when required by an emergency. The Chief of Police shall notify the Mayor of his actions as soon thereafter as practicable.

(Ord. 81986-1, passed 8-19-86)

§ 70.22 CHIEF OF POLICE TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS.

The Chief of Police shall approve types of pennants or other identifying insignias to be displayed upon, or other methods to be employed to identify, the vehicles in funeral processions.

(Ord. 81986-1, passed 8-19-86)

§ 70.23 CHIEF OF POLICE TO BE TRAFFIC ENGINEER.

The Chief of Police shall serve as the Traffic Engineer in addition to his other functions.

(Ord. 81986-1, passed 8-19-86)

§ 70.24 AUTHORITY TO DECLARE A SNOW EMERGENCY.

A snow emergency shall commence by executive order, determination and proclamation of the Mayor or, in his absence from the city, the Councilmember-at-large, or, in his absence from the city, the Chief of Police shall be authorized to

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act in his place. Publication and broadcasting of the snow emergency shall be done by the Mayor or his substitute using a press release to the area news media. (Ord. 81986-1, passed 8-19-86)

Cross-reference:

Parking prohibited during snow emergency on certain streets, see Ch. 76, Sched. IV

Vehicles abandoned during snow emergency subject to removal, see § 74.10

§ 70.25 AUTHORITY OF CHIEF OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the Chief of Police and deputies or such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this city and all of the state vehicle laws.

(B) The Chief of Police and deputies, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, the Chief of Police and deputies may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the Chief of Police and deputies or officers in directing traffic in the immediate vicinity.

(Ord. 81986-1, passed 8-19-86)

§ 70.26 REQUIRED OBEDIENCE TO TRAFFIC CODE AND ORDINANCES.

It is unlawful and a municipal ordinance violation for any person to do any act forbidden, or fail to perform any act required, in this title and any other applicable ordinances of the city.

(Ord. 81986-1, passed 8-19-86)

§ 70.27 CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS.

Every person propelling a pushcart, riding an animal, or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions of this title which by their very nature can have no application.

(Ord. 81986-1, passed 8-19-86)

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§ 70.28 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this title shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any political subdivision of the state, subject to such specific exceptions as are set forth in this title or in the state vehicle code. The provisions of this title shall not apply to persons, motor vehicles and other equipment while actually engaged in work in a street but shall apply to such persons and vehicles when traveling to or from work.

(Ord. 81986-1, passed 8-19-86)

§ 70.29 DISPOSITION OF TRAFFIC FINES AND FORFEITURES.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid into the city treasury and deposited in the AGeneral Fund.@

(Ord. 81986-1, passed 8-19-86)

§ 70.30 OFFICIAL MISCONDUCT.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the AGeneral Fund,@ to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

(Ord. 81986-1, passed 8-19-86)

§ 70.31 DUTIES OF COUNTY PROSECUTOR.

The County Prosecutor or his duly appointed deputy is authorized to prosecute all charges of violation of this title.

(Ord. 81986-1, passed 8-19-86)

§ 70.32 IMPOUNDING VEHICLES OF SCOFFLAWS.

(A) Whenever a police officer has knowledge that a person has failed to satisfy five or more parking or traffic citations and that an arrest warrant has been issued for such person for these citations, and whenever the officer finds any vehicles registered in the name of such person upon any street, he may impound or immobilize such vehicle.

(B) Immobilization of a vehicle under this section shall be in a manner as to prevent its operation by means of a device which will cause no damage to the

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vehicle unless the vehicle is moved. Notice of immobilization shall be attached to the vehicle in a conspicuous manner.

(C) After impounding or immobilizing a vehicle under this section, notice shall be given in writing to its owner.

(Ord. 81986-1, passed 8-19-86)

§ 70.99 PENALTY.

(A) For violations of § 70.02, the fine shall be \$30.

(B) For all other violations of the provisions of this Title VII, unless another penalty is expressly provided, every person shall be punished by a fine of \$100 for the first offense. Upon conviction of any subsequent offense committed in the same calendar year, the penalty shall be \$200.

(C) Each and every day a violation of any provision of Chapter 70 is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(D) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including attorney fees.

(Ord. 81986-1, passed 8-19-86; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)

(E) A violation of the provisions of § 70.03 shall be considered a Class C misdemeanor and shall be punishable by a fine not to exceed \$100 per day. Each day a violation of § 70.03 is permitted or suffered to continue shall constitute a separate and distinct violation. If two or more violations occur within the same calendar year, the registration, whether annual, daily or for an event, shall be suspended and the owner or operator of the golf cart shall not be eligible for another registration for the balance of the year.

(Ord. 2009-10, passed 8-4-09)