

ALLEN COUNTY CODE TITLE 8 PUBLIC SAFETY

ARTICLE 15 ALLEN COUNTY TRAFFIC ORDINANCE

8-15-1 Chapter 1: General Terms and Definitions

8-15-1-1 Authorized Emergency Vehicle

Vehicles of the fire department, police department, and such ambulances, department authorized tow trucks, and other vehicles having a public emergency use as are authorized and designated by the Sheriff of Allen County.

8-15-1-2 Bicycle

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

8-15-1-3 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 buildings in use of business.

8-15-1-4 Crosswalk

- a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelable roadway.
- b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings.

8-15-1-5 Driver

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

8-15-1-6 Intersection

- a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral of the roadways of two streets which join one another at an angle.

- b. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

8-15-1-7 Laned Roadway

A roadway which is divided into three or more clearly marked lanes for vehicular travel.

8-15-1-8 Moped/Motorized Bicycle

A bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or battery powered motor, or by both, and when powered by an internal combustion engine having a rating of no more than one and five-tenths (1 5/10) brake horsepower and a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour on a flat surface.

8-15-1-9 Motorcycle

Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than four wheels in contact with the ground, but excluding a tractor.

8-15-1-10 Motor Vehicle

Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

8-15-1-11 Official Traffic Control Devices

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

8-15-1-12 Park

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

8-15-1-13 Passenger Curb Loading Zone

A curb loading zone reserved for the exclusive use of vehicles while loading or unloading passengers.

8-15-1-14 Pedestrian

Any person afoot.

8-15-1-15 Police Officer

Every sworn officer of the Allen County Police Department, Allen County, Indiana.

8-15-1-16 Preferential Intersection

An intersection where traffic entering on one street is required to yield the right-of-way to traffic entering upon the other street when proper signs are erected as provided in this Chapter.

8-15-1-17 Private Road or Driveway

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner and those having express or implied permission from the owner and those having express or implied permission from the owner, but not by other persons.

8-15-1-18 Railroad

A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

8-15-1-19 Railroad Train

An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

8-15-1-20 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 buildings in use for business.

8-15-1-21 Right-Of-Way

A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction of a highway, road, or street that will include the traveled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

8-15-1-22 Roadways

That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

8-15-1-23 Safety Zone

The area or space set apart within a roadway by the Board of Commissioners of Allen County for the exclusive use of pedestrians and which is structurally protected, or is so marked, or is so indicated by adequate signs as to be plainly visible at times.

8-15-1-24 Sidewalk

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

8-15-1-25 Stop

Complete cessation of movement.

8-15-1-26 Stop Intersection

An intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs are erected as provided in this chapter.

8-15-1-27 Stop, Stopping or Standing

Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer or traffic control sign or signal.

8-15-1-28 Street or Highway

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

8-15-1-29 Through Street

Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to a stop sign or a yield sign, when such signs are erected as provided in this Chapter.

8-15-1-30 Traffic

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

8-15-1-31 Traffic Control Signal

Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

8-15-1-32 Traffic Division

Traffic division of the police department of this County.

8-15-1-33 Vehicle

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

8-15-1-34 Yield Intersection

An intersection where traffic entering on one street is required to slow down to a speed reasonable for existing conditions, or stop if necessary before entering or crossing the same, when “Yield” signs are erected as provided in this Chapter.

8-15-1-35 Highway Traffic Definitions – State Law

For state law as to definitions relative to highway traffic, see I.C. 1971, SS 9-1-2-1 et seq. As to definitions relative to registration and licensing of vehicles, see I.C., 1971, SS 9-1-1-2 et. seq.

8-15-1-36 Construction of Ordinance

This entire Chapter shall be deemed and construed to be an exercise of the police powers of this County for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

8-15-2 Enforcement

8-15-2-1 Generally

Required obedience to traffic regulations. It is an infraction for any person to do any act forbidden or fail to perform any act required in this Chapter or to counsel, aid or abet therein.

8-15-2-2 Judgment for Violations

Unless another judgement is expressly provided by law, every person convicted of a violation of any provision of the Chapter shall be liable for a judgment in an amount to be determined by the Court, not to exceed \$1,000.

8-15-2-3 Schedule of Judgments

There is hereby established the following schedule of judgments for violations of the following provisions of Chapter 6 of the Allen County, Indiana, Traffic Code.

8-15-2-4 Parking Ordinance Violation

If a violator of Chapter 8-15-6-1 to 8-15-6-4 appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00.

If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$20.00.

The payment of all parking fines as herein provided in this Ordinance shall be payable at the Allen County Courthouse in the office of the Allen County Sheriff, between the hours of 9:00 a.m. to 4:00 p.m. on any weekday, not otherwise a declared holiday. Said penalties collected shall be deposited in the Sheriff's DARE account and shall be used exclusively for the purposes of promoting said program. Nothing contained herein shall be deemed to abrogate the responsibility of the Sheriff to have said fund appropriated and presented according to state law.

8-15-2-5 Court Costs

Any person convicted of a violation of any provision of this Chapter shall also be liable for Court costs in connection with said proceedings, except that no Court costs shall be assessed for violation of 8-15-2-4 provided the violator pays the penalty in accordance with the terms of 8-15-2-4. Any person who fails to comply with the terms of payment prescribed by 8-15-2-4 shall be liable for court costs in accordance with this provision and 8-15-2-12.

8-15-2-6 Uniform Traffic Citations

Forms of Tickets for Violations and Appearances

- a. The Allen County Police Department shall provide, in triplicate, suitable, serially numbered uniform traffic citations forms for notifying violators to appear and answer to the charges for violating this Chapter and other laws and ordinances of this County.
- b. Such forms shall be issued to and receipted for by the Sheriff of Allen County or other person acting for him.
- c. The Allen County Clerk of the Courts shall receive all penalty payments for all violations of this ordinance except as provided in 8-15-2-4, which funds shall be transferred to the General Fund of the County of Allen and receipted by the Allen County Auditor.
- d. The Allen County Clerk of the Courts shall account monthly to the Allen County Auditor for the receipt of all such funds and such reports shall be available to the Sheriff of Allen County and the Board of Commissioners of Allen County, State of Indiana.
- e. For this purpose, the Clerk of the Court or her representative shall have access to the necessary records of the Allen County Police Department. These reports shall be public records.

8-15-2-7 Procedures for Enforcing This Chapter

Except when authorized or directed under the state law to immediately take a person arrested for a violator of any traffic law before a magistrate, any police officer, upon detaining a violator of any provision of this Chapter or other traffic ordinances of this County, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, and shall take issue to the violation writing, or a form provided by the Sheriff of Allen County, pursuant to Section 8-15-2-6, a ticket to answer to the charge against him at a place and at a time at least five (5) days after such detention to be specified in the ticket and forthwith release the person detained. The officer shall send one copy of such ticket to the commander of the traffic division and one copy to the Clerk of Allen County, Indiana.

8-15-2-8 Failure to Obey Ticket or Summons

Any person who fails to appear in response to the ticket provided in Section 8-15-2-6 may be liable for sanctions permitted by Indiana Code SS 9-30-3-16.

8-15-2-9 Notice of Illegally Parked Vehicles

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of restrictions imposed by this Chapter or other ordinance of this County, or by state law, the officer finding such vehicle shall take its registration number and may

take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice of parking violation in writing, on the form provided by the Sheriff of Allen County pursuant to Section 8-15-2-4, for the owner to answer to the charge against him in accordance with Section 8-15-2-4. The officer shall send one copy of the notice to the office of the Allen County Sheriff.

Whenever an illegally parked vehicle has been found and ticketed by a police officer in the manner aforescribed and the vehicle remains illegally parked for a period in excess of 48 hours, or whenever an illegally parked vehicle presents a hazard to the safety and well being motorists, pedestrians or the general public, said illegally parked vehicle may be taken into custody of the Allen County Police Department and removed for storage and safekeeping to an authorized storage facility. The cost of towing and storage fees shall be the sole responsibility of the owner of the illegally parked vehicle.

8-15-2-10 Failure to Comply With Notice Attached to Parked Vehicle

If a violator of the restrictions on stopping, standing or parking under this Chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of 48 hours, the Allen County Sheriff shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and a warrant for arrest issued. In the event such violator continues to disregard the notice, a complaint will be filed, summons issued, and the violator may be liable for sanctions permitted by Indiana Code SS 9-30-3-16. The sending of such of letter shall not be deemed jurisdictional.

8-15-2-11 Presumption in Reference to Illegal Parking

In any proceeding charging a violation of this Chapter or any other traffic ordinance of the County governing the stopping, standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the point where, and for the time during which such violation occurred.

8-15-2-12 When Complaint to Be Issued

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to Section 8-15-2-6 or 8-15-2-9, respectively, or fails, pursuant to a summons to be issued, and such person may be liable for sanctions permitted by Indiana Code SS 9-30-3-16.

8-15-3 Chapter 3: Speed Regulations

8-15-3-1 County Speed Regulations

The posted speed limits in effect on the date of adoption of this ordinance and any subsequent revised speed limits posted by the Allen County Department of Highways shall regulate the speed for vehicles on public street or highways in the County of Allen, Indiana, which are not otherwise governed by laws properly authorized and marked by state law.

8-15-3-2 Excessive Speed

It shall be a violation of this Chapter for any person to drive or operate a vehicle in excess of such speed limits posted on public streets or highways of the County of Allen, Indiana.

8-15-4 Turns and Stop Signs

8-15-4-1 Limitations on Turning Around

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction, herein otherwise referred to as a U-turn, upon any street in a business district and shall not upon any other street to turn a vehicle unless such movement can be made in safety and without interfering with other traffic or where properly posted by uniform traffic control sign.

8-15-4-2 Stop Signs and Warning Signs – Authority to Erect

The posted stop signs or warnings signs in effect on the date of the adoption of this ordinance and any subsequent revised warning or stop signs posted by the Allen County Department of Highways throughout Allen County, Indiana. It shall be a violation of this ordinance for any person to drive or operate a motor vehicle in such a manner as to violate any stop signs or other warning signs at intersections authorized by this Chapter.

8-15-5 Traffic Control Signals and Devices

8-15-5-1 Obedience to Official Traffic Control Devices

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this Chapter, other ordinances of this County, or the laws of the State of Indiana, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle pursuant to the laws of the State of Indiana.

8-15-5-2 When Traffic Devices Required for Enforcement Purposes

No provision of this Chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective even though no signs are erected or in place.

8-15-6 Stopping, Standing, or Parking

8-15-6-1 Stop When Traffic Obstructed

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrian, notwithstanding any traffic control signal indication to proceed.

8-15-6-2 Standing or Parking Close to Curb

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of a vehicle on a one-way street within 12 inches of the curb or edge of the roadway, except as otherwise provided in this Article.

8-15-6-3 Parking Prohibited in Specified Places

No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device in any of the following places:

- a. On a sidewalk or otherwise between the curb lines or lateral lines of any roadway and the adjacent property lines.
- b. Within five (5) feet of a public or private driveway.
- c. Within an intersection.
- d. Within 15 feet of a fire hydrant.
- e. On a crosswalk.
- f. Within 20 feet of a crosswalk at an intersection.
- g. Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.
- h. Between a safety zone and the nearest curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Allen County Highway Department has indicated a different length by signs or markings.

- i. Within 50 feet of the nearest rail of a railroad crossing.
- j. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within 75 feet of such entrance, when properly signed posted.
- k. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- l. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- m. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- n. At any place where official signs prohibit parking.

8-15-6-4 Parking Not to Obstruct Traffic

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway unobstructed for the free movement of vehicular traffic.

8-15-7 Chapter 7: Miscellaneous Provisions

8-15-7-1 Severance Provision

If any part of this ordinance shall be held invalid, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective August 13, 1997. (Rousseau, McComb, Bloom)