

ORDINANCE 2023-14
ORDINANCE FOR MAXIMUM SPEED, PARKING AND OTHER TRAFFIC
REGULATIONS

BE IT HEREBY ORDAINED by the Town Council of the Town of New Richmond, Montgomery County, Indiana, the following:

- 1.GENERAL PROVISIONS**
- 2.TRAFFIC REGULATIONS**
- 3.PARKING REGULATIONS**
- 4.PENALTIES**

SECTION 1: GENERAL PROVISIONS

Section

General Provisions

1.01 Definitions

Traffic Control Devices

- 1.02 Establishment and maintenance of traffic control devices
- 1.03 Obedience to signals
- 1.04 Interference with signals
- 1.05 Unauthorized signals or markings

GENERAL PROVISIONS

§ 1.01 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); and

(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.

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

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.

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 streets that join at, or approximately at, right angles; or

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

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

MOTOR VEHICLE.

(1) Except as otherwise provided in this definition, a vehicle that is self-propelled. The term does **not include** a farm tractor or implement of husbandry, as those terms are defined in I.C. 9-13-2-56 and 9-13-2-77.

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

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

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.

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.

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 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.

PARKING. The standing of any vehicle, whether occupied or not, upon any street, alley, or public place other than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

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.

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

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

THROUGH STREET. A street or portion of a street at the entrance to which vehicular traffic from intersecting streets is required by law to yield right of way to vehicles on the through street in obedience to either a stop sign or a yield sign.

VEHICLE. A device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

VIOLATION. A violation of an ordinance of an Indiana political subdivision. I.C. 9-30-10-3.

TRAFFIC CONTROL DEVICES

§ 1.02 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.

§ 1.03 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 police officer. However, the type and the right to or necessity for such barrier or sign must be approved by the town. (B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

§ 1.04 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.

§ 1.05 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 or is an imitation of or resembles an official traffic device or 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 such 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.

SECTION 2: TRAFFIC REGULATIONS

Section

General Provisions

- 2.01 Town speed limit
- 2.02 Trucks prohibited on certain streets
- 2.03 Stop intersections

Cruising

- 2.04 Definitions
- 2.05 Cruising prohibited
- 2.06 Posting of signs

GENERAL PROVISIONS

§ 2.01 TOWN SPEED LIMIT.

No motor vehicle shall be propelled, operated or driven upon the streets in the corporate limits of the town at a speed greater than 30 m.p.h.

§ 2.02 TRUCKS PROHIBITED ON CERTAIN STREETS.

No trucks, other than pick-up 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 pick-up or delivery. Posted streets are those which have signs on them indicating that their use by through trucks is prohibited.

§ 2.03 STOP INTERSECTIONS.

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

(B) The town shall post signs at such 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.

CRUISING

§ 2.04 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, 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,

(b) 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 miles per hour, 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.

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 ON THE PROXIMITY OF ANY POSTED NO-CRUISING 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.

§ 2.05 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.

§ 2.06 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."

SECTION 3: PARKING REGULATIONS

Section

- 3.01 No parking where posted
- 3.02 Limited parking
- 3.03 Other parking restrictions
- 3.04 Parking for persons with physical disability
- 3.05 Parking along streets
- 3.06 Unregistered vehicles

§ 3.01 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 such acts.

§ 3.02 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.

§ 3.03 OTHER PARKING RESTRICTIONS.

The Town Council may order the placing of signs, or 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 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.

§ 3.04 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, 9-18-18, 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 persons 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.* 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. The owner shall also be required to pay any and all storage fees resulting from this action.

§3.05 PARKING ALONG STREETS.

(A) *Alleys.* It shall be unlawful for any person to park or leave standing any vehicle, attended or unattended, upon the traveled portion of any public alley in the town, except for the purposes of loading or unloading the vehicle, and in such case not to exceed a period of 30 minutes.

(B) *Trucks.*

(1) It shall be unlawful for any firm, person or corporation to park a truck upon the streets of the town that is rated a 2 ½ ton truck or over, except if the truck is being loaded with cargo or merchandise or unloaded.

(2) It shall be unlawful for any person, firm or corporation to park a truck rated ¾ ton or over, on the streets of the town from 6:00 a.m. to 6:00 p.m., for a period of over two hours. This shall not change or supersede any other sections of this code relative to the parking of trucks on certain selected streets of the town.

(3) No person, firm or corporation shall park a truck rated ¾ ton or over upon the designated streets of the town from the hours of 6:00 a.m. to 6:00 p.m., except for periods not to exceed one hour, when the truck is being loaded, unloaded or is in the process of being repaired.

(4) No truck shall be parked and left unattended at any time within 20 feet of any intersection of the town.

(C) Parking is permitted in the parallel manner upon the streets of the town, provided the street shall be wide enough to reasonably permit two-way traffic while vehicles are parked thereon.

(1) If the Board shall cause a no parking or limited parking sign to be erected upon a public street, the same shall be binding upon all persons of the town, and no person shall park a motor vehicle in the vicinity of indicated areas covered by a no parking or limited parking sign.

(2) Any no parking or limited parking sign erected by anyone other than the Board or upon direction thereof shall not have any binding effect.

(D) Dumpsters. No dumpster shall be parked on a public way, except when given permission to do so by the Town Council.

§3.06 UNREGISTERED VEHICLES.

No person shall leave upon any street or highway within the town limits a vehicle upon which there is not displayed the appropriate registration plate or certificate as required by Indiana law.

SECTION 4: PENALTIES

Section

- 4.01 Penalties
- 4.02 Fines

§4.01 PENALTIES

Any person, firm or corporation who violates any of the provisions of this ordinance or who interferes in anyway with due process of enforcement of any provisions of this ordinance or does not comply within thirty (30) days of any order issued under this ordinance shall be subject to a fine of not less than Twenty-Five dollars (\$25.00). Each day in which a violation occurs shall constitute a separated offense.

§4.02 FINES

The fines are stated below for any non-moving violations.

A fine of \$25.00 for non-moving violations.

The violator will have 30 days from the date of the ticket to pay the fine to the Town of New Richmond. A five-dollar (\$5.00) penalty will be added after 30 days that the fine is not paid, or the violator will face further legal actions and will be responsible for all legal fee associated with the attorney and court cost.

THEREFORE, BE IT ORDAINED, this Ordinance shall be in full force and effect after 30 days from the date of its passage, and all Ordinances or parts of Ordinances in conflict with the provisions hereof are of no further force of effect and are hereby repealed. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance. The adoption of this Ordinance shall immediately take effect on the 18 day of November, 2023.

Public Hearing and Adoption on 18 day of October, 2023.

PASSED AND ADOPTED this 18 day of October, 2023, by the Town Council of the Town of New Richmond, Montgomery County, Indiana.

	Aye	Nay	Abstain
<u>Minnie M. Howard</u> Minnie Howard, Council President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Linda Forbes</u> Linda Forbes, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Rachelle Cowherd</u> Rachelle Cowherd, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest:

Alaatha Foust
Alaatha Foust, Clerk-Treasurer