

## **TITLE VII: GENERAL PROVISIONS**

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## CHAPTER 70: GENERAL PROVISIONS

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## **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); 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.

(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)

**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 2 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 2 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 2 roadways at least 30 feet apart, every crossing of 2 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 section, 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.

(2) ***MOTOR VEHICLE***, for purposes of I.C. 9-21, means:

(a) A vehicle that is self-propelled; or

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

(3) ***MOTOR VEHICLE***, for purposes of I.C. 9-32, includes a semitrailer, trailer, or recreational vehicle.  
(I.C. 9-13-2-105)

***MOTORCYCLE.***

(1) A motor vehicle with motive power that:

(a) Has a seat or saddle for the use of the rider;

(b) Is designed to travel on not more than 3 wheels in contact with the ground; and

(c) Satisfies the operational and equipment specifications described in 49 CFR 571 and I.C. 9-19.

(2) The term includes an auticycle, but does not include a farm tractor or a motor driven cycle.  
(I.C. 9-13-2-108)

***OPERATOR.*** Except as provided in I.C. 9-31, means an individual who operates a vehicle, motorboat, off-road vehicle, or snowmobile.  
(I.C. 9-13-2-118)

***OWNER.*** Except as otherwise provided in I.C. 9-31, means a person, other than a lienholder, that:

(1) Holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) Is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.  
(I.C. 9-13-2-121)

***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, ***ROADWAY*** means 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.*** Except as otherwise provided in I.C. 9-13-2-196, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

- (1) A device moved by human power.
- (2) A device that runs only on rails or tracks.
- (3) A wheelchair.

(I.C. 9-13-2-196(a))

### ***TRAFFIC CONTROL DEVICES***

#### **§ 70.15 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.

**§ 70.16 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 any barrier or sign must be approved by the town.

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

Penalty, see § 70.99

**§ 70.17 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

**§ 70.18 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 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
- 71.04 Speed limits

#### *Cruising*

- 71.15 Definitions
- 71.16 Cruising prohibited
- 71.17 Posting of signs

### **GENERAL PROVISIONS**

#### **§ 71.01 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.

Penalty, see § 70.99

#### **§ 71.02 STOP INTERSECTIONS.**

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

(B) The town shall post signs at these 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 1-way streets or highways, and require that all vehicles operated on the street or highway be moved in 1 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 1-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

### § 71.04 SPEED LIMITS.

(A) On all streets within the Town of Monrovia, other than those streets coming under the jurisdiction of the State of Indiana, the maximum lawful speed shall be 20 miles per hour.

(B) Pursuant to I.C. 34-28-5, the Town hereby designates the Morgan County Prosecutor, or 1 of his or her deputies, as the proper person to bring prosecution in the name of the Town for violation of this section.

(C) The maximum fine for violation of this chapter shall be equal to the court costs assessed, plus any court costs and/or administrative fees as may be charged by the appropriate court having jurisdiction over these infractions.

(Ord. 14-1998, passed 1-25-1999)

## *CRUISING*

### § 71.15 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 2 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 5-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 5 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.

**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 division.

**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 division.

**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.

**§ 71.16 CRUISING PROHIBITED.**

(A) *Conduct prohibited.* It shall be unlawful to engage in the activity known as **CRUISING**, as defined in this division 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 4 hours will be a violation of this division.

(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 4 hours, shall be in violation of this division.

Penalty, see § 70.99

#### **§ 71.17 POSTING OF SIGNS.**

This division 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

### **§ 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 these 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 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 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.*** Means a person who has been issued one of the following:

- (1) A placard under I.C. 9-14-5 (before its repeal).
- (2) A modified Purple Heart plate under I.C. 9-18-19-1(b) (before its expiration) or I.C. 9-18.5-6-1(b).
- (3) A disability registration plate under I.C. 9-18-22 (before its expiration).
- (4) A license plate or placard issued under I.C. 9-18.5-8.  
(I.C. 5-16-9-1(e))

(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.* 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.

Penalty, see § 72.99

**§ 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.



## CHAPTER 73: PARKING SCHEDULES

### Schedule

#### I. No parking zones

#### **SCHEDULE I. NO PARKING ZONES.**

<i>Street</i>	<i>Location</i>	<i>Side(s)</i>
North Water Street	From West Main Street to West Pray Street	East
North Water Street	15 feet north of stop sign	West

(Ord. 4-2001, passed 2-26-2001)

