Cumberland Town Council
Ordinance 2016 – 26

Ordinance Amending Town Code Chapter 70: Traffic Rules, and Chapter 71: Parking

Whereas, the Cumberland Town Council periodically reviews the its Town Code’s traffic and parking regulations to ensure that the regulations are consistent with Town practices, are clear and unambiguous, do not conflict with state law, and are in the best interest of Cumberland’s citizens; and

Whereas, a recent Indiana Appellate Court decision has been an impetus to review the traffic and parking regulations to ensure compliance with state law; and

Whereas, it has been determined that several provisions of the Town Code’s traffic and parking regulations need to be repealed or amended; and

Whereas, the Cumberland Town Council has reviewed these regulations and now finds that revisions should be made to Chapters 70 and 71 in order to ensure compliance with state law and to ensure clarity of the regulations.

It is therefore ordained that:

1. The following sections of Chapter 70: Traffic Rules are hereby repealed:

   00-07-70-21 Signal Legend
   00-07-70-22 Flashing Signals
   00-07-70-23 Turn Markers
   00-07-70-38 Stopping Required
   00-07-70-39 Yielding Required
   00-07-70-40 Stopping Before Entering Public Way
   00-07-70-41 One-way Streets
   00-07-70-44 Railroad Crossing
   00-07-70-45 Use of Horns
   00-07-70-46 Muffler Required
   00-07-70-48 Parades and Processions (Note: the Code currently contains 2 consecutive sections with this number and title; the repealed section is the second of the two, which actually addresses vehicle loading and unloading regulations.

2. Chapter 70, Section 00-07-70-02 Directions by Police Officer or Firefighter, which currently reads:

   Section 00-07-70-02 Directions by Police Officer or Firefighter.
   Officers of the Police Department and Fire Department, or such officers as are assigned by the Chief of the Police or Fire Department, are hereby authorized to
direct 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 to safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws. No person shall willfully fail or refuse to comply with any lawful order, signal, or direction of a police officer, firefighter, or any person authorized by state law to direct traffic.

Shall be amended so that it reads:

Section 00-07-70-02 Directions by Police Officer.
Officers of the Cumberland Police Department, or such other officers as assigned by the Chief of Police, are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws, provided that in the event of emergency or to expedite traffic or to safeguard pedestrians, officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

3. Section 00-07-70-35 Stop Streets, and Section 00-07-70-41 One-Way Streets, which currently read:

Section 00-07-70-35 Stop Streets.
The Town Council may designate certain streets and intersections as stop streets and intersections by placing stop signs on the streets or at the corners of intersections. Vehicles shall stop or go as directed by an automatic traffic signal installed and operating at any street or within any intersection, and vehicles shall come to a complete stop at any street or intersection where a stop sign is located.

Section 00-07-70-41 One-Way Streets
(A) Upon those streets and parts of streets and in those alleys hereinafter enumerated, vehicular traffic shall move in the indicated direction when signs indicating the direction are erected and maintained at every intersection on the portions of any such street where movement in the opposite direction is prohibited.
(B) A schedule of stop streets and one-way streets is in Chapter 72, Traffic Schedules.

Shall be consolidated and amended, and inserted as a new section 00-07-70-30, reading:

Section 00-07-70-30 Stop Streets and One-way Streets.
(A) The Town Council may designate certain streets and intersections as stop streets and intersections by placing stop signs on the streets or at the corners of intersections.
(B) The Town Council may also designate certain streets, or portions of them, as streets upon which vehicular traffic may travel in only one direction. For any such street designated as a one-way street, signs indicating the direction of travel shall be
erected and maintained at every intersection of the streets, or the portions thereof that are limited to one-way travel.
(C) A schedule of stop streets and one-way streets is included in Chapter 72, Traffic Schedules.

4. Section 00-07-70-99 Penalty, which currently reads:

Section 00-07-70-99 Penalty.
(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §00-01-10-99.
(B) Any person violating § 00-07-70-36 of this chapter shall be fined as follows: $50 for 1-15 mph over limit, $75 for 16-20 mph, $100 for 21-25 mph, and $150 for 25+ mph.
(C) Any person violating §§ 00-07-70-02, 00-07-70-20 through 00-07-70-23, 00-07-70-35, and 00-07-70-37(B) shall be fined $50 for a first violation within a calendar year and at least $70 for additional violations of each section.
(D) Any person violating §§ 00-07-70-47(C) or 00-07-70-48 shall be fined $250.
(E) Violations of any section of this chapter shall be certified to the Indiana Bureau of Motor Vehicles as required by state law.

Shall be amended in order to be consistent with these other amendments to Chapter 70, to read:

Section 00-07-70-99 Penalty.
(A) Any person violating any provision of this Chapter for which no specific penalty is prescribed shall be subject to §00-01-10-99.
(B) Any person violating Section 31 of this Chapter shall be fined as follows: $50 for 1-15 mph over limit, $75 for 16-20 mph, $100 for 21-25 mph, and $150 for 25+ mph.
(C) Any person violating Section 02, 20, or 32 of this Chapter shall be fined $50 for a first violation within a calendar year and at least $70 for additional violations of each section.
(D) Any person violating Section 35(C) or 36 of this Chapter shall be fined $250.
(E) Violations of any Section of this Chapter shall be certified to the Indiana Bureau of Motor Vehicles as required by state law.

5. The remaining sections of Chapter 70 shall be re-numbered consistent with these revisions and the Table of Contents for and headings for Chapter 70 shall be revised to read as follows:

Chapter 70: Traffic Rules
General Provisions
00-07-70-01 Definitions; Consistent with Statutory Law
00-07-70-02 Directions by Police Officer or Firefighter
Control Devices
00-07-70-20 Control Devices; Erection and Establishment
Operational Requirements
6. The following sections of Chapter 71: Parking, are hereby repealed:

- 00-07-71-02 Parking Method
- 00-07-71-06 Obstructing Traffic

7. Section 00-07-71-99, which currently reads:

Section 00-07-71-99 Penalty.
(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 00-01-10-99.
(B) Any person in violation of §§00-07-71-02 through 00-07-72-07, except 00-07-71-05(A)(1) through (5) and (C)(1) through (3), 00-07-71-16, 00-07-71-17, and 00-07-71-20, shall be fined $12 for a first offense and at least $20 for subsequent offenses in the same calendar year.
(C) Any person in violation of §§ 00-07-71-05(A)(1) through (5) and (C)(1) through (3), 00-07-71-18 and 00-07-71-19, shall be fined $25 for a first offense and at least $35 for subsequent offenses in the same calendar year.
(D) Any person in violation of § 00-07-71-21 shall be fined $50.
(E) Any person violating any provisions of § 00-07-71-08 and any person who aids, abets or assists therein, shall be subject to a fine according to the following schedule:

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<tr>
<td>First Offense</td>
<td>$100</td>
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<tr>
<td>Second Offense</td>
<td>$250</td>
</tr>
<tr>
<td>Third Offense</td>
<td>$400</td>
</tr>
<tr>
<td>Fourth and all other offenses</td>
<td>$500</td>
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(1) Each day in which such violation shall continue shall be deemed a separate and distinct offense and violation of this chapter. In addition, after the fourth offense the town may elect to have the vehicle towed immediately in accordance with all ordinances of the town and the state.
(2) If the town elects to tow said vehicle(s), the owner of the vehicle(s) will be responsible for paying all towing and storage costs in addition to the fine.
(3) If the fine(s) are not paid within 30 days, the town may file a Code Enforcement action against the individual in violation. In this event, the individual will be responsible for attorneys fees and court costs in addition to the fine(s).

Shall be amended in order to be consistent with these other amendments to Chapter 71, to read:

Section 00-07-71-99 Penalty.
(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 00-01-10-99.
(B) Any person in violation of §§00-07-71-02 through 00-07-72-05, except 00-07-71-04(A)(1) through (5) and (C)(1) through (3), 00-07-71-16, 00-07-71-17, and 00-07-71-20, shall be fined $12 for a first offense and at least $20 for subsequent offenses in the same calendar year.
(C) Any person in violation of §§ 00-07-71-04(A)(1) through (5) and (C)(1) through (3), 00-07-71-18 and 00-07-71-19, shall be fined $25 for a first offense and at least $35 for subsequent offenses in the same calendar year.
(D) Any person in violation of § 00-07-71-21 shall be fined $50.
(E) Any person violating any provisions of § 00-07-71-06 and any person who aids, abets or assists therein, shall be subject to a fine according to the following schedule:

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<tbody>
<tr>
<td>First Offense</td>
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(1) Each day in which such violation shall continue shall be deemed a separate and distinct offense and violation of this chapter. In addition, after the fourth offense the town may elect to have the vehicle towed immediately in accordance with all ordinances of the town and the state.
(2) If the town elects to tow said vehicle(s), the owner of the vehicle(s) will be responsible for paying all towing and storage costs in addition to the fine.
(3) If the fine(s) are not paid within 30 days, the town may file a Code Enforcement action against the individual in violation. In this event, the individual will be responsible for attorneys fees and court costs in addition to the fine(s).

8. The remaining sections of Chapter 71 shall be re-numbered consistent with these revisions and the Table of Contents for Chapter 71 shall be revised to read as follows:

Chapter 71: Parking
General Provisions
00-07-71-01 Definitions; consistency with statutory law
00-07-71-02 Parking prohibited
00-07-71-03 Limited parking
00-07-71-04 Prohibited stopping, standing, and parking
00-07-71-05 Car doors
00-07-71-06 Truck and/or trailer parking

Specific Regulations
00-07-71-16 Metered parking
00-07-71-17 Placement of meters
00-07-71-18 Loading and unloading
00-07-71-19 Unauthorized parking in loading and unloading zones
00-07-71-20 Public carrier stops
00-07-71-21 Oversized vehicle parking
00-07-71-22 Exceptions to use

Penalty
00-07-71-99 Penalty

Cross-reference:
Ordinance Violations Bureau, see Chapter 36
Parking Schedules, see Chapter 73
Police Department, see Chapter 33
Traffic Rules, see Chapter 70
Traffic Schedules, see Chapter 72

It is further ordained that this ordinance shall be effective upon its adoption.

It is further ordained that all provisions of the Code of Ordinances which are not expressly repealed or amended by this ordinance will remain in full force and effect.

Adopted this 7th day of December, 2016.

A Majority of the Cumberland Town Council

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Council Member
Brian Gritter, Council Member

Mark Reynold, Council Member

ATTEST:

Erica Salmon, Clerk-Treasurer