

CHAPTER 40.  
MOTOR VEHICLES AND TRAFFIC.<sup>1</sup>

- § 40.01. Definitions.
- § 40.02. Authority of police and fire department officials.
- § 40.03. Compliance with chapter.
- § 40.04. Obedience to police and fire department officials.
- § 40.05. Persons propelling pushcarts or riding animals to obey traffic regulations.
- § 40.06. Use of coasters, roller skates and similar devices restricted.
- § 40.07. Public employees to obey traffic regulations.
- § 40.08. Applicability of chapter, etc., to authorized emergency vehicles.
- § 40.09. Operation of vehicles on approach of authorized emergency vehicles.
- § 40.10. Operation of vehicles on school premises.
- § 40.11. Accident - Driver required to give notice to police department.
- § 40.12. Same - Written reports.
- § 40.13. Same - Duty of occupant or owner of vehicle.
- § 40.14. Same - Reports to be confidential.
- § 40.15. One-way streets and alleys - Signs.
- § 40.16. Same - Designated.
- § 40.17. Same--Restrictions on direction of movement during certain periods.
- § 40.18. Entrances and exits to parking lots.
- § 40.19. Load restrictions upon vehicle using certain streets.
- § 40.20. Commercial vehicles required to use certain streets.
- § 40.21. Restrictions on use of streets by certain vehicles during certain hours.
- § 40.22. Restrictions on use of certain streets by motor driven cycles, bicycles, etc.
- § 40.23. Obstructions to vision at intersections.

<sup>1</sup> For state law as to motor vehicles and traffic generally, see Indiana Code article 9-21. As to requirement that traffic law be uniform throughout the state, see Indiana Code chapter 9-21-1. As to powers of local authorities generally, see Indiana Code § 9-21-1-3.

Sec. 40.01. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Alley.* A public thoroughfare which affords only secondary means of vehicular access to abutting property and not over twenty feet in width.

*Authorized emergency vehicle.* Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal

departments or public service corporations as are designated or authorized by the chief of police.

*Bicycle.* Every device propelled by human power upon which any person rides, having two tandem wheels either of which is over twenty inches in diameter.

*Business district.* The territory contiguous to and including a highway within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

*Central business district.* All streets and portions of streets within the area are described as follows: All that area that generally includes Brown Street and State Street from the Wabash River Bridges, west to Grant Street and on Northwestern Avenue from State Street to North Street.

*Commercial vehicle.* Every vehicle designed, maintained or used primarily for the transportation of property.

*Controlled-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Crosswalk.* 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 traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

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

*Freight curb loading zone.* A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

*Intersection.* 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 highways which join one another at or approximately at right angles, or the area within which vehicles traveling

upon different highways joining at any other angle may come in conflict.

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

*Laned roadway.* A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

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

*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.

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

*Park.* When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Passenger curb loading zone.* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedestrian.* Any person afoot.

*Police officer.* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Residence district.* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

*Right of way.* The privilege of the immediate use of the roadway.

*Roadway.* That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. 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.

*Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

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

*Stop.* When required means complete cessation of movement.

*Stop, stopping or standing.* When prohibited means any stopping or standing 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 or highway.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Through highway.* Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

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

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

*Traffic division.* The traffic division of the police department of this city, or in the event a traffic division is not established, then such term whenever used in this chapter shall be deemed to refer to the police department of this city.

*Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Code 1960, § § 16-2 to 16-4.)

Sec. 40.02. Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief

of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to traffic in this city.

(b) Officers of the police department or 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 fire, or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when in uniform, may direct or assist the police in directing traffic. (Code 1960, § 16-15.)

Sec. 40.03. Compliance with chapter.

It is an infraction for any person to do any act forbidden or fail to perform any act required in this chapter. (Code 1960, § 16-16.)

Sec. 40.04. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Code 1960, § 16-17.)

Sec. 40.05. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicles, except those provisions of this chapter which by their very nature have no application. (Code 1960, § 16-18.)

Sec. 40.06. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates, or riding in or by means of any coasters, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this city. (Code 1960, § 16-19.)

Sec. 40.07. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter, or by state statutes. (Code 1960, § 16-20.)

Sec. 40.08. Applicability of chapter, etc., to authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the

pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the prima facie speed limits so long as it does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle; except, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of any reckless disregard for the safety of others. (Code 1960, § 16-21.)

Sec. 40.09. Operation of vehicles on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Code 1960, § 16-22.)

Sec. 40.10. Operation of vehicles on school premises.

The following traffic control regulations shall apply to all vehicles on the premises of the West Lafayette Community School Corporation:

(a) It shall be unlawful to park any vehicle along any yellow curb or within any yellow-marked zone.

(b) It shall be unlawful to park any vehicle in or upon the traveling portion of any parking lot or other portion of the premises unless such portion is designated as a parking area.

(c) It shall be unlawful to park any unauthorized vehicle within any space designated for a specific use; such areas shall be posted or marked as such.

(d) It shall be unlawful for any vehicle to park outside the confines of the marked parking spaces.

(e) The maximum speed limit shall be ten miles per hour. (Ord. No. 3-76, § 2.)

Sec. 40.11. Accident--Driver required to give notice to police department.

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage in an apparent amount as required by state statute, shall immediately give notice of such action to the police department if the accident occurs within the city. (Ord. No. 14-68, § 1.)

Sec. 40.12. Same--Written report.

The driver of a vehicle which is in any manner involved in an accident resulting in injury to or death of any person or property damage shall, within five days after such accident, forward a written report of such accident to the police department, or a copy of any report the driver is required to forward to the state. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. (Code 1960, § 16-24.)

Sec. 40.13. Same--Duty of occupant or owner of vehicle.

(a) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in § 40.12 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

(b) Whenever the driver is incapable of making a written report of an accident as required in § 40.12 and such driver is not the owner of the vehicle, then the

owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver. (Code 1960, § 16-25.)

Sec. 40.14. Same--Reports to be confidential.

All written accident reports made by drivers, owners or occupants of vehicles involved in accidents as required in this chapter shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes; except, that the police department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his or her presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of any accident; except, that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department. (Code 1960, §16-26.)

Sec. 40.15. One-way streets and alleys--Signs.

Whenever any ordinance of this city or the traffic engineer designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed in every intersection where movement of traffic in the opposite direction is prohibited. (Code 1960, § 16-47.)

Sec. 40.16. Same--Designated.<sup>2</sup>

Upon those streets and parts of streets and in those alleys signed for one-way traffic, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

<sup>2</sup> For state law authorizing city to designate one-way streets, see Indiana Code § 9-21-1-3(a)(4).

Sec. 40.17. Same--Restrictions on direction of movement during certain periods.

(a) The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs,

barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(Ord. No. 14-11, Appendix A, item 13)

(b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section. (Code 1960, § 16-49.)

Sec. 40.18. Entrances and exit to parking lots.

Upon those parking lots designated by the traffic engineer, vehicular traffic shall move only in the direction indicated and entrance thereto and exits therefrom and parking thereon shall be restricted as indicated when signs are erected giving notice thereof.

Sec. 40.19. Load restrictions upon vehicles using certain streets.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified by the traffic engineer at any time upon any streets or parts of streets so restricted.

Sec. 40.20. Commercial vehicles required to use certain streets.

Commercial vehicles exceeding five thousand pounds gross weight shall be restricted at all times to those streets or parts of streets described in this section; except, that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter. This restriction does not apply to local public passenger bus operations.

*Brown Street*, city limits to State Street intersection.

*Fowler Avenue*, from east city limits to Northwestern.

*Grant Street*, south city limits to Northwestern Avenue.

*Howard Avenue*, Brown Street to North River Road.

*Lindberg*, from Northwestern to Salisbury.

*North River Road*, from East State Street to north city limits.

*North Salisbury Street*, from State street to north city limits.

*Northwestern Avenue*, from West Street to north city limits.

*Robinson Street*, from North River Road to Salisbury Street.

*South River Road*, from East State Street to south city limits.

*Stadium*, from Northwestern to west city limits.

*State Street*, from east city limits to west city limits.

*Vine Street*, from North Street to Fowler Avenue.

*Wiggins Street*, from Northwestern to east city limits.

(Code 1960, § 16-128; ch. 16, schedule VIII.)

Sec. 40.21. Restrictions on use of street by certain vehicles during certain hours.

Except on state highways or state controlled highways, no commercial vehicle with a gross weight in excess of ten thousand pounds shall be operated in any residence district in the city between the hours of 5:30 P.M. and 7:00 A.M., or in other words, before 7:00 A.M. and after 5:30 P.M.; provided, that in the event that this restriction shall result in an undue hardship or unfair competition, the traffic commission shall have the power to authorize the issuance of special permits from time to time as deemed necessary for the protection of the rights of any person. (Code 1960, § 16-129.)

Sec. 40.22. Restrictions on use of certain streets by motorcycles, bicycles, etc.

(a) The city traffic engineer is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

(b) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (Code 1960, § 16-130.)

Sec. 40.23. Obstruction to vision at intersections.

On property at any corner formed by intersecting streets, it shall be unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to the view, higher than three feet six inches above the level of the center of the adjacent intersection, within that triangular area between the property line and a diagonal line joining points on the property lines twenty-five feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent twenty-five feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

The foregoing provision shall not apply to permanent buildings; public utility poles; trees trimmed to the trunk to a line at least eight feet above the level of the intersection: saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed crossview; supporting members or appurtenances to permanent buildings existing on the date this chapter became effective; official warning signs or signals; to places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted ten feet or more above the ground and whose supports do not constitute an obstruction.

The enforcement of this section shall be under the direction of the city traffic engineer. The city traffic engineer shall investigate violations of this section, give such notice as may be required to carry out this section and perform such other duties in connection with the enforcement of this section as may be required.

Any obstruction maintained in violation of this section shall be deemed a nuisance, and upon failure to abate the same within twenty days after the posting upon the premises of notice to abate the nuisance signed by the city traffic engineer, such representative of the city traffic engineer as the traffic engineer may so authorize may enter upon the premises and remove or eliminate the obstruction, to declare what shall constitute a nuisance, to prevent the same, require its abatement, authorize the removal of the same by the proper officers and provide for the punishment of the person or persons causing or suffering the same, and to assess the expenses of its removal against such person or persons, and to provide for collecting such expenses either by causing them to be placed on the tax duplicate or by suit.

No obstruction to cross-visibility shall be deemed to be excepted from the application of this section because of its being in existence at the time of the adoption hereof, unless expressly exempted by the terms of this section. (Code 1960, § § 16-131 to 16-135.)