

ORDINANCE 1837

AN ORDINANCE AMENDING THE GENERAL PROVISIONS OF CHAPTER 54, TRAFFIC AND VEHICLES, OF THE MUNSTER CODE OF ORDINANCES PERTAINING TO VIOLATIONS AND PENALTIES, COMPLIANCE, TRAFFIC REGULATIONS IN THE BIKE LANE OF THE ROADWAY, AND THE TOWN OF MUNSTER ORDINANCE DEFERRAL PROGRAM

WHEREAS, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

WHEREAS, The Town of Munster, its Staff, and consultants have reviewed and recommended various changes to the Munster, Indiana Code regarding the General Provisions of Chapter 54, Traffic and Vehicles, of the Munster Code of Ordinances, specifically, penalties for violations of the Traffic Code, compliance requirements of Chapter 54, regulation of traffic in the designated bike lane on the roadway, and the Town of Munster Ordinance Deferral Program; and

WHEREAS, based on those recommendations, the Munster Town Council has conducted a public hearing after due notice as required by law on the proposed amendments; and

WHEREAS, The Town of Munster, after said public hearing and after due deliberation, has concluded that an amendment to Chapter 54 - Traffic and Vehicles, Article I – In General, §§ 54-2, 54-3, 54-12, and 54-16 are appropriate; and

WHEREAS, The Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Chapter 54 - Traffic and Vehicles, Article I – In General, §§ 54-2, 54-3, 54-12, and 54-16 of the Munster Code of Ordinances;

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

1. § 54-2 of Chapter 54 - Traffic and Vehicles, Article I – In General, of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

Sec. 54-2. - Violations; penalties.

(a) Any person who shall violate any of the provisions of this chapter shall, except as provided in this section, be punished as provided in section 1-7. Each violation shall constitute a separate offense.

(b) Any person who shall violate a provision of this chapter pertaining to parking or standing of vehicles, only, may consent to the jurisdiction of the Town's Ordinance Violations Bureau, in lieu of being charged with the offense in a court of law, and shall pay the fine as stipulated in section 1-8. Each violation shall constitute a separate offense. Such penalties are payable at the Ordinance Violations Bureau in the Clerk-Treasurer's Office.

(c) Any person who shall violate any of the provisions of this chapter pertaining to a moving traffic matter shall be fined in a sum of not less than \$35.00.

(d) Except as otherwise provided by law, subsection (b) relating to payment of penalties to the Clerk-Treasurer as the Ordinance Violations Clerk in lieu of being charged with the offense in a court of law shall apply to violations regulating the parking and standing of vehicles on streets and highways under the jurisdiction of the Town. Subsection (b) shall not apply to moving traffic matters.

2. § 54-3 of Chapter 54 - Traffic and Vehicles, Article I – In General, of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

Sec. 54-3. - Compliance with chapter.

It shall be a violation of this Code for any person to do any act forbidden or fail to perform any act required in this chapter.

3. § 54-12 of Chapter 54 - Traffic and Vehicles, Article I – In General, of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

Sec. 54-12. - Traffic regulations in bike lane.

(a) *Bike lane defined.* The “bike lane” or “bike route” is the portion of the street or roadway for preferential or exclusive use by bicyclists that is designated by striping, signage, and pavement markings to separate the bike traffic lane from the vehicle traffic lanes. This term does not include a “bike path” or “bike trail” which is a paved walkway or greenway within a park or recreational area dedicated for multiuse by pedestrians, bicycles, skateboards, roller skates, inline skates, and similar recreational activities, excluding vehicles. (See Chapter 34, Parks and Recreation, for regulations regarding parks and recreational facilities, including “bike paths.”)

(b) *Permitted uses.* The bike lane may be used by a person operating a bicycle, electric bicycle, electric foot scooter, and electric personal assistive mobility device, and, as needed, by emergency vehicles and Town maintenance vehicles.

(c) *Motorized vehicles prohibited.* Except as permitted in subsection (b), all motorized vehicles are prohibited from driving in the bike lane.

(d) *Skates and skateboards prohibited.* Inline and other roller skaters and skateboarders are prohibited from operating on or using the bike lane.

(e) *Obedience to posted signs and traffic laws.* All persons utilizing the bike lane shall obey all posted signs, and all state and local traffic laws pertaining to pedestrian, bicycle, and vehicle traffic.

4. § 54-16 of Chapter 54 - Traffic and Vehicles, Article I – In General, of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

Sec. 54-16. - Ordinance Deferral Program.

(a) The Town hereby re-establishes and adopts an ordinance deferral program pursuant to IC 34-28-5-1 et seq.

(b) A person who has received a citation for a moving traffic violation in violation of this Code shall be eligible to participate in the program if the person:

(1) Has not been charged with a violation associated with any injury, property damage, or criminal charge for the same incident;

(2) Has not been charged with any other moving violations in any state within the last year;

(3) Has not been charged with an offense of speeding in excess of 30 miles over the posted speed limit; and

(4) Does not hold a Commercial Driver's License (CDL) or a Commercial Learner's Permit (CLP) in any State.

(c) The police department or Town attorney will verify a person's eligibility in the deferral program for each qualifying ordinance violation and provide that person with a deferral agreement. A person wishing to participate in the deferral program shall complete and sign the deferral agreement attesting that he or she meets the conditions of the deferral program and file the deferral agreement with the Lake County Clerk of the Court having jurisdiction over the Town's ordinance violations.

(d) At the time the applicant submits his or her application, the Lake County Clerk of the Court shall collect the deferral program user fee in the amount of \$122.00, or as adjusted from time to time, plus court costs in the amount required by state law. These fees and court costs are nonrefundable and cannot be applied to the cost of the ticket should the applicant fail to meet the requirements of the deferral program.

(e) The court having jurisdiction over the Town's ordinance violations shall provide the applicant a review date six months after the approval date of his or her application. At that time, the Town attorney shall review the applicant's driving record and applicable court dockets, and if the applicant has no new moving violations within the six month period of the deferral then the Town attorney shall dismiss the original citation.

(f) In the event a person does not qualify for the deferral program or submits an application which is found not to be truthful or accurate, the person shall be afforded the opportunity to plead guilty to the citation and pay the applicable fine and court costs to the Lake County Clerk of the Court, or to appear at a hearing before the court to contest the violation as permitted by law.

This Ordinance shall take effect upon the date of its publication which shall occur within thirty (30) days after passage.

Now, therefore, be it **ORDAINED** that the above-referenced Ordinance is hereby enacted.

ORDAINED and ADOPTED by the Town Council of the Town of Munster, Indiana, on the ____ day of September 2021, by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL OF THE TOWN OF MUNSTER,
LAKE COUNTY, INDIANA**

Dr. Andy Koultourides, President

ATTEST:

Wendy Mis, Clerk-Treasurer