

Chapter 54 – TRAFFIC AND VEHICLES

ARTICLE I. – IN GENERAL

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, ~~upon conviction,~~ be punished as provided in section 1-7, ~~and e~~ Each such violation shall constitute a separate offense.

(b) Any person who shall violate ~~any of the~~ provisions 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, upon conviction, be pay the fined in a sum 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 ~~any of the following~~ moving traffic matters shall ~~, upon conviction,~~ be fined in a sum of not less than \$35.00. ~~and in addition assessed court costs as provided by law. The fine, costs and fee shall be payable to the town clerk-treasurer as a designated violations bureau of the county court. Upon receipt of payment, the clerk-treasurer shall deposit the amount of any fine to the general fund of the town. The clerk-treasurer shall forward the court costs and law enforcement continuing education fee to the clerk of the county court for distribution in accordance with state statutes. Violation fines which are not paid shall be forwarded to the county court for further action in accordance with law.~~

~~(1) — The regulation of traffic by means of traffic control signals;~~

~~(2) — The designation of particular streets as one-way streets;~~

~~(3) — The regulation of the speed of vehicles on streets, alleys or other public places;~~

~~(4) — The designation of any street as a through street, requiring that all vehicles stop before entering or crossing the street; or~~

~~(5) — The designation of any intersection as a stop intersection, requiring all vehicles to stop at one or more entrances to such intersection.~~

(d) Except as otherwise provided by law, ~~the provisions 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 ~~of the ordinances of the town~~ regulating the parking and standing, parking and use of vehicles on with respect to streets and highways under the jurisdiction of the Town. Subsection (b) shall not apply to moving traffic matters.

Sec. 54-3. - Compliance with chapter.

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

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Sec. 54-12. - ~~Use of town bicycle path~~Traffic regulations in bike lane.

~~(a) (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 other recreational activities, excluding vehicles. (See Chapter 34, Parks and Recreation, for regulations regarding parks and recreational facilities, including “bike paths.”)~~

~~(b) Permitted uses.~~ ~~The areas designated as a A bikepath 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.~~ for biking, roller skating, walking, jogging and other personal recreational activities, except as limited on public streets and roadways.

~~(b)(c) Motorized vehicles prohibited; exceptions.~~ ~~Where areas have been designated by signs or appropriate street markings as a bikepath, all Except as permitted in subsection (b), all motorized vehicles are prohibited from driving in the bike lane. in the areas designated for bicycle traffic except emergency and maintenance vehicles, and except motorized mechanical equipment used by those who have a medical or physical disability condition which requires its use.~~

~~(c) Hours of use.~~ ~~Unless otherwise posted by the town, use of the bikepath for bicycle traffic shall be restricted to the hours of 6:00 a.m. to 8:00 p.m. from November 1 to March 31, and from 5:30 a.m. to 10:30 p.m. from April 1 to October 31.~~

~~(d) Obedience to posted signs.~~ ~~All persons utilizing the bikepath shall obey all posted signs.~~

~~(e) Obedience to posted signs and state traffic laws.~~ All persons utilizing the bikepath lane shall obey all posted signs and ~~state~~ and local traffic laws pertaining to pedestrian, bicycle, and vehicle traffic. ~~when using the trails and when crossing street or roadway intersections.~~

~~(f) Obedience to rules of parks and recreation board.~~ ~~All rules and regulations of the parks and recreation board shall apply to any persons utilizing the bikepath.~~

~~(g) Roller skates and skateboards prohibited on streets.~~ ~~Inline and other roller skaters and skateboarders are prohibited from operating on or using the areas designated as bikepaths on the public streets.~~

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Sec. 54-16. - ~~Infraction~~Ordinance ~~De~~fferal ~~P~~rogram.

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

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

(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; ~~and~~

(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 ~~infraction~~ordinance violation and provide that person with a deferral agreement. A ~~person~~arty wishing to participate in the deferral program shall ~~appear at the clerk-treasurer's office and~~ complete and sign the deferral agreement ~~an application 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 ~~town~~Lake County Clerk of the Court shall collect the ~~court costs established for the violations bureau for the payment of a traffic citation plus a~~ deferral program user fee in the amount of ~~\$112.00-122.00~~, or as adjusted from time to time, plus court costs in the amount required by state law. ~~Court costs shall be distributed as required for traffic violations. The user fee shall be paid into the town's general fund.~~ 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 ~~shall receive~~ a review date six months after the date of his or her application. At that time, the ~~police department~~Town attorney shall review the applicant's driving record and applicable court dockets and if the applicant has no new moving violations ~~have been received~~ within the six month period of the deferral then the Town attorney shall dismiss the original citation. ~~shall be dismissed.~~

(f) In the event a ~~person~~arty does not qualify for the deferral program or submits an application which is found not to be truthful or accurate, the ~~person~~applicant 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, through the violations bureau, or the citation shall be forwarded to the Lake County Court for trial in accordance with town procedure. or to appear at a hearing before the court to contest the violation as permitted by law.~~

~~(g) — The police department and the clerk treasurer's office shall develop appropriate forms and related materials necessary to advise members of the public of this program and to facilitate the process set out herein.~~

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ARTICLE V. – BICYCLES AND PLAY VEHICLES

DIVISION 2. - BICYCLES

Sec. 54-261. - Applicability of division.

The provisions of this division shall apply whenever a bicycle, electric bicycle, or electric foot scooter is operated upon any street, sidewalk, ~~or alley~~, bike lane, or bike path ~~or upon any public path set aside for the exclusive use of bicycles~~, subject to those exceptions stated in this division. Accordingly, whenever the term "bicycle" is used throughout this division, this term shall also include an electric bicycle and electric foot scooter.