

**ORDINANCE NO. 2023- 32
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND CHAPTER 70, TITLE VII OF THE ZIONSVILLE
CODE OF ORDINANCES TO REVISE
GENERAL PROVISIONS OF THE TRAFFIC CODE**

WHEREAS, the Town Council of the Town of Zionsville ("Town Council") previously adopted Ordinance 8-1979, which established the traffic code; and

WHEREAS, the traffic code has not been revised in several years; and

WHEREAS, Ind. Code § 9-21-1-2 allows the Town to adopt by ordinance additional traffic regulations with respect to highways under the authority's jurisdiction as long as said Ordinance does not conflict with or duplicate a state statute; and

WHEREAS, the Town Council has determined that such regulation is necessary to protect the safety and welfare of the residents of the Town; and

WHEREAS, the Town Council has determined that updating the Zionsville Code of Ordinances to revise the traffic code is a priority of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Boone County, Indiana, meeting in regular session as follows:

Section 1. Repeal and Replace. The current provisions in Chapter 70: General Provisions are repealed and replaced with the following provisions.

Section 2. Title of Chapter. The Title of the Chapter shall be "General Provisions and Traffic-Control Devices".

Section 3. Department in Charge. The Zionsville Police Department shall have the authority to regulate and enforce the traffic code.

General Provisions

Section 4. Effect and Short Title.

- (A) *Application*. The provisions of this traffic code relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways, except where a different place is specifically referred to in a given section.
- (B) *Effect of headings*. Chapter, subchapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any chapter, subchapter or section hereof.

- (C) *Short title.* This traffic code may be known and cited as the “Zionsville Traffic Code”, “Z.T.C.” or “this traffic code”.
- (D) *Effect of partial invalidity.* If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Section 5. Definitions. For the purpose of this traffic code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever any words or phrases used herein are not defined herein, but are defined in the state laws regulating the operation of vehicles, such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

- (A) *Council.* The Town Council of the Town of Zionsville.
- (B) *Loading Zone.* A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.
- (C) *Official Time Standard.* Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the town.
- (D) *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.

Section 6. Enforcement and Administration of Traffic Code Generally.

- (A) *Duties of Chief of Police and police officers.* In addition to his or her other activities, it shall be the duty of the Chief of Police to enforce the street traffic regulations of the town and all state vehicle laws applicable to street traffic in the town; to make arrests for traffic violations; to investigate all traffic accidents and make reports on a standard accident report form; to maintain a standard system of filing accident records and records of all arrests and warnings; to cooperate with other officers of the town in the administration of the traffic laws and in developing ways to improve traffic conditions; to file an annual report with the Council concerning the number of traffic accidents, the number of moving violations and parking violation arrests and other data on the traffic activities of his or her office; and to carry out those duties specially imposed upon said office by this traffic code.
- (B) *Emergency regulations.* The Chief of Police may authorize the temporary placing of official traffic-control devices when required by an emergency. The Chief of Police shall notify the Council of his or her action as soon thereafter as is practical.

Section 7. Authority of Chief of Police, Police Officers and Fire Department Officials.

- (A) The Chief of Police, or police 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 a fire or other emergency or to expedite traffic or to safeguard pedestrians, the Chief of Police or police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (B) Officers of the Fire Department, when at the scene of a fire, may direct or assist police officials in directing traffic thereat or in the immediate vicinity.

Section 8. Required Obedience to Traffic Code. It is unlawful and a violation for any person to do any act forbidden or fail to perform any act required in this traffic code.

Section 9. Certain Non-Motorized Traffic to Obey Traffic Code.

- (A) Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this traffic code and by the rules of the road portion of the State Vehicle Code, except those provisions which, by their very nature, can have no application.
- (B) Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this traffic code, except those provisions of this traffic code which, by their very nature, can have no application.

Section 10. Use of Coasters, Roller Skates and Similar Devices Restricted. No person upon roller skates, skateboards or riding in or by means of any coaster, 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.

Cross-reference: clinging to vehicles, see §71.07.

Section 11. Public Employees to Obey Traffic Regulations. The provisions of this traffic code shall apply to the drivers of all vehicles owned or operated by the United States, the state or any county, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this traffic code or in the State Vehicle Code.

Section 12. 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 park or stand, irrespective of the provisions of this traffic code.
- (B) Division (A) above shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his or her reckless disregard for the safety of others.

Section 13. Pedestrians' Rights and Duties. Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.

Traffic-Control Devices

Section 14. Authority to Install Traffic-Control Devices. The Council shall have placed and maintained official traffic-control devices when and as required under the traffic ordinances of the town to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as the Council may deem necessary to regulate, warn or guide traffic under the traffic ordinances of the town or the State Vehicle Code.

Section 15. Manual and Specifications for Traffic-Control Devices. All traffic-control signs, signals and devices shall conform to the *Indiana Manual on Uniform Traffic-Control Devices for Streets and Highways*, prepared by the State Highway Commission, and the Indiana Code. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform to type and location throughout the town. All traffic-control devices so erected and not inconsistent with the provisions of state law or this traffic code shall be official traffic-control devices.

Section 16. When Official Traffic-Control Devices are required for Enforcement Purposes. No provision of this subchapter for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

Section 17. Official Traffic-Control Devices; Presumption of Legality.

- (A) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this subchapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (B) Any official traffic-control devices placed pursuant to the provisions of this subchapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this subchapter, unless the contrary shall be established by competent evidence.

Section 18. Council to Designate Crosswalks and Establish Safety Zones. The Council is hereby authorized:

- (A) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where, in the opinion of the Council, there is particular danger to pedestrians crossing the roadway and at such other places as the Council may deem necessary; and
- (B) To establish safety zones of such kind and character and at such places as the Council may deem necessary for the protection of pedestrians.

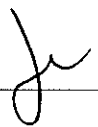
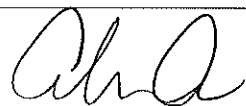
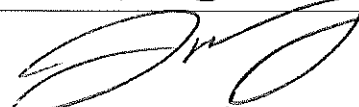
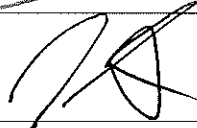
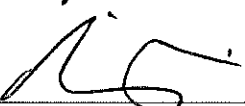
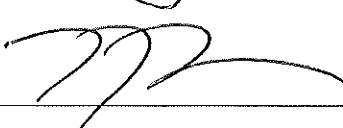
Ordinance 2023-32

DULY PASSED AND ADOPTED this 4th day of December 2023, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

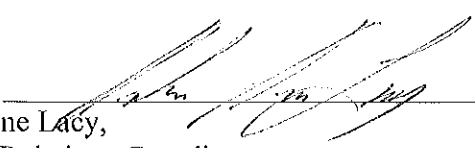
**YEA
Signature**

**NAY
Signature**

Jason Plunkett President		
Brad Burk, Vice-President		
Alex Choi, Member		
Joe Culp, Member		
Josh Garrett, Member		
Craig Melton, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Ordinance was delivered to Town of Zionsville Mayor Emily Styron on the 5th day of December 2023 at 10 a.m./p.m.

ATTEST:


Amelia Anne Lacy,
Municipal Relations Coordinator

Ordinance 2023-32

MAYOR'S APPROVAL



Emily Styron, Mayor

12/14/23

DATE

MAYOR'S VETO

Emily Styron, Mayor

DATE

Town Council

Town of Zionsville, Boone County, Indiana

Ordinance to Amend Title VII: Traffic Code, Chapter 70: General Provisions and Traffic-Control Devices

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 EFFECT AND SHORT TITLE.

(A) *Application.* The provisions of this traffic code relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways, except where a different place is specifically referred to in a given section.

(B) *Effect of headings.* Chapter, subchapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any chapter, subchapter or section hereof.

(C) *Short title.* This traffic code may be known and cited as the "Zionsville Traffic Code" or "Z.T.C." or "this traffic code".

(D) *Effect of partial invalidity.* If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

(1996 Code, § 7-18) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.02 DEFINITIONS.

For the purpose of this traffic code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever any words or phrases used herein are not defined herein, but are defined in the state laws regulating the operation of vehicles, such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

COUNCIL. The Town Council of the Town of Zionsville.

LOADING ZONE. A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the town.

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.

(1996 Code, § 7-1) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.03 ENFORCEMENT AND ADMINISTRATION OF TRAFFIC CODE GENERALLY.

(A) *Duties of Chief of Police and police officers.* In addition to his or her other activities, it shall be the duty of the Chief of Police to enforce the street traffic regulations of the town and all state vehicle laws applicable to street traffic in the town; to make arrests for traffic violations; to investigate all traffic accidents and make reports on a standard accident report form; to maintain a standard system of filing accident records and records of all arrests and warnings; to cooperate with other officers of the town in the administration of the traffic laws and in developing ways to improve traffic conditions; to file an annual report with the Council concerning the number of traffic accidents, the number of moving violations and parking violation arrests and other data on the traffic activities of his or her office; and to carry out those duties specially imposed upon said office by this traffic code.

(B) *Emergency regulations.* The Chief of Police may authorize the temporary placing of official traffic-control devices when required by an emergency. The Chief of Police shall notify the Council of his or her action as soon thereafter as is practical.

(1996 Code, § 7-2) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.04 AUTHORITY OF CHIEF OF POLICE, POLICE OFFICERS AND FIRE DEPARTMENT OFFICIALS.

(A) The Chief of Police, or police 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 a fire or other emergency or to expedite traffic or to safeguard pedestrians, the Chief of Police or police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(B) Officers of the Fire Department, when at the scene of a fire, may direct or assist police officials in directing traffic thereat or in the immediate vicinity.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.05 REQUIRED OBEDIENCE TO TRAFFIC CODE.

It is unlawful and a violation for any person to do any act forbidden or fail to perform any act required in this traffic code.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014) Penalty, see § 70.99

§ 70.06 CERTAIN NON-MOTORIZED TRAFFIC TO OBEY TRAFFIC CODE.

(A) Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this traffic code and by the rules of the road portion of the State Vehicle Code, except those provisions which, by their very nature, can have no application.

(B) Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this traffic code, except those provisions of this traffic code which, by their very nature, can have no application.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014) Penalty, see § 70.99

§ 70.07 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, skateboards or riding in or by means of any coaster, 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.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014) Penalty, see § 70.99

Cross-reference:

Clinging to vehicles, see § 71.07

§ 70.08 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this traffic code shall apply to the drivers of all vehicles owned or operated by the United States, the state or any county, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this traffic code or in the State Vehicle Code.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.09 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 park or stand, irrespective of the provisions of this traffic code.

(B) Division (A) above shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his or her

reckless disregard for the safety of others.

(1996 Code, § 7-3) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.10 PEDESTRIANS' RIGHTS AND DUTIES.

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.

(1996 Code, § 7-10) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014) Penalty, see § 70.99

TRAFFIC-CONTROL DEVICES

§ 70.25 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The Council shall have placed and maintained official traffic-control devices when and as required under the traffic ordinances of the town to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as the Council may deem necessary to regulate, warn or guide traffic under the traffic ordinances of the town or the State Vehicle Code.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.26 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

All traffic-control signs, signals and devices shall conform to the *Indiana Manual on Uniform Traffic-Control Devices for Streets and Highways*, prepared by the State Highway Commission. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform to type and location throughout the town. All traffic-control devices so erected and not inconsistent with the provisions of state law or this traffic code shall be official traffic-control devices.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.27 WHEN OFFICIAL TRAFFIC-CONTROL DEVICES ARE REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this subchapter for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.28 OFFICIAL TRAFFIC-CONTROL DEVICES; PRESUMPTION OF LEGALITY.

(A) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this subchapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control devices placed pursuant to the provisions of this subchapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this subchapter, unless the contrary shall be established by competent evidence.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.29 COUNCIL TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES.

The Council is hereby authorized:

(A) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where, in the opinion of the Council, there is particular danger to pedestrians crossing the roadway and at such other places as the Council may deem necessary; and

(B) To establish safety zones of such kind and character and at such places as the Council may deem necessary for the protection of pedestrians.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.30 TRAFFIC LANES.

The Council is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(1996 Code, § 7-4) (Ord. 8-1979, passed - -; Ord. passed 3-3-2014)

§ 70.99 PENALTY.

(A) *Penalties.* The schedule of violations, adopted by order of the Town Court on 11-15-2005, is incorporated into this traffic code in its entirety. Each violator of any provision of this traffic code shall pay a fine and penalty to the town in the

amount set forth in such schedule of violations or as determined by the Town Court in any of its proceedings.

(B) *Procedure.*

(1) Whenever a person is charged with a violation of this traffic code, he or she shall be given notice of such charge by an appropriate notice served personally or placed in or upon a vehicle stopped or parked in violation of any provision hereof. Any person, so charged, may appear at the office of the Clerk-Treasurer within 48 hours of the service of notice served personally or within 48 hours of the issuance of any notice placed in or upon his or her vehicle, as provided above, and make payment to said Clerk-Treasurer of the penalty and fine set out in division (A) above, or such other penalty as may be specifically provided in this traffic code, as the same may be amended from time to time. Payment of such fine and penalty shall be deemed an acknowledgment of such violation and offense.

(2) If any person so charged with a violation of this traffic code elects not to appear and pay said penalty within such designated time, the town, by its proper officers, shall institute proceedings as provided by law, before a court of law, magistrate or judge for the collection of such penalty and enforcement of this traffic code.

(3) If, in the opinion of the Chief of Police or his or her police officers or other duly constituted officer, any person charged with violating this traffic code is about to leave the jurisdiction, such officer may institute action forthwith before a court of law, magistrate or judge for the collection of such fine or penalty.

(1996 Code, § 7-17) (Ord. 8-1979, passed - -; Ord. 96-04, passed - -; Ord. 2011-12, passed 11-7-2011; Ord. passed 3-3-2014)

Section 19. Traffic Lanes. The Council is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Section 20. Sign damage or removal. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or sign, or any part thereof.

Section 21. Penalty.

(A) *Penalties*. The schedule of violations, adopted by order of the Town Court on 11-15-2005, is incorporated into this traffic code in its entirety. Each violator of any provision of this traffic code shall pay a fine and penalty to the town in the amount set forth in such schedule of violations or as determined by the Town Court in any of its proceedings.

(B) *Procedure*.

- 1) Whenever a person is charged with a violation of this traffic code, he or she shall be given notice of such charge by an appropriate notice served personally or placed in or upon a vehicle stopped or parked in violation of any provision hereof. Any person, so charged, may appear at the office of the Clerk-Treasurer within 48 hours of the service of notice served personally or within 48 hours of the issuance of any notice placed in or upon his or her vehicle, as provided above, and make payment to said Clerk-Treasurer of the penalty and fine set out in division (A) above, or such other penalty as may be specifically provided in this traffic code, as the same may be amended from time to time. Payment of such fine and penalty shall be deemed an acknowledgment of such violation and offense.
- 2) If any person so charged with a violation of this traffic code elects not to appear and pay said penalty within such designated time, the town, by its proper officers, shall institute proceedings as provided by law, before a court of law, magistrate or judge for the collection of such penalty and enforcement of this traffic code.
- 3) If, in the opinion of the Chief of Police or his or her police officers or other duly constituted officer, any person charged with violating this traffic code is about to leave the jurisdiction, such officer may institute action forthwith before a court of law, magistrate or judge for the collection of such fine or penalty.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana as follows:

Introduced and filed on the 20th day of November, 2023. A motion to consider on First Reading was properly made and seconded and approved by a vote of 6 in favor and 0 opposed, pursuant to Ind. Code § 36-5-2-9.4 and § 36-5-2-9.6.

A motion to consider on Second reading was properly made and seconded and approved by a vote of 7 in favor and 0 opposed, pursuant to Ind. Code § 36-5-2-9.4, § 36-5-2-9.6 or § 36-5-2-9.8 (*as applicable*).

Town Council

Town of Zionsville, Boone County, Indiana

Ordinance to Amend Title VII: Traffic Code, Chapter 70: General Provisions and Traffic-Control Devices

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