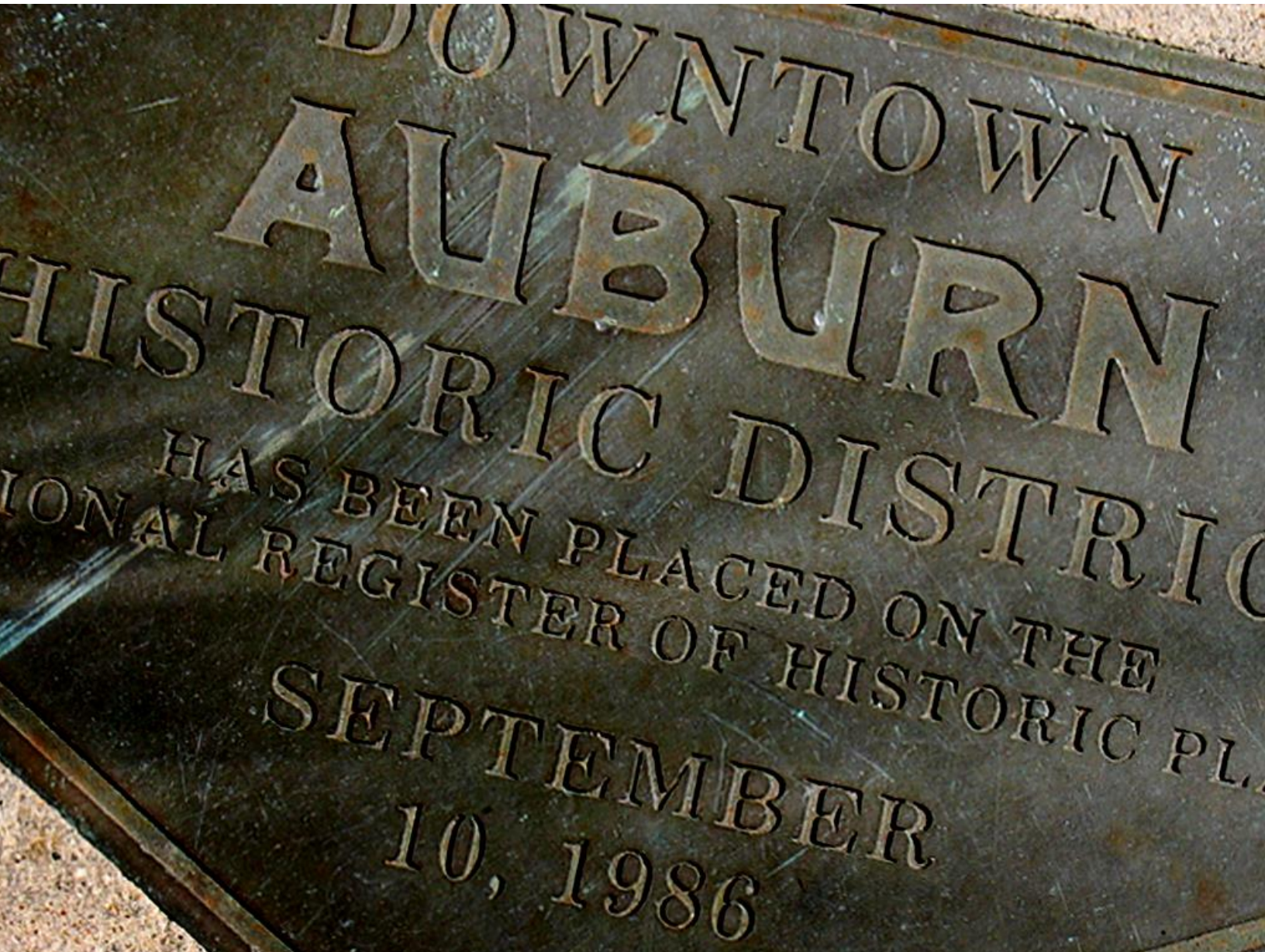




**Code of Ordinances**  
CITY OF AUBURN





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CITY OF AUBURN

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GENERAL PROVISIONS

CHAPTER  
70

AUBURN



## Table of Contents

### GENERAL PROVISIONS

- 70.01 SHORT TITLE
- 70.02 DEFINITIONS
- 70.03 APPLICATION
- 70.04 UNIFORMITY OF INTERPRETATION
- 70.05 PROVISIONS NOT RETROACTIVE
- 70.06 EFFECT OF HEADINGS

### TRAFFIC ADMINISTRATION

- 70.10 DUTY OF THE CHIEF OF POLICE
- 70.11 RECORDS OF TRAFFIC VIOLATIONS
- 70.12 POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS
- 70.13 TRAFFIC ACCIDENT STUDIES
- 70.14 TRAFFIC ACCIDENT REPORTS
- 70.15 EMERGENCY TRAFFIC CONTROL
- 70.16 CITY CIVIL ENGINEER TO BE TRAFFIC ENGINEER

### ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS

- 70.17 AUTHORITY OF CHIEF OF POLICE AND FIRE DEPARTMENT OFFICIALS
- 70.18 OBEDIENCE TO TRAFFIC CODE REQUIRED
- 70.19 CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS
- 70.20 USE OF COASTER AND SIMILAR DEVICES RESTRICTED
- 70.21 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS
- 70.22 AUTHORIZED EMERGENCY VEHICLES
- 70.23 WRITTEN REPORTS OF ACCIDENTS

### TRAFFIC-CONTROL DEVICES

- 70.24 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES
- 70.25 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES
- 70.26 OFFICIAL TRAFFIC CONTROL DEVICES ARE REQUIRED FOR ENFORCEMENT PURPOSES; EXCEPTIONS
- 70.27 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES
- 70.28 OFFICIAL TRAFFIC-CONTROL DEVICES, PRESUMPTION OF LEGALITY
- 70.29 CHIEF OF POLICE TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES
- 70.30 TRAFFIC LANES

### VIOLATION PROCEDURES



- 70.40 CITATION OF ILLEGALLY PARKED VEHICLE**
- 70.41 FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE**
- 70.42 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING**
- 70.43 DISPOSITION OF TRAFFIC FINES AND FORFEITURES**
- 70.44 SECTION REMOVED FEBRUARY 20, 2017.**
- 70.45 DUTIES OF CITY ATTORNEY**
- 70.46 IMPOUNDING VEHICLES OF SCOFFLAWS**
- 70.99 PENALTY**



**GENERAL PROVISIONS**

**70.01 SHORT TITLE**

Title VII may be known and cited as the "Auburn Traffic Code."

**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 and phrases used herein are not defined herein, but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

- ALLEY  
A street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
- AUTHORIZED EMERGENCY VEHICLE  
Vehicles of the Fire Department, police vehicles and such ambulances as are operated by or for health and hospital corporations; provided, however, that ambulances and other vehicles which are owned by persons, firms, or corporations other than hospitals and are used in emergency services, may be designated as emergency vehicles, if the vehicles are authorized to operate as such by the State Public Service Commission.
- AUTOMOBILE WRECKER  
An automobile wrecking and parts business.
- BICYCLE  
Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground, including but not limited to skateboards, roller skates, and in-line skates.
- BUREAU  
The Bureau of Motor Vehicles of the state.
- BUSINESS DISTRICT  
The territory contiguous to and including a street when 50% or more of the frontage thereon for a distance of 500 feet or more is occupied by buildings in use for business.
- COMMISSIONER  
The Commissioner of the Bureau.
- 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 street measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, regardless of the presence of pavement markings.  
  
Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- DISPOSAL AGENT  
Any firm or individual engaged in business as a scrap metal processor or automobile wrecker.
- DRIVER  
Every person who drives or is in actual physical control of a vehicle.



- HOLIDAY  
The following days of the year shall be designated as holidays: the first day of January, commonly known as New Year's Day; the last Monday of May, commonly known as Memorial Day; July fourth, commonly known as Independence Day; the first Monday of September, commonly known as Labor Day; the fourth Thursday of November, commonly known as Thanksgiving Day; and December 25, commonly known as Christmas Day.
- 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 streets which join one another at, or approximately at, right angles of the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.  
  
The junction of any alley with a street shall not constitute an intersection.
- LOADING ZONE  
A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.
- OFFICER OR POLICE OFFICER  
Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- OFFICIAL TIME STANDARD  
Eastern Standard Time.
- OFFICIAL TRAFFIC-CONTROL DEVICES  
All signs, signals, markings, and devices not inconsistent with this traffic code placed or erected, by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- OWNER  
The last known record title holder to a vehicle according to the records of the Bureau under the provisions of IC 9-14-1 et seq.
- PARK or PARKING  
The standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- PARKING SPACE or PARKING PLACE  
A designated portion of the surface of a street of sufficient length and depth to accommodate a vehicle of reasonable dimensions to be parked. The designated portion shall be specified and marked off as provided in this traffic code.
- PARTS  
All component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which in their state of assembly do not constitute a complete vehicle.
- PEDESTRIAN  
Any person afoot.
- PERSON  
Every natural person, firm, co-partnership, association, or corporation.



- PRIVATE PREMISES  
All privately owned property which is not classified within the definition of public premises.
- PUBLIC AGENCY  
The city Police Department, which is assigned the local responsibility for removal, storage, and disposal of abandoned vehicles by ordinance of the City Council.
- PUBLIC PREMISES  
Any public right-of-way, street, highway, alley, park, or other state, county, or municipally owned property.
- RESIDENCE DISTRICT  
The territory contiguous to and including a street not comprising a business district when the property on the street for a distance of 500 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 street.
- ROADWAY  
That portion of a street improved, designed, or ordinarily used for vehicular travel.
- SCRAP METAL PROCESSOR  
An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for re-melting purposes.
- SIDEWALK  
That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property line, intended for use by pedestrians.
- STAND or STANDING  
The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers.
- STATE LAW  
Indiana laws regulating and relating to motor vehicles and their operation.
- STOP  
When required, "stop" means complete cessation from movement.
- STOP or STOPPING  
When prohibited, "stop" or "stopping" means any halting, even momentarily, 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  
The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.
- TOWING SERVICE  
A business organized for the purpose of moving or removing disabled motor vehicles and once removed, to store or impound the motor vehicles.



- TRAFFIC  
Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any street for purposes of travel.
- TRUCK  
Every motor vehicle designed, used, or maintained primarily for the transportation of property.
- VEHICLE  
Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**70.03 APPLICATION**

The provisions of this traffic code relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and municipally operated parking lots except where a different place is specifically referred to in a given section.

**70.04 UNIFORMITY OF INTERPRETATION**

This traffic code shall be so interpreted and construed as to effect its general purpose to make uniform the laws of the city.

**70.05 PROVISIONS NOT RETROACTIVE**

This traffic code shall not have a retroactive effect. It shall not apply to any traffic accident, cause of action arising out of a traffic accident or judgment arising therefrom, or violation of the traffic code of this city occurring prior to the effective date of this traffic code.

**70.06 EFFECT OF HEADINGS**

Article 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 or section hereof.

**TRAFFIC ADMINISTRATION**

**70.10 DUTY OF THE CHIEF OF POLICE**

It shall be the duty of the Chief of Police and officers to enforce the street traffic regulations of the city and all of the state laws, enforce traffic violations, investigate accidents, cooperate with officials of the city in the administration of the traffic laws and in developing ways to improve traffic conditions, and carry out those duties specially imposed upon the Chief of Police and deputies by the traffic code of the city.

**70.11 RECORDS OF TRAFFIC VIOLATIONS**

- A. The Police Department shall keep a record of all violations of the traffic code of the city or of the state vehicle laws of which any person has been charged together with a record of the final disposition of all such alleged offenses. The record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all the forms.





**70.12 POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS**

It shall be the duty of the Chief of Police and deputies to investigate traffic accidents according to state statutes and arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to the accidents.

**70.13 TRAFFIC ACCIDENT STUDIES**

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate with city officials in conducting studies of such accidents and determining remedial measures.

**70.14 TRAFFIC ACCIDENT REPORTS**

The Police Department shall maintain a suitable system of filing traffic accident reports. The reports may be available for the use and information of city officials and law enforcement agencies at no cost. All other parties receiving copies of reports shall pay a charge set forth by the City of Auburn Police Department.

**70.15 EMERGENCY TRAFFIC CONTROL**

The Chief of Police is authorized to temporarily place official traffic-control devices when required by an emergency. The Chief of Police shall notify the Mayor of his actions as soon thereafter as practicable.

**70.16 CITY CIVIL ENGINEER TO BE TRAFFIC ENGINEER**

The City Civil Engineer shall serve as the Traffic Engineer in addition to his other functions.

**ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS**

**70.17 AUTHORITY OF CHIEF OF POLICE AND FIRE DEPARTMENT OFFICIALS**

- A. It shall be the duty of the Chief of Police or such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this city and all of the state vehicle laws.
- B. The Chief of Police and deputies, or such 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 safeguard pedestrians, the Chief of Police or officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene, an emergency incident may direct or assist the Chief of Police or officers in directing traffic in the immediate vicinity.

**70.18 OBEDIENCE TO TRAFFIC CODE REQUIRED**

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

**70.19 CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS**

Every person propelling a bicycle, pushcart, 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.

**70.20 USE OF COASTER AND SIMILAR DEVICES RESTRICTED**



No person riding in or by means of any coaster, toy vehicle, child's tricycle, or similar device shall be upon any roadway except while crossing a street on a crosswalk. When so crossing, the person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians. This section is not intended to regulate skateboarding, roller skating, or in-line skating.

**70.21 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, this state, or any political subdivision of the state, subject to such special exceptions as are set forth in this traffic code or in the state vehicle code. The provisions of this traffic code shall not apply to persons, motor vehicles, and other equipment while actually engaged in work in a street, but shall apply to such persons and vehicles when traveling to or from work.

**70.22 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. The foregoing provision 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 the provision protect the driver from the consequences of his reckless disregard for the safety of others.

**70.23 WRITTEN REPORTS OF ACCIDENTS**

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 comply with IC 9-26-1 et seq. as it presently exists or is hereafter amended.

**TRAFFIC-CONTROL DEVICES**

**70.24 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES**

The City of Auburn shall place and maintain official traffic-control devices when and as required under the traffic ordinances of the city to make effective the provisions of said ordinances. It may place and maintain additional official traffic-control devices as it may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of the city and of the state vehicle law.

**70.25 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." All signs and signals required hereunder for a particular purpose shall be uniform as to type and location throughout the city. 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.

**70.26 OFFICIAL TRAFFIC CONTROL DEVICES ARE REQUIRED FOR ENFORCEMENT PURPOSES; EXCEPTIONS**

No provisions of the traffic code 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, the section shall be effective even though no devices are erected or in place.



**70.27 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES**

No person shall without lawful authority, attempt to or in fact alter, injure, deface, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

**70.28 OFFICIAL TRAFFIC-CONTROL DEVICES, PRESUMPTION OF LEGALITY**

- A. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this traffic code, the 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 device placed pursuant to the provisions of this traffic code and purporting to conform to the lawful requirements pertaining to the devices shall be presumed to comply with the requirements of this traffic code, unless the contrary shall be established by competent evidence.
- C. Traffic Control Signs shall be placed and updated upon annexation of property within the City of Auburn. Traffic speeds shall be governed by State Statute in those areas that are newly annexed and not identified by this Chapter. All newly annexed areas, as well as, the entire City of Auburn, Indiana shall be considered an urban area and or district as defined by State Traffic Code.
- D. All newly created streets shall be enforced as if a part of this ordinance, until such time as this ordinance is amended. In the alternative, newly created streets not identified in this ordinance shall be controlled by Indiana State Statute.

**70.29 CHIEF OF POLICE TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES**

The Chief of Police is hereby authorized at the direction of the Board of Works, to designate, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections to be maintained by the Street Department, where in its opinion there is particular danger to pedestrians crossing the roadway and at other places it may deem necessary.

**70.30 TRAFFIC LANES**

The Street Department, at the direction of the Board of Works and Public Safety, to mark traffic lanes upon the roadway of any street or highway under the jurisdiction of the city.

**VIOLATION PROCEDURES**

**70.40 CITATION OF ILLEGALLY PARKED VEHICLE**

Whenever any motor vehicle without a driver is found parked, standing, or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number, take any other information displayed on the vehicle which may identify its user, and conspicuously affix to the vehicle a traffic citation, on a form provided by the Clerk-Treasurer, for the driver to answer to the charge against him within thirty days, during the hours and at a place specified in the citation. Tickets may only be dismissed for good cause by the Chief of Police.

**70.41 FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE**

If a violator of the restrictions on stopping, standing, or parking under the traffic laws does not appear in response to a traffic citation affixed to the motor vehicle within a period of five days, the Clerk-Treasurer or a representative of the Auburn Police Department shall send to the owner of the motor vehicle to which the



traffic citation was affixed a letter informing him or her of the violation and warning him or her that, in the event the letter is disregarded for a period of 30 days, a suit may be filed to collect the monies owed in accordance with Section 70.99.

**70.42 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING**

- A. If any prosecution charging a violation of any law governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law together with proof that the defendant named in the complaint was, at the time of the parking, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- B. The foregoing presumption shall apply only when the procedure prescribed in this traffic code has been followed.

**70.43 DISPOSITION OF TRAFFIC FINES AND FORFEITURES**

All fines or forfeitures collected upon conviction - of any person charged with a violation of any of the provisions of this traffic code shall be paid the city and deposited in the General Fund.

**70.44 SECTION REMOVED FEBRUARY 20, 2017.**

**70.45 DUTIES OF CITY ATTORNEY**

The City Attorney or the Assistant City Attorney is duly authorized to prosecute all charges of violation of this traffic code.

**70.46 IMPOUNDING VEHICLES OF SCOFFLAWS**

- A. Whenever a police officer has knowledge that a person has failed to satisfy five or more parking or traffic citations and judgments have been rendered, for such persons for these citations, and whenever the officer finds any vehicles registered in the name of the person upon any street, he may impound or immobilize the vehicle.
- B. Immobilization of a vehicle under this section shall be in a manner as to prevent its operation by means of a device, which will cause no damage to the vehicle unless the vehicle is moved. Notice of immobilization shall be attached to the vehicle in a conspicuous manner.
- C. After impounding or immobilizing a vehicle under this section, notice shall be given in writing to its owner.

**70.99 PENALTY**

- A. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this traffic code except Chapter 74 shall be punished by a fine of \$50.
- B. Any person or entity cited under 70.40 and 70.41 shall pay a fine to the Clerk-Treasurer of the City. Said fine shall be \$10.00 paid within 30 days of the citation and shall increase to \$40 after 30 days.