

## Chapter 70. Traffic Code - General Provisions

### Section

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#### Cross Reference:

Abandoned and junked vehicles; see Chapter 90

### GENERAL PROVISIONS

#### § 70.01 DEFINITIONS

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

##### *CROSSWALK.*

- 1) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
- 2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

*INTERSECTIONS.* 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 or highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict.

*MOTOR VEHICLES.* 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 TIME STANDARD.* Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the town.

*OFFICIAL TRAFFIC-CONTROL DEVICES.* All signs, signals, markings and devices not inconsistent with this title, placed or erected by proper authority for the purpose of regulating, warning or guiding traffic.

*OFFICIAL TRAFFIC SIGNALS.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

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

*PEDESTRIAN.* Any person afoot.

*POLICE OFFICER.* Any officer of the municipal police department and any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*PRIVATE ROAD or DRIVEWAY.* Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*RAILROAD.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*RAILROAD TRAIN.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*RIGHT-OF-WAY.* The privilege of the immediate use of the roadway.

*ROADWAY.* The portion of a street improved, designed or ordinarily used for vehicular travel.

*SAFETY ZONES.* 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 safety zones.

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

*STANDING.* Any stopping of a vehicle, whether occupied or not.

*STOP or STOPPING.*

- 1) When required means complete cessation of movement.
- 2) When prohibited means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

*STREET or HIGHWAY.* The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

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

*VEHICLE.* Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.  
(72 Code, § 21-1-1)

## **§ 70.02 AUTHORIZED EMERGENCY VEHICLES.**

The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to vehicles of the Police Department or fire patrol vehicles when an exemption from these provisions is reasonably necessary in the actual discharge of official duties; to ambulances; or to vehicles of public service corporations when an exemption from these provisions is reasonably necessary in the actual installation or repair to public service equipment on or above streets and sidewalks.

(72 Code, § 21-2-6)

**§ 70.03 OBEDIENCE TO POLICE REQUIRED.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer. ('72 Code, § 21-4-7) (Ord. 413, passed 5-26-87) Penalty, see § 70.99

**TRAFFIC ADMINISTRATION**

**§ 70.15 DUTIES OF POLICE DEPARTMENT.**

It shall be the duty of the Chief of Police and other police officers of this town to enforce all street and traffic laws of this town and all of the state vehicle laws applicable to street traffic in this town. These officers are hereby authorized to direct all traffic in conformance with traffic laws, provided that, in the event of a fire or to expedite traffic or to safeguard pedestrians, officers of the Police or Fire Departments may direct traffic as conditions may require notwithstanding the provisions of this title. ('72 Code, § 21-4-1)

**§ 70.16 VIOLATION ENFORCEMENT PROCEDURE.**

- A. When the violation of the state vehicle law or a section of the town's traffic ordinances; any revenue ordinance relating to the display of any town license tag; or any ordinance creating or regulating parking is detected, where no recklessness or serious injury to personal property occurs, or where the violator is not intoxicated, the officer detecting the same is authorized to take the violator's name, address, operator's license number and the registration number of the motor vehicle involved and issue to him in writing, on a citation form provided by the town, a notice to answer the charge against him within a period or at a date and time stated thereon, before the appropriate enforcement authority.
- B. Whenever any motor vehicle without a driver is found parked or stopped in violation of any section of the state vehicle law or this title, the officer finding that vehicle shall take its registration number and any other information displayed on the vehicle which may serve to identify its user, and shall conspicuously affix to that vehicle a citation in writing, on a form provided by the town, for the driver to answer the charge against him within 48hours at the office of the Town Clerk at the Town Hall. ('72 Code, § 21-4-2)

**§ 70.17 FORMS FOR CITATIONS TO APPEAR.**

The Town Clerk shall cause all citation forms to be serially numbered in triplicate and shall cause the records, with respect to those citations and the disposition of the same to be so maintained as that all those forms shall be capable of being accounted for. The Town Accountant or his or her representative shall periodically investigate the records of the Town Clerk for the purpose of determining the disposition of those citation forms and shall report the results of the investigation to the Mayor. For the purpose of making this investigation, that person shall have access to the necessary records of the Town Clerk. The report shall be a public record. ('72 Code, § 21-4-3)

**§ 70.18 PROSECUTION FOR VIOLATION.**

It shall be the duty of the Police Department to cause the arrest and obtain prosecution of those persons cited for any violation of any state law occurring in the town, unless otherwise provided for by law, and for those persons cited for violations of this title, except that in those cases where provision is made under this title for disposition of a violation by payment of a fine or penalty, then upon payment of that fine or penalty within the time prescribed under this title, no further prosecution or action will be taken. ('72 Code, § 21-4-4)

**§ 70.19 RESPONSIBILITY FOR OBEDIENCE.**

Obedience to sections regulating motor vehicles under this title, other than moving vehicle violations, is chargeable to the person actually operating or in control of the vehicle at the time that it is discovered in violation of any provision of this title; provided, proof of ownership of any vehicle found in violation of any section in this title regulating

parking or abandoning vehicles shall be prima facie evidence that the owner parked or abandoned that vehicle. ('72 Code, § 21-4-6)

**§ 70.99 PENALTY.**

A. 1) The following civil penalties are fixed for traffic and parking violations indicated:

| <b>VIOLATION</b>  | <b>FINE</b> |
|---|-------------|
| Blocking Alley  | \$20        |
| Blocking Driveway   | \$20        |
| Double Parking  | \$20        |
| Left Side of Curb   | \$20        |
| Permit Violation (1 <sup>st</sup> violation – warning only) | \$25        |
| Non-parking Space   | \$20        |
| Obstructing Parking   | \$25        |
| Parking Between Curb and Sidewalk                           | \$20        |
| Parking Overtime (1 <sup>st</sup> violation – warning only) | \$25        |
| Parking or Driving on Sidewalk                              | \$25        |
| Pedestrians Subject to Traffic Regulations                  | \$20        |
| Quiet Zone  | \$25        |
| Using Street for Storage                                    | \$50        |
| Unauthorized Parking on City Property                       | \$25        |
| Handicapped Only  | \$250       |

2) Traffic and parking violations included in this Section shall be delinquent after ten (10) days from issuance of citation. Thereafter, the following civil penalties shall apply to traffic and parking violations, in addition to the stated penalty:

**Delinquent Period Additional Penalty Ten (10) or More Days:** An amount equal to fifty per cent (50%) of fine.

3) Repeat violations of the above violations by the same registered vehicle or the same vehicle operator within any twelve-(12) month period will be considered separate violations for the purpose of this ordinance and will be assessed the following graduated penalties:

**Repeated Violations Penalty:** 3rd and 4th violation: penalty doubles; 5th and above violation: penalty triples.

4) Any person receiving a citation indicating thereon that the penalty or fine may be paid within a certain period of time and that person pays the fine or penalty as directed, and before any warrant is issued for that person's arrest, shall not be subject to any further prosecution under this title with the regard to the violation for which the citation was issued. ('72 Code, § 21-4-5) (Am. Ord. 41, passed 9-10-79; Am. Ord. 561, passed 2-13-89)

B. Any person or persons unlawfully parking a vehicle in a properly designated and marked “Handicapped Only” parking space, or parking in such a manner to block access to an officially designated Handicapped space or access ramp, shall be subject to a civil penalty in the amount of \$250 to be recovered by the Town. The offender shall be issued a written citation requiring payment be made to the Town within 72 hours. ('72 Code, § 21-2-7D.) (Ord. 41, passed 9-10-79; Am. Ord. 561, passed 2-13-89; Ord. 1191, passed 11-12-01; Ord. No. 1655, passed 11-24-08, effective December 8, 2008)