



TITLE VII:

TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. SEELYVILLE TRAFFIC CODE

CHAPTER 70 GENERAL PROVISIONS

Section

70.01 Definitions

70.02 Enforcement

Statutory reference: Authorizes local authorities to adopt traffic regulations

See I.C. 9-21-1-2 §

70.01 DEFINITIONS.

The words and phrases set forth in I.C. 9-13-2-1 et seq. shall govern in the interpretation of this title. (Prior Code, § 8-1) §

70.02 ENFORCEMENT.

The Town Marshal and deputies shall be responsible for the enforcement of all local traffic regulations. (Prior Code, § 8-2)

Statutory reference: Local enforcement, see I.C. 9-21-1-5



Sections

71.01 Traffic Code Adopted

71.02 Role of Seelyville Police Department

71.03 Uniform, Badge, Marked Vehicle; Requirement

71.04 Prohibited Parking / Standing / Stopping

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71.06 Vehicle Impoundment; Policy

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71.08 Off-Road Vehicle; Regulation

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71.11 Vehicle Identification Number (VIN); Inspections

71.12 Body Worn Camera (BWC) / Dash Camera Footage Request; Fee

71.99 Penalty Schedule



§ 71.01 TRAFFIC CODE ADOPTED.

The following traffic code is adopted for the town. (Prior Code, § 8-6) (Ord. 9-1, passed 9-1-1936)

§ 71.02 ROLE OF SEELYVILLE POLICE DEPARTMENT.

It shall be the duty of all duly authorized officers of the town to enforce the provisions of this chapter. The officers are authorized to direct all traffic either in person or by means of visible or audible signals in conformity with the provisions of this chapter; providing that, in the event of fire or other emergency, to expedite traffic or to safeguard life or property, the officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter. (Prior Code, § 8-8) (Ord. 9-1, passed 9-1-1936)

§ 71.03 UNIFORM, BADGE, MARKED VEHICLE; REQUIREMENT

In accordance with Indiana Code 9-30-2-2, any town officers may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

(1) wearing a distinctive uniform and a badge of authority; or

(2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

This does not apply to an officer in an unmarked police vehicle making an arrest or issuing a traffic information and summons:

(1) when there is a uniformed officer present at the time of the arrest; or

(2) for a violation of one (1) or more of the following:

(A) IC 9-21-8-52(a)(1)(A) (reckless driving causes endangerment).

(B) IC 9-21-8-52(b) as a Level 6 felony (recklessly passing a stopped school bus resulting in bodily injury).

(C) IC 9-21-8-52(b) as a Level 5 felony (recklessly passing a stopped school bus resulting in death).

(D) IC 9-30-5-2(b) as a Class A misdemeanor (operating while intoxicated in a manner that endangers a person).



§ 71.04 PROHIBITED PARKING / STANDING / STOPPING

In accordance with Indiana Code 9-21-16-5, it shall be unlawful for the operator of any vehicle to stop, stand, or park the vehicle at any time for any purpose in any of the following places except when necessary to avoid conflict with other or in compliance with the directions of an officer duly authorized to direct traffic;

- Within an intersection;
 - On a crosswalk;
- Within ten feet from the intersection of curb lines;
- Within 20 feet of the driveway entrance of any fire station;
 - In front of any private or public driveway;
- On a sidewalk Alongside of or opposite any street excavation or obstruction, when the stopping, standing or parking would obstruct traffic;
- Alongside of or opposite any parked vehicle in the manner commonly known as "double parking";
- Emerging from alleys or private driveways; in emerging from alleys or private drives, the operator of a vehicle shall stop the vehicle, immediately prior to driving upon a sidewalk or sidewalk area extending across any alley or drive; provided, also, that, the operator shall sound his or her horn when so stopped at the intersection, of sidewalk area and alley or drive;
 - Within 20 feet of a crosswalk at an intersection;
- Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - Between a safety zone and the adjacent curb or within 30 feet of points on a curb immediately opposite the ends of a safety zone unless a different length has been indicated by signs or markings;
 - Within 50 feet of the nearest rail of railroad crossing;
 - Within 15 feet of a fire hydrant;
- On the roadway side of any vehicle stopped or parked at the edge of a curb of a street;
- Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - At any place where an official sign prohibits parking, stopping or standing.

(Prior Code,§ 8-15) (Ord. 9-1, passed 9-1-1936; Ord. 96-11, passed 12-3- 1996)

Any person found to be in violation the Penalty, see § 71.99

71.05 MAXIMUM SPEED LIMIT; PARK

In accordance with Indiana Code 9-21-5-2, it shall be unlawful for any person to drive at a speed in excess of the maximum posted limit near/around a park;

On South Main Street; From Ayers Street to Front Street.

Any person found to be in violation the Penalty, see § 71.99



71.06 Vehicle Impoundment; Policy

It is the policy of the Seelyville Police Department to conduct motor vehicle tows, inventories and/or impounds by making a determination of the procedures contained herein with respect to the impounding of motor vehicles operated by person(s) who are injured, ill, subject to arrest or arrested.

A. A motor vehicle is subject to impounded when;

1. The owner or driver of the motor vehicle is arrested for a criminal act which constitutes a felony or misdemeanor in the State of Indiana;
 2. The condition of the motor vehicle fails to meet the licensing requirements set forth in the Indiana Code for operating said motor vehicle upon public roadways. This is to include parked vehicles that do not meet licensing requirements parked on the public roadway;
 3. Impoundment is authorized by Indiana Code, as in the case of mopeds;
- or
4. The motor vehicle is unsafe to be or cannot be driven from the scene of a motor vehicle accident, and owner/driver is unable or unwilling to have vehicle towed privately.

B. A motor vehicle shall not be impounded when;

1. At the time of the arrest the motor vehicle is located at the arrested person's residence or place of business;
2. Except as set forth in (A)(1) or the vehicle fails to prove financial responsibility, another occupant or bystander is present on scene and is proven to be licensed and/or qualified to operate a motor vehicle in the State of Indiana;
3. The driver/owner is unable to drive the motor vehicle due to illness, provided that the motor vehicle can be delivered to another person who is licensed or qualified to drive in the state of Indiana.

The motor vehicle will only be released to another person at the request of the owner/driver of said vehicle. In such circumstances, the person's name, date of birth, address, and condition of the vehicle shall be recorded.

C. Scope of Inventory & Search of impounded vehicles

1. The contents of all motor vehicles that are impounded by the Seelyville Police Department therein;
2. An inventory shall be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried later following impoundment.



3. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous material may reasonably be found, including but not limited to, the passenger compartment, trunk, and all locked compartments, attached cargo carriers and engine compartment. If these areas are locked and a key is available, they will be unlocked and inventoried. If not, they will not be forced to open without justification.
 4. All closed containers within the areas set forth in subsection (3) above shall be identified and opened and their contents identified in the inventory.
 5. All articles of value are to be taken to the Vigo County Jail and placed with the prisoner's personal property. If the item of value is too large or heavy for reasonable safe delivery to the jail, the officer shall leave the item in the vehicle and, if the circumstances allow, be secured in the trunk.
- Furthermore, the officer shall inform the wrecker operator that the said value has been left in the said motor vehicle.

D. Inventory Procedures

1. A tow inventory form shall be filled out on all impounded vehicles. The tow inventory form shall generally list all personal property and vehicle accessories such as stereo equipment, telephones, etc. Further, the inventory form shall contain a general description of the vehicles' exterior condition.
- Or;
2. Photographs shall be taken of all sides and coverage of entire exterior of vehicle, and photographs shall be taken of each passenger compartment, storage compartments and trunk.
 3. This requirement can be fulfilled using the electronic form currently used in the RMS system.
 4. When completing a tow inventory form, the year, make, color, VIN and license plate shall be required for information on the form.

E. Release of Impounded vehicles

1. All owners or lien holders of vehicles involved in a criminal investigation which are towed by the Seelyville Police Department shall be responsible for payment of a forty-dollar (\$40.00) release of vehicle fee. Once the fee has been paid, the Seelyville Police Department will provide the owner or lien holder with a "Tow Release Form" receipt to be provided to the authorized and used towing service.
2. All funds generated shall be used and deposited into the Code Enforcement fund and used for continuing education and departmental equipment needs.
3. The vehicle fee shall either be collected by the Town Clerk or paid electronically through the PayGOV.com website.
4. No department member or officer shall accept or participate in any financial transaction or handling of payments.
5. At the discretion and approval of only the Town Marshal, a vehicle fee can be waived.



This guideline is to be used in conjunction with all relevant department regulations, rules, policies, and procedures.

71.07 GOLF CART; REGULATION & REGISTRATION

Any and all golf carts shall abide by Indiana law, and all regulations applicable pertaining to, to be lawfully operated on a public roadway.

In accordance with Indiana Code 9-21-1-3.3, any and all golf carts that are driven upon the streets and alleyways in the Town of Seelyville, must be registered through the Town of Seelyville. A yearly permit must be purchased and must be obtained through the Town Clerk, Deputy Clerk, or Town Manager at the Seelyville Water Office.

The permit shall be fixed to the front windshield or the front of the golf cart, as it too easily notify the Seelyville Police Department of registration.

A permit for each golf cart will be \$20.00, paid yearly to the Town of Seelyville.

Permits will be valid from January 1 to December 31 for each fiscal year.

Any person found to be in violation the Penalty, see § 71.99

71.08 OFF-ROAD VEHICLE; REGULATION

Any and all Off-Road Vehicles shall abide by Indiana law, and all regulations applicable pertaining to, to be lawfully operated on a public roadway.

Any and all Off-Road Vehicles shall obtain and hold an active Vigo County ORV registration and remain in compliance with it.

Any person found to be in violation the Penalty, see § 71.99

71.09 Abandoned Vehicles Procedures; Removal; Fee

This ordinance is to remain in accordance with Indiana Code 9-22-1.

DEFINITIONS:

A. "Vehicle" shall mean any device in, upon or by which a person or property is, or may be, transported or drawn upon a highway or street, not moved by human power, by use of wheels, treads, or runners, to include but not limited to automobile, truck, trailer, motorcycle, tractor, buggy or wagon.

B. "Street or Highway" shall include the right of way of any street or highway and shall mean the entire width between the boundaries of any way open to use by the public for the purpose of vehicular traffic.



C. "Real Property" shall mean any real property located within the corporate boundaries of the Town of Seelyville, Indiana, not designated as a street, alleyway or highway.

D. "Junked Vehicle" shall include any vehicle not operable or wrecked, any vehicle that has outlived its usefulness in its original form and purpose, or any vehicle that cannot be moved or propelled by its own power, whether discarded and abandoned but the owner thereof.

E. Occurrence shall be defined as each abandoned vehicle that is in violation of said ordinance and for each day that such violation exists.

It shall be unlawful and a nuisance for any person, corporation, company, partnership, or landowner to leave any inoperable, abandoned or unlicensed vehicle, or to leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town of Seelyville, Indiana for such time and under such circumstances as to cause such vehicle to appear to have been abandoned, junked, to be no longer than ten (10) days.

No person, corporation, company, partnership, or landowner in possession of or in control of, any real property, whether as a landowner, tenant, occupant, or lessee shall allow any partially dismantles, non-operating, wrecked, junked, or discarded vehicle or parts of a vehicle to remain on such property longer than ten (10) days, except any vehicle or parts of vehicles placed in or stored in . | . an enclosed storage area, garage, or a fenced-in area maintained in such a manner as to ensure that the vehicle shall not be viewed from any public street or highway within the Town of Seelyville, Indiana.

A. The fact that a vehicle is not currently licensed by the State of Indiana, or another state, and not expired, shall be prima facie evidence that said vehicle is non-operating and is a junked vehicle.

B. Or any antique vehicle must also be classified and licensed by the State of Indiana or another state; age alone will not qualify the vehicle as an antique.

Upon complaint, issued to either the Town Council or the Seelyville Police Department and upon verification from the same, the Town Council or Police Department shall issue to the person, company, corporation, partnership, landowner, tenant, occupant, lessee of any real property a notice of noncompliance with this ordinance. A period of ten (10) days after the notice is issued shall be allowed for said person, company, corporation, partnership, landowner, occupant, tenant, or lessee to comply with this ordinance.

If the aforementioned has not complied with this ordinance within the given ten (10) day period, a fine of the sum of Fifty Dollars (\$50.00) shall be issued for each vehicle in violation of the provisions of this ordinance and for each day that the violation exists. Each day the violation exists shall constitute a separate occurrence, as well as each separate abandoned vehicle in violation of this ordinance.

Said fine is to be paid at the Town Hall within a ten (10) day period after the citation issued. If the payment is not made within the prescribed time period, review the Section of this ordinance for prescribed repercussions. After the total sum of Five-Hundred Dollars (\$500) or ten (10) days has lapsed, the Seelyville Police Department may use Section VII of this ordinance.



In addition, the Town of Seelyville, Indiana may undertake the expense of correcting violation and pursuant to IC 36-7-10-3 should the person, company, landowner, tenant, occupant, or lessee not comply with the stated time period, the Town Council of the Town of Seelyville, Indiana shall hire the removal and have removed any vehicle or part of a vehicle which reasonably appears to be in violation of this ordinance. Upon completion of the removal, an itemized statement of cost for the removal shall be prepared by the Clerk/Treasurer, and upon approval from the Town Council, the afore noted itemized statement shall be mailed, by certified mailing to the person, corporation, company, partnership, landowner, tenant, occupant, or lessee requesting payment of the associated costs of the removal within ten (10) days after receipt. Should the costs of removal not be paid within the ten (10) day period, the Clerk/Treasurer shall file a copy of the certified statement in the Office of the Auditor of Vigo County, Indiana. The Auditor shall place the amount claimed in the statement on the tax statements of real estate. The amount claimed shall be collected as taxes are collected. In lieu of a lien on the property, the Police Department or Clerk Treasurer may submit their findings to the Town Attorney, who will then summon the responsible party into the proper court of jurisdiction. The Town of Seelyville will request full restitution of payment, in addition to court costs and attorney fees.

THIS ORDINANCE supersedes and replaces all prior ordinances which may be in conflict. THIS ORDINANCE shall be effective upon the passage and publication as required by law, and a copy of said ordinance shall be kept in the office of the Town Hall of Seelyville, Vigo County, Indiana.

71.10 ACCIDENT REPORTING INFORMATION EXCHANGE SYSTEM / RECORDS MANAGAMENT RMS; REPORTS

In accordance with Indiana Code 9-26-9-3, any person requesting a printed copy of a motor vehicle crash report shall pay a fee of \$5.00, paid to the Town of Seelyville.

Any person requesting a printed copy of an incident report shall pay a fee of \$5.00, paid to the Town of Seelyville.

(1) One printed copy will be provided per fee collected.

Any person found to be in violation the Penalty, see § 71.99

71.11 VEHICLE IDENTIFICATION NUMBER (VIN); INSPECTIONS

In accordance with Indiana Code 9-17-2-12, any person requesting a vehicle inspection to be completed by a town officer, shall make an appointment with the Town Marshal; and shall pay a fee of \$5.00, paid to the Town of Seelyville.

Any person found to be in violation the Penalty, see § 71.99



71.12 BODY WORN CAMERA (BWC) / DASH CAMERA FOOTAGE REQUEST; FEE

In accordance with Indiana Code 5-14-3-8, any person(s) requesting a copy of body worn camera (BWC) or dash camera footage, shall be submitted in a written request to the Town Marshal. The request shall require the following information; Requestor's name, address, telephone number, and date of birth. The requestors' involvement in the case requested. In accordance with Indiana Code(s) 5-14-3-4 & 5-14-3-4.4, the request will be reviewed by the Town Marshal and Town's Legal representative.

An accepted request under this section shall pay a fee of \$150.00, paid to the Town of Seelyville.

Any person found to be in violation the Penalty, see § 71.99



71.99 PENALTY SCHEDULE

It is made the duty of every person, persons, association or corporation operating any vehicle, truck, public bus or cab within the town, or causing or permitting the use thereof, or of any pedestrian, to comply with all the provisions of this chapter as set out herein, and to comply with any and all rules and regulations made and ordered by the Town Council as herein authorized. Any person, persons, association or corporation violating or causing to be violated any of the provisions of this chapter, shall be deemed guilty of an ordinance violation and, upon violation thereof, shall be deemed guilty of an ordinance violation and, upon violation thereof, shall be fined in any sum not exceeding \$2500.00 and the costs of the prosecution.

The following is a fee schedule for § 71.04:

Fee : \$7.00, Paid within 5 business days

Fee : \$10.00, Paid within 10 business days

Funds from these fee's shall be placed into the Code Enforcement Fund.

The following is a fee schedule for § 71.05:

Fee : \$50.00, Paid within 5 business days

Fee : \$75.00, Paid within 10 business days

Fee : \$100.00, Paid within 20 business days

(If not paid within 20 business days, ordinance violation may be voided and forwarded to the Terre Haute City Court, and be enhanced to a state speeding violation, according to Indiana Code 9-21-5-2)

Funds from these fee's shall be placed into the Code Enforcement Traffic Fund.

The following is a fee schedule for § 71.06:

Fee : \$40.00

Funds from these fee's shall be placed into the Code Enforcement Traffic Fund.

The following is a fee schedule for § 71.07 & 71.08:

Fee : \$20.00 + \$10.00 Penalty Fee = \$30.00

Funds from these fee's shall be placed into the Code Enforcement Fund.

The following is a fee schedule for § 71.10 & 71.11:

Fee : \$5.00

Funds from these fee's shall be placed into the Law Enforcement Continuing Education Fund.



(Prior Code, § 8-20) (Ord. 9-1, passed 9-1-1936)

The following is a fee schedule for § 71.12:

Fee : \$150.00

Funds from these fee's shall not be placed in the General Fund and not reverted.