

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL TRAFFIC AND PARKING REGULATIONS

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§ 70.01 DEFINITIONS.

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

CONGESTED DISTRICT. The part of the town which shall be so described now or hereafter by the Town Council.

OPERATOR. The driver or rider of any vehicle as herein defined.

PARK. The leaving or standing, attended or unattended, of any vehicle upon any street as defined within the town.

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PERSON. Any person, firm, co-partnership, corporation, or combination or multiple thereof.

STREET. Any road, street, avenue, alley, park, parkway, or public place within the town.

VEHICLE. Anything used for transportation of persons or property upon and along the streets, alleys, or public places, whether propelled by human, animal, or explosive power, or electric, steam, or other power, except bicycles, baby carriages, and electric or steam railway engines, cars, or trains. (1981 Code, § 5.101) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985)

§ 70.02 CONGESTED DISTRICT DESIGNATED.

The congested district of the town shall be the streets, alleys, and public places within the area bounded on the north by the north line of Canal Street; on the south by the south line of Walnut Street; on the east by the east line of West River Street; on the west by the west line of Cherry Street; and including all of Central Avenue from the north corporation line to the south corporation line. (1981 Code, § 5.102) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985)

§ 70.03 PEDESTRIAN CROSSING IN CONGESTED DISTRICT.

All pedestrians shall, within the congested district, cross street intersections at right angles to the general traffic of the street they cross, and no person shall cross any such intersection diagonally. (1981 Code, § 5.103) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.04 TURNING VEHICLES AT INTERSECTIONS.

(A) Vehicles which shall turn to the right from one street into another within the town shall not, when so turning, go beyond the center line of the street from which it comes or into which it goes.

(B) Vehicles which shall turn to the left from one street into another street within the town shall, in so turning, proceed beyond the center of the street into which it turns before turning.

(C) Vehicles shall not turn around upon Main Street or Central Avenue within the congested district of the town at any time. (1981 Code, § 5.104) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.05 STOPPING, STANDING, AND PARKING.

(A) Vehicles shall stop only upon the right-hand side of any street within the town, parallel with the curb thereof in such manner that the near wheels of the vehicle shall not be farther than one foot from the curb, except as otherwise provided.

(B) No vehicle shall stop nor park within 15 feet of any fire plug, nor within five feet of any alley intersection, nor within 15 feet of any street intersection within the town.

(1981 Code, § 5.105) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.06 PROTRUDING LOAD; MARKING REQUIRED.

If any vehicle be so loaded with any matter or product that the contents of the vehicle protrude beyond and to the rear of the vehicle three feet or more, then, in that event and while so loaded and while upon or along any street of the town, there shall be placed upon the end of the load or contents a red flag in the daytime and a red light in the nighttime. The *NIGHTTIME* shall mean and include from one-half hour after sunset to one-half hour before sunrise, Central Standard Time.

(1981 Code, § 5.106) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.07 TOWED VEHICLES; MARKING REQUIRED.

If any vehicle has attached thereto another vehicle or trailer, the attached vehicle or trailer shall have a red light on the rear end thereof while upon or along the streets of the town.

(1981 Code, § 5.107) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.08 QUIET ZONES.

Any public thoroughfare or part thereof within 200 feet of any school, church, public building, or sick chamber, when plainly marked by proper signs by the Town Police Department, shall be a zone of quiet, and within that zone, when so marked, it shall be unlawful to ring any bell, sound any gong, horn, or whistle, or make any unnecessary or disturbing noise.

(1981 Code, § 5.108) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.09 ERECTION OF SIGNS AND MARKINGS.

It shall be the duty of the Town Street Department to suitably mark and post the streets, alleys, and public places within the town so as to give notice of the requirements of this chapter.
(1981 Code, § 5.109) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.10 AUTHORITY OF POLICE OFFICERS.

Traffic officers placed at street intersections within the congested district, and elsewhere within the town, shall have power to regulate traffic, both of vehicles and pedestrians, and it shall be the duty of all persons to obey those orders pertaining to traffic.
(1981 Code, § 5.110) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.11 OBEDIENCE TO POLICE OFFICERS AND TRAFFIC-CONTROL DEVICES.

All persons shall take notice of orders by the traffic officers and of signs, marks, and mechanical signal devices placed by the proper officers of the town, or adjacent to the public thoroughfare of the town, and any person who shall fail or refuse to obey any such order or orders or sign, mark, device, or notice shall be a violator of this chapter.
(1981 Code, § 5.111) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.12 UNUSUAL VEHICLE NOISES PROHIBITED.

It shall be unlawful for any person at any time to operate any vehicle of any kind in the town with the exhaust open or in any other way to make noises unusual to the normal operation of the vehicle.
(1981 Code, § 5.112) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.13 OVERTAKING VEHICLE ON THE LEFT.

A vehicle overtaking another vehicle shall pass to the left only, and shall not pull to the right until clear of the overtaken vehicle.
(1981 Code, § 5.113) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.14 NO-PARKING ZONES.

(A) The Town Street Commissioner shall have the authority to make recommendation, in writing, to the Town Council concerning which streets or portions thereof and/or sides thereof will be designated no-parking zones within the town.

(B) Upon written recommendation by the Street Commissioner, the Town Council shall, by resolution, designate certain areas as no-parking areas within the town.

(C) The Clerk-Treasurer shall keep a record of all streets, locations, and sites which the Town Council has designated as no-parking areas.

(D) All areas which are so designated as no-parking areas shall have signs at either end of the designated no-parking area and, if a curb is present, the curb shall be painted yellow.

(E) There shall be no parking upon the sidewalks or in any alley of the town at any time. (1981 Code, § 5.114) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985; Ord. 1993-2, passed 10-4-1993) Penalty, see § 10.99

§ 70.15 TOWN'S RIGHT TO TOW VEHICLES.

(A) *Generally.* The town shall have a right to tow and/or remove any vehicle parked on the town's streets in violation of this title, upon the following conditions.

(B) *Specifically.*

(1) If a vehicle is parked in a no-parking zone, violating this title, the Town Marshal shall place a tag upon the vehicle which shall be clearly visible. The tag shall notify the owner of the vehicle of the violation of this title.

(2) If the vehicle is parked in an area which interferes with fire or safety vehicles, the vehicle will be towed without notice.

(3) In the event that the vehicle is not removed as set out in division (B)(1) of this section, the Town Marshal may have the vehicle towed from the scene to be impounded.

(4) If the vehicle is impounded, the owner must pay the cost of towing not to exceed \$50 and the cost of storage of the vehicle not to exceed \$25 a day before the vehicle will be released. (1981 Code, § 5.115) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985; Ord. 1993-2, passed 10-4-1993)

§ 70.16 INTERSECTIONS REQUIRING TRAFFIC TO STOP.

(A) The Street Commissioner shall have the authority to make recommendation, in writing, to the Town Council concerning which intersections will be designated as stop streets within the town.

(B) Upon written recommendation of the Street Commissioner, the Town Council shall, by resolution, designate certain intersections, and traffic traveling in certain directions entering those intersections, to stop prior to entering the intersections.

(C) The Clerk-Treasurer shall keep a record of all streets and locations of all intersections and the direction of traffic required to stop, which the Town Council has designated as intersections requiring traffic to stop.

(D) All intersections requiring traffic to stop shall have a sign on the right-hand corner of the intersection.

(E) All traffic entering any street in the town from any public or private alley or driveway shall come to a complete stop before entering the street, and the traffic upon any street in the town shall have the right-of-way over the traffic entering the street from any public or private alley or driveway.

(1981 Code, § 5.116) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985; Ord. 1993-2, passed 10-4-1993) Penalty, see § 10.99

Cross-reference:

Stop streets, see Ch. 72, Sch. II

§ 70.17 OBEDIENCE TO AUTOMATIC SIGNAL DEVICES.

(A) At street intersections where automatic signal devices are installed by the proper town officials, all traffic, vehicular and pedestrian, shall obey the signals as shown on those devices. The display of the red signal light shall mean for all vehicular traffic to stop and remain stopped so long as the red signal light is shown in his or her direction.

(B) The display of the green signal light shall mean for all vehicular traffic to promptly and properly move forward.

(C) The display of the yellow signal light shall mean to announce that pedestrians and vehicular traffic be at attention for movement until the green signal light is shown.

(D) No operator of any vehicle shall enter any intersection which is controlled by automatic signal devices where the red and yellow lights are both displayed in his or her direction.

(E) At street intersections where automatic signal devices are installed, pedestrian traffic shall cross the intersection only when vehicular traffic is stopped by the display of the red light. Pedestrians who have entered the intersection on the red light shall have the right-of-way over vehicular traffic until they have reached the opposite side of the intersection.

(1981 Code, § 5.117) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.18 OVERTAKEN VEHICLES; SLOW-MOVING VEHICLES.

The operator of any vehicle driven or operated upon the streets of the town shall, when overtaken by a faster moving vehicle proceeding in the same direction, upon a signal, either by the sounding of a horn or other signal device given by the driver of the overtaking vehicle, cause the vehicle to be driven to the right of the center of the traveled way until the overtaking vehicle shall have safely passed. Slow-moving vehicles shall be driven in single file, and shall keep as near to the right-hand side of the curb of the street as possible.

(1981 Code, § 5.118) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985) Penalty, see § 10.99

§ 70.19 SPEED LIMITS.

(A) The maximum speed limit in residential areas of the town shall be 25 mph, except where otherwise posted at 20 mph.

(B) The Street of Commissioner shall have the authority to make written recommendations to the Town Council concerning which areas of the town shall be designated as 20 mph speed limits.

(C) Upon written recommendation of the Street Commissioner, the Town Council shall, by resolution, designate certain areas of the town as having speed limits of 20 mph.

(D) The Clerk-Treasurer shall keep a record of all streets which shall have speed limits of 20 mph.

(E) The town shall erect signs clearly denoting areas which have speed limits of 20 mph.

(1981 Code, § 5.119) (Ord. 1-1952, passed 7-7-1952; Ord. 1-1985, passed 7-15-1985; Ord. 1993-2, passed 10-4-1993) Penalty, see § 10.99

CHAPTER 71: TRUCKS

Section

71.01 Truck weights limited

§ 71.01 TRUCK WEIGHTS LIMITED.

It shall be unlawful to operate or park any truck upon any street, alley, or public way, except upon designated truck routes, in the town, when the gross weight of any such truck exceeds 10,000 pounds, except for the purpose of making delivery or picking up a load, in which case the truck may be driven on the street, alley, or public way for not more than the minimum distance necessary for that purpose. (1981 Code, § 5.201) (Ord. 2-1972, passed 5-3-1972) Penalty, see § 10.99

Cross-reference:

Truck routes designated, see Ch. 72, Sch. I

CHAPTER 72: TRAFFIC SCHEDULES

Schedule

- I. Truck routes designated
- II. Stop streets

SCHEDULE I. TRUCK ROUTES DESIGNATED.

The following streets are hereby designated as truck routes and shall be so designated by appropriate signs:

<i>Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1981 Code</i>
Central Avenue	2-1972	5-3-1972	§ 5.202
East Main Street	2-1972	5-3-1972	§ 5.202
West Connersville Street	2-1972	5-3-1972	§ 5.202

Penalty, see § 10.99

Cross-reference:

Truck weights limited, see § 71.01

SCHEDULE II. STOP STREETS.

The following streets are considered to be stop streets:

<i>Stop Street</i>	<i>Traffic Direction</i>	<i>Intersection</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Brook Street	South-bound	Canal Street	1993-3	11-1-1993
Brook Street	North-bound	Connersville Street	1993-3	11-1-1993
Brook Street	North- and south-bound	Main Street	1993-3	11-1-1993
Brook Street	North- and south-bound	Walnut Street	1993-3	11-1-1993
Canal Street	East- and west-bound	Central Avenue	1993-3	11-1-1993
Canal Street	North-, south-, east-, and west-bound	Cherry Street	1993-3	11-1-1993
Cherry Street	North- and south-bound	Connersville Street	1993-3	11-1-1993
Cherry Street	North- and south-bound	Main Street	1993-3	11-1-1993
Cherry Street	North-, south-, east-, and west-bound	North Street	1993-3	11-1-1993
Cherry Street	North- and south-bound	Seminary Street	1993-3	11-1-1993
Cherry Street	South-bound	South Street	1993-3	11-1-1993
Cherry Street	North- and south-bound	Walnut Street	1993-3	11-1-1993
Connersville Street	East- and west-bound	Central Avenue	1993-3	11-1-1993
Holtsclaw Road	North-bound	Central Avenue	1993-3	11-1-1993
Izor Street	North-bound	Canal Street	1993-3	11-1-1993
Izor Street	South-bound	Walnut Street	1993-3	11-1-1993
Lee Street	North-bound	Main Street	1993-3	11-1-1993
Lee Street	South-bound	Walnut Street	1993-3	11-1-1993
Main Street	West-bound	Izor Street	1993-3	11-1-1993
Mill Street	North- and south-bound	Connersville Street	1993-3	11-1-1993
Mill Street	North-bound	Main Street	1993-3	11-1-1993

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<i>Stop Street</i>	<i>Traffic Direction</i>	<i>Intersection</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Mill Street	North-bound	Seminary Street	1993-3	11-1-1993
Mill Street	North- and south-bound	South Street	1993-3	11-1-1993
North Street	East- and west-bound	Central Avenue	1993-3	11-1-1993
River Street	North- and south-bound	Canal Street	1993-3	11-1-1993
River Street	North-, south-, east-, and west-bound	Connerville Street	1993-3	11-1-1993
River Street	North- and south-bound	Seminary Street	1993-3	11-1-1993
River Street	South-bound	South Street	1993-3	11-1-1993
River Street	North- and south-bound	Walnut Street	1993-3	11-1-1993
Seminary Street	East- and west-bound	Central Avenue	1993-3	11-1-1993
South Street	West-bound	Brook Street	1993-3	11-1-1993
South Street	East- and west-bound	Central Avenue	1993-3	11-1-1993
Walnut Street	East- and west-bound	Central Avenue	1993-3	11-1-1993

Penalty, see § 10.99

Cross-reference:

Intersections requiring traffic to stop, see § 70.16

CHAPTER 73: PARKING SCHEDULES

Schedule

I. Fifteen-minute parking

SCHEDULE I. FIFTEEN-MINUTE PARKING.

The following parking spaces are designated as "15-minute parking only":

<i>Street</i>	<i>Side</i>	<i>Number of Spaces</i>	<i>Location Note</i>	<i>Ord. No.</i>	<i>Date Passed</i>
East Main Street	North side	2	Directly in front of the Clerk-Treasurer's office	1994-1	1-3-1994

Penalty, see § 10.99

CHAPTER 74: TRAFFIC-CONTROL DEVICES

Section

- 74.01 Establishment and maintenance of traffic-control devices
- 74.02 Obedience to signals
- 74.03 Interference with signals
- 74.04 Unauthorized signals or markings

§ 74.01 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The town may establish and maintain official traffic-control devices necessary within the town. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

§ 74.02 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the town, or any electric signal, gate, or watchperson at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for the barrier or sign must be approved by the town.

(B) The sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 10.99

§ 74.03 INTERFERENCE WITH SIGNALS.

It shall be unlawful for any person without authority to attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

Penalty see § 10.99

§ 74.04 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic device, railroad sign, or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal containing any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the town in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the town.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the town is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 10.99

CHAPTER 75: CRUISING

Section

- 75.01 Definitions
- 75.02 Cruising prohibited
- 75.03 Posting of signs

§ 75.01 DEFINITIONS.

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

CONGESTED TRAFFIC.

(1) Traffic on any public street, alley, or highway which is delaying to the point that:

(a) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light within two complete green-light cycles, where the delay in forward movement is due to the position of other motor vehicles;

(b) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light, stop sign, or yield sign within a five-minute period of time, where the delay in forward movement is due to the position of other motor vehicles; or

(c) Motor vehicles cannot readily move forward on portions of public streets, alleys, or highways between intersections because traffic speed is slowed to less than five mph, and the delay in movement is due to the position of other motor vehicles.

(2) The determination that a street, alley, or highway is congested shall be made by the Town Marshal or ranking peace officer on duty within the affected area.

CRUISING. The repetitive driving of any motor vehicle past a traffic-control point in traffic which is congested at or near the traffic-control point.

GREEN-LIGHT CYCLE. The period commencing upon the switching of a traffic light from a red light to a green light through to the return of a red light.

PEACE OFFICER. The Town Marshal, his or her designee, any member of the Town Police Department, or other town, county, or state official designated to enforce this chapter.

PROPERTY IN THE PROXIMITY OF ANY POSTED NO-CRUISE ZONE. Any property which is both visible from and located within 300 feet of any portion of a street, alley, or highway which is posted as a no-cruising zone pursuant to this chapter.

TRAFFIC-CONTROL POINT. A location along a public street, alley, or highway utilized by the Town Marshal or a peace officer on duty within the affected area as an observation point in order to monitor traffic conditions for potential violations of this title.

§ 75.02 CRUISING PROHIBITED.

(A) *Conduct prohibited.* It shall be unlawful to engage in the activity known as cruising as defined in this chapter on the public streets, alleys, or highways of the town in any area which has been posted as a no-cruising zone.

(B) *First violation.* Any person who violates division (A) of this section may be given a written warning stating that any subsequent passage past that traffic-control point within the next succeeding four hours will be a violation of this chapter.

(C) *Subsequent violations.* Any person who, after having received a written warning under division (B) of this section, subsequently drives past or is a passenger in a vehicle passing the same traffic-control point within the next succeeding four hours shall be in violation of this chapter.

Penalty, see § 10.99

§ 75.03 POSTING OF SIGNS.

This chapter may be enforced in any area which has been posted as a no-cruising zone. "No Cruising" signs shall be posted at the beginning and the end of any public street, alley, or highway, or portion thereof, which is a no-cruising zone.

TOWN OF MILTON, INDIANA

ORDINANCE NO. 2012 - 5

AN ORDINANCE REGULATING THE USE OF GOLF CARTS, MORTORIZED BICYCLES AND ALL-TERRAIN VEHICLES

WHEREAS, the Town Council ("Council") as the legislative body for the Town of Milton, Indiana, has the power and authority to regulate the use of public land, including its streets and roads, for the public health, protection and safety of its citizens; and

WHEREAS, The State of Indiana has, by way of Ind. Code § 9-21-1-3.3, permitted "Golf Carts" to be operated on town streets and across state highways so long as the town at issue has adopted an appropriate Ordinance that does not violate State law;

WHEREAS, The Town Council of the Town of Milton, Indiana, has recognized the need to regulate the limited use of golf carts on the streets of the Town of Milton, Indiana; and

WHEREAS, it is determined that it is in the best interest of the public safety and welfare to regulate golf carts, as well as motorized bicycles (a/k/a scooters and mopeds), and all-terrain vehicles within the Town of Milton; and

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Milton, Indiana, that the following regulations concerning golf carts, motorized bicycles and all-terrain vehicles be enacted:

DEFINITIONS

(a) "MOTORIZED BICYCLE" (also known as "mopeds" and "scooters"):

Indiana Code § 9-13-2-109, presently defines "motorized bicycle" as: "A motorized bicycle shall mean any two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, or by both, and if powered by an internal combustion engine, has the following:

- 1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty cubic centimeters (50cc);
- 2) An automatic transmission; and
- 3) A maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

The Indiana state definition of "motorized bicycle" as set forth above shall hereafter be incorporated into this Chapter as the definition of "moped" a/k/a "scooter" within this ordinance.

For purposes of clarification, any motorized bicycle which exceeds the above specifications shall be considered a motorcycle required to be registered by a state bureau of motor vehicles.

Neither this definition, nor the next definition for a "golf cart" shall include an electric personal assistive mobility device presently defined in Indiana Code 9-13-2-49.3.

(b) "GOLF CART"

A golf cart is a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. A golf cart also shall be defined as the same type of vehicle as set forth above for a "moped" except for the fact it may have "four" wheels; may run on an electric engine; and may or may not include an automatic transmission. The same exclusions as set forth to the above definition shall also apply herein.

(c) "ALL-TERRAIN VEHICLE"

Indiana Code § 14-8-2-5.7, presently defines "all-terrain vehicle" as: "motorized, off-highway vehicle that: (1) is fifty (50) inches or less in width; (2) has a dry weight of twelve hundred (1,200) pounds or less; (3) is designed for travel on at least three (3) non-highway or off-highway tires; (4) is designed for recreational use by one (1) or more individuals; (5) has a seat or saddle designed to be straddled by the operator; and (6) has handlebars for steering control. The term includes parts, equipment, or attachments sold with the vehicle.

(d) "ROADWAY"

A roadway shall mean any highway, road, public way, street, or alley and shall include any street designated as a parkway, boulevard, place, or avenue.

(e) Other terms used in this Chapter not specifically defined shall have the meanings as set forth in the Uniform Act regulating traffic on highways, Indiana Code, §9-13, et. seq.

EFFECT OF CHAPTER

(a) It is a violation for any person to do any act forbidden or fail to perform any act required in this Chapter. This Chapter shall apply to Town of Milton residents and shall apply to non-residents who operate golf carts, mopeds or scooters within the Town of Milton corporate limits.

(b) It is a violation of this chapter for the parent or guardian of any child to knowingly permit said child to violate this Chapter.

(c) This Chapter is applicable to golf carts and motorized bicycles a/k/a mopeds and scooters, and all-terrain vehicles, and shall apply whenever such a vehicle is operated on any and all roadways, streets, alleys, sidewalks, and public ways within the Town or on any path set aside for their exclusive use within the Town of Milton subject to those exceptions or prohibitions stated herein.

APPLICATION OF STATE TRAFFIC LAWS AND OBEDIENCE TO TRAFFIC DEVICES

(a) A golf cart, moped, scooter or all-terrain vehicle may not be operated on a public roadway within the Town of Milton, Indiana:

(1) By a person less than sixteen (16) year of age for purposes of a golf cart & less than fifteen (15) years of age for purposes of the moped/scooter or all-terrain vehicle;

(2) By a person less than sixteen (16) years of age if any passenger on the vehicle is less than sixteen (16) years of age;

(3) By a person who has not obtained a state-issued identification card or motor vehicle operator's license;

(4) On a sidewalk, or third person's private property without their consent; or

(5) At a speed greater than twenty-five (25) miles per hour;

(6) Between the hours of 11:00 pm and 7:00 am

(b) Any person operating a golf cart, moped, scooter, or all-terrain vehicle must obtain and possess proper proof of insurance covering any acts of liability while so operating the vehicle.

(c) Any person operating a golf cart, moped, scooter or all-terrain vehicle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer and or the Town Marshall of Milton, Indiana.

(d) Any person disobeying the traffic control devices or signs, or violating Indiana Statutes while operating a moped shall receive a state citation.

OPERATION, PASSENGERS, SAFETY, AND PARKING

(a) Every person operating a golf cart, moped, scooter or all-terrain vehicle on a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) No person shall operate a golf cart, moped, scooter or all-terrain vehicle in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

(c) No golf cart, moped or scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(d) No person shall operate a golf cart, moped, scooter or all-terrain vehicle at a speed that is greater than reasonable and prudent under the conditions then existing. In no case shall such operation be at a speed greater than 25 mph. In the event the speed of golf cart, moped, scooter

or all-terrain vehicle shall cause excess traffic of two (2) or more vehicles to be backed up, the operator shall pull over and allow the traffic to pass.

REGISTRATION AND INSPECTION

(a) The financial ability of the operator and/or owner a golf cart, moped, scooter or all-terrain vehicle must be able to show proof of financial responsibility for the golf cart, moped, scooter or all-terrain vehicle when operating a golf cart, moped, scooter or all-terrain vehicle on a public roadway in Milton, Indiana. Written proof of financial responsibility must be carried by the operator at all times while operating a golf cart, moped, scooter or all-terrain vehicle on a public roadway in Milton, Indiana, though it is sufficient that the owner of the a golf cart, moped, scooter or all-terrain vehicle maintains financial responsibility though another operator may be operating the golf cart, moped, scooter or all-terrain vehicle.

EQUIPMENT AND PROPER IDENTIFICATION

(a) Every golf cart, moped, scooter or all-terrain vehicle, if in use at night on a public roadway in Milton, Indiana, shall be equipped with sufficient lighting similar to a licensed motor vehicle. In addition, it shall be equipped with sufficient reflectors to be seen by any oncoming traffic or rear approaching vehicles.

(b) Every golf cart, moped, scooter or all-terrain vehicle operated on a public roadway in Milton, Indiana, shall be equipped with a sufficient rear view mirror in order to view any vehicles, persons, or objects to its rear.

(c) A person operating a golf cart, moped, scooter or all-terrain vehicle shall carry the required identification when operating the golf cart, moped, scooter or all-terrain vehicle on a public roadway in Milton, Indiana, and shall, when detained by a police officer, produce said identification to the police officer.

PENALTY

(a) The penalty for violating this Section shall be the penalty set forth in the Town of Milton, Indiana, Fee Schedule.

UNCONSTITUTIONALITY CLAUSE

Should any Section, paragraph, sentence, clause or phrase of this Chapter be properly declared unconstitutional or invalid for any reason, the remainder of said Chapter shall not be affected thereby.

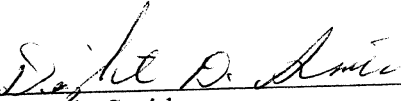
DULY ADOPTED AND ORDAINED this ____ day of December 2012.

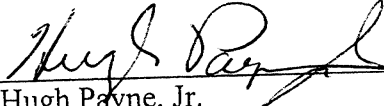
(End of Page One of Ordinance – Signatures Follow)

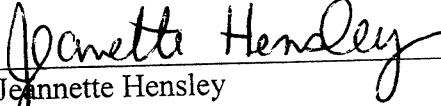
TOWN OF MILTON, INDIANA
By its duly elected Town Council

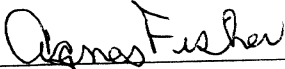
Voting "aye"


Kenneth Risch, President


Dwight Smith


Hugh Payne, Jr.


Jeannette Hensley


Agnes Fisher

Voting "nay"

Kenneth Risch, President

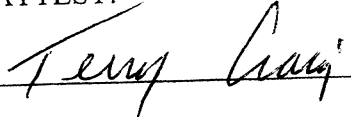
Dwight Smith

Hugh Payne, Jr.

Jeannette Hensley

Agnes Fisher

ATTEST:


Terry Craig, Clerk-Treasurer

