

## CHAPTER 70: TRAFFIC CONTROL GENERALLY

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**GENERAL PROVISIONS****§ 70.01 SHORT TITLE.**

The ordinance codified in this title shall be known as the "St. Joseph County Traffic Control Ordinance".

(1981 Code, § 22.04.010) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

**§ 70.02 APPLICABILITY.**

The provisions of this title shall apply to the public roads and highways in the unincorporated areas of the county; provided, that the provisions hereof do not apply on state highways.

(1981 Code, § 22.04.020) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

**§ 70.03 DEFINITIONS.**

The definitions of terms as prescribed in I.C. 9-13-2 are adopted as the definitions of terms under this title.

(1981 Code, § 22.04.030) (Ord. 1, passed - -1972)

**§ 70.04 COMPLIANCE REQUIRED.**

It is unlawful for any person to do any act forbidden or fail to perform an act required by this title.

(1981 Code, § 22.04.040) (Ord. 1, passed - -1972) Penalty, see § 70.99

**§ 70.05 OBEDIENCE TO SIGNS AND DEVICES.**

No driver of a vehicle shall disobey the instruction of any official traffic-control device or sign established or ratified in accordance with the provisions of this title, unless at the time otherwise directed by a police officer.

(1981 Code, § 22.04.050) (Ord. 1, passed - -1972) Penalty, see § 70.99

**§ 70.06 ADOPTION OF EXISTING SIGNS AND DEVICES.**

All traffic-control devices and signs and speed limit signs heretofore erected and now existing are adopted as traffic-control signs and devices and speed limits in the county, and no driver of a vehicle shall disobey the instructions of the traffic-control devices or signs and the speed limits.

(1981 Code, § 22.04.060) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978) Penalty, see § 70.99

**§ 70.07 ERECTION OF ADDITIONAL SIGNS AND DEVICES.**

Traffic-control signs or devices and speed limits hereafter erected upon the authority of the County Board of Commissioners shall control traffic after the erection thereof, and no driver of a vehicle shall disobey the instructions of the traffic-control signs or devices or the speed limits.

(1981 Code, § 22.04.070) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

***Editor's note:***

*Erection of additional signs and devices shall be based upon the advice and report of the County Highway Engineer per the Indiana Manual on Uniform Traffic Control Devices for Street and Highways guidelines, and as currently revised.*

**§ 70.08 PRESUMPTION OF SIGN OR DEVICE ESTABLISHMENT AUTHORITY.**

All traffic-control signs, devices or speed limits existing in the county now or hereafter shall be presumed to be established by authority of the County Board of Commissioners unless the contrary is established.

(1981 Code, § 22.04.080) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

**§ 70.09 PROOF OF SIGN OR DEVICE EXISTENCE.**

Proof of existence of a traffic-control sign, device or speed limit at the time of the adoption of the ordinance codified in this title shall establish its existence under the authority of the County Board of Commissioners; provided, that other proof may also be provided.

(1981 Code, § 22.04.090) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

***SPEED LIMITS*****§ 70.20 EXCEEDING SPEED LIMIT PROHIBITED.**

No person shall drive a vehicle on a road or highway at a speed greater than the posted speed limit as heretofore or hereafter established from time to time by the County Board of Commissioners in accordance with law.

(1981 Code, § 22.08.010) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978) Penalty, see § 70.99

**§ 70.21 SPEED LIMITS DESIGNATED.**

(A) This section is made pursuant to the general home rule powers of St. Joseph County, Indiana, including but not limited to those powers set forth and contemplated by I.C. 36-1-3-1 *et seq.*; 36-1-4-11; 36-1-6-3; 36-2-4-1 *et seq.*; 9-21-1-1 *et seq.* and 9-21-5-1 *et seq.*, 34-28-5-1 *et seq.*

(B) The St. Joseph County speed limits set forth in Chapter 74, Schedule I shall apply to vehicles being operated or driven on the public streets and highways in the unincorporated areas of St. Joseph County.

(C) The increases or decreases in the speed limits for such highways have been made on the basis of engineering and traffic investigations showing that the increases or decreases are safe and reasonable, justifying a change from the default limits as set forth by state statute.

(D) All engineering studies and traffic investigations heretofore conducted by St. Joseph County Highway Department, the St. Joseph County Sheriff's Department and the St. Joseph County Engineering Department are hereby adopted and confirmed by the St. Joseph County Council and are hereby in all respects ratified, confirmed and approved and made the basis of the establishment of the speed limits for vehicles on public streets and highways within the County of St. Joseph, Indiana as hereafter stated. Further, the placement of signs pursuant to such previous engineering studies and investigations which signs set forth speed limits as heretofore established by the St. Joseph County Council and determined to be safe and reasonable on certain streets or highways or portions therein are within the unincorporated areas of St. Joseph County are hereby in all respects ratified, confirmed and approved and the placement of such signs and the retention of the same in the places so set is hereby specifically authorized.

(E) The listing of each street or highway or portion thereof in St. Joseph County upon which the county speed limit has been increased or decreased by the St. Joseph County Council and set forth in the Table contained in Chapter 74, Schedule I, shall be maintained as the "St. Joseph County Speed Limits" listing. A true and accurate copy of said listing, which is hereby made a part of this section, shall be forwarded to the St. Joseph County Auditor, the St. Joseph County Police Department, the St. Joseph

County Prosecutor, and the St. Joseph County Clerk's office and the Indiana State Police. All changes in such listing by the St. Joseph County Council shall be attached to the listing as the same may occur in the future by action taken by the St. Joseph County Council. Should the listing be amended, the St. Joseph County Auditor shall forward a certified copy of such listing and subsequent changes to all courts within St. Joseph County, the St. Joseph County Police Department and to the St. Joseph County Prosecutor's Office.

(F) From and after the effective date of this section, any person operating or driving a vehicle upon a public street or highway or a portion thereof within the unincorporated areas of St. Joseph County, Indiana in excess of the speed limit thereon as established by divisions (A) through (J) of this section, when signs are in place giving notice thereof, shall be fined as set forth in the Appendix: Schedule of Fines and Fees. In addition thereto shall be subject to such further punishments or penalties as determined by the court that hears and/or adjudicates violations of this section, provided that the amount of judgment being entered against such person shall not exceed \$500.

(G) The foregoing fines shall be doubled if the speeding occurs in a posted school zone or posted work zone.

(H) Should any provisions section, paragraph, clause or any other portion of this section be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision shall not be effected if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the St. Joseph County Council in adopting this section. To this end, the provisions of this section are severable.

(I) The expressed or implied repeal or amendment by this section of any further ordinance or part of any other ordinance does not effect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this section, as if this section had not been adopted.

(J) An offense or infraction committed before the effective date of this section shall be prosecuted and remain punishable under the repealed or amended ordinance as if this section had not been adopted.

(K) Unless otherwise designated, speed limits shall be as follows:

(1) Thirty mph in any urban district; and

(2) Fifty-five mph in any non-urban district.

(1981 Code, § 22.08.020) (Ord. passed 8-24-1942; Ord. 133-78, passed - -1978; Ord. 48-05, passed 5-10-2005) Penalty, see § 70.99

## § 70.22 ESTABLISHMENT OF URBAN AREAS.

The County Board of Commissioners, upon the advice and report of the County Highway Engineer, shall have the duty and responsibility of designating those areas within the county which shall, for the

purpose of this subchapter, be considered as an urban district, pursuant to the guidelines therefor established in I.C. 9-13-2-193.

(1981 Code, § 22.08.030) (Ord. passed 8-24-1942; Ord. 133-78, passed - -1978)

### § 70.23 MODIFICATIONS.

In the event that the County Board of Commissioners, upon the advice and report of the County Highway Engineer and upon the basis of an engineering and traffic investigation as required by I.C. 9-21-5-3 and 9-21-5-6, shall determine that the maximum speed provided by this chapter is greater or less than reasonable and safe under the conditions found to exist on a county road or street, or part of a county road or street, the County Board of Commissioners, upon advice of the County Highway Engineer, shall have the authority to establish a maximum speed for the county road or street, or part thereof, which is greater or less than that specified by this subchapter, which speed shall be determined pursuant to the provisions of I.C. 9-21-5-3 and 9-21-5-6; provided, however, in no event shall the maximum speed on any county road or street, or part thereof, exceed 55 mph.

(1981 Code, § 22.08.040) (Ord. passed 8-24-1942; Ord. 133-78, passed - -1978)

### ***PROHIBITION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES***

### § 70.35 DEFINITIONS.

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

***ALCOHOLIC BEVERAGE.*** Shall have the meaning set forth in I.C. 7.1-1-3-5.

***CONTAINER.*** Shall have the meaning set forth in I.C. 7.1-1-3-13.

***MOTOR VEHICLE.*** Shall have the meaning set forth in I.C. 9-13-2-105, except that ***MOTOR VEHICLE***, as used in this subchapter, shall not include recreational vehicles, as defined in I.C. 9-13-2-150 and which is designed to transport more than ten passengers, including the operator, or any chartered passenger vehicle licensed to operate within the state.

(1981 Code, § 22.30.010) (Ord. 26-92, passed - -)

### § 70.36 PROHIBITION OF POSSESSION OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES.

No person, while in a motor vehicle that is being operated upon a public highway within the county, shall knowingly consume an alcoholic beverage; or knowingly possess a container of alcoholic beverages

that has been opened; or for which the seal has been broken; or from which some of the contents have been removed.

(1981 Code, § 22.30.020) (Ord. 26-92, passed - -) Penalty, see § 70.99

**§ 70.37 OPERATORS OF RECREATIONAL VEHICLES AND CHARTER PASSENGER VEHICLES.**

No operator of a recreational vehicle or charter passenger vehicle on the public highways of the county, shall knowingly keep or allow to be kept in an area of the vehicle which is accessible to the operator of the vehicle, any alcoholic beverage container that has been opened; or that for which the seal has been broken; or from which some of the contents have been removed.

(1981 Code, § 22.30.030) (Ord. 26-92, passed - -) Penalty, see § 70.99

**§ 70.38 VIOLATIONS.**

Any person who violates any provision of this subchapter shall commit a Class B infraction, which shall be enforceable in any court of competent jurisdiction within the county. Any officer of the County Police Department, or any other police officer operating within his or her territorial jurisdiction, may and shall issue an ordinance violation citation, for any violation of the provisions of this subchapter.

(1981 Code, § 22.30.040) (Ord. 26-92, passed - -) Penalty, see § 70.99

***ENFORCEMENT***

**§ 70.50 NOTICE OF VIOLATION.**

(A) The County Police Department shall enforce the provisions of this title. Whenever a member of the County Police Department or other person charged with the enforcement of this title finds that any section or sections are being or have been violated by the owner or operator of any vehicle, he or she shall notify the owner or operator of the vehicle, in writing on a form to be provided by the county, of the violation.

(B) The notice shall:

- (1) Be made in duplicate;
- (2) Be serially numbered;
- (3) Show the specific violation charged;

- (4) Show the registration or state license number of the vehicle involved;
- (5) Show the violator's name, address and operator's license number, if possible, to obtain the same; and
- (6) State any other information which the officer may then and there discover.

(C) One copy of the notice shall be presented to the violator, owner or operator of the vehicle. In case the violator, operator or owner shall not be in possession of, present or in charge of the vehicle, the posting of the notice or the attachment thereof to a conspicuous place on the vehicle shall be deemed a sufficient notice of the violation. The notice shall require the notified person to appear within 48 hours, at the hour specified in the notice at the Traffic Court Violations Bureau of the County Superior Court. The officer or person serving the notice shall file the duplicate copy in the office of the County Police Department.

(1981 Code, § 22.16.010) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

#### **§ 70.51 FEE PAYMENT.**

The owner or operator who has been notified of a violation of the regulations as provided in this subchapter may, within 48 hours of being notified, answer at the office of the Traffic Court Violations Bureau of the County Superior Court, to the charge of the violation as set forth in the notice, and pay a prescribed fee in settlement of the offense or charge. The amount of the fees shall be as set out in the Appendix: Schedule of Fines and Fees for each parking violation and for any other violation. An acceptance of any payment of the fee to the Clerk shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. The County Superior Court may by rule or order prohibit the use of the Traffic Court Violations Bureau for certain offenses or for continued offenders and have the charges referred to court for disposition as in the case of misdemeanors.

(1981 Code, § 22.16.020) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

#### **§ 70.52 FAILURE TO APPEAR.**

Whenever any person who has been issued a notice as provided in § 70.50 fails or refuses to appear within 48 hours after service of the notice at the Traffic Court Violations Bureau of the County Superior Court or, having appeared, fails to or refuses to pay the Clerk the fee in settlement of the charge or violation, or it appears by rule or order of the County Superior Court that the Traffic Court Violations Bureau is not permitted to accept the fee in settlement of the charge or violation, then the Traffic Court Violations Bureau shall notify the violator that it will be necessary for him or her to appear in court at a designated time and place to answer as to the charge against him or her or warrant of arrest will issue.

(1981 Code, § 22.16.030) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)



**§ 70.99 PENALTY.**

Any person who violates any provision of this title and who pleads guilty or stands trial therefor shall, upon conviction thereof by the court, be fined for each violation as set out in the Appendix: Schedule of Fines and Fees.

(1981 Code, § 22.16.040) (Ord. 1, passed - -1972; Ord. 132-78, passed - -1978)

