

No. 1-88

AN ORDINANCE FOR THE ADOPTION OF A TRAFFIC PLAN
TO CONTROL THE PARKING, VEHICULAR TRAFFIC, AND
PEDESTRIAN TRAFFIC IN THE TOWN OF PLAINFIELD,
IN DEFINED SHOPPING AREAS AND SHOPPING CENTERS;
THE APPROVAL OF CONTRACTS TO EMPOWER THE
TOWN TO REGULATE BY ORDINANCE TRAFFIC IN SHOPPING
CENTERS; AND PROVIDING FOR PENALTIES
FOR VIOLATION OF SAID REGULATIONS AND AGREEMENTS

WHEREAS, the Town of Plainfield has the power to establish reasonable regulations for the protection of the lives, health and property of its citizens; and

WHEREAS, the Town of Plainfield has the authority to adopt parking regulations and traffic regulations, in addition to those adopted by the State of Indiana, with respect to streets and highways under its jurisdiction which are not in conflict with State traffic regulations; and

WHEREAS, the Town of Plainfield has the authority to contract with the owner or lessee of a shopping center located within Plainfield empowering the Town of Plainfield to regulate by ordinance the parking of vehicles and the traffic at the shopping center; and

WHEREAS, the Town of Plainfield has the authority to adopt an ordinance providing penalties for violations of the parking and traffic regulations in effect at any shopping center pursuant to contract; and

WHEREAS, the Town of Plainfield has determined that the activities prohibited herein constitutes an unreasonable risk to the health, safety and property of the Town's citizens and other persons lawfully within the municipal limits of the Town of Plainfield;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Town of Plainfield, Indiana:

Section 1. Definitions.

The following words and phrases when used in this Ordinance shall, for the purpose of this Ordinance, have the meanings respectively ascribed to them in this Ordinance.

1. Motor Vehicle. Every vehicle, except a motorcycle or motorized bicycle, which is self-propelled.

2. Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor or motorized bicycle.

3. Motorized Bicycle. A bicycle with operable peddles which may be propelled by human power or by an internal combustion engine or a battery powered motor, or by both, and when powered by an internal combustion engine having a rating of not more than one and five tenths (1.5) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission, and a maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

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4. Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
5. Trailer. Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that very little of its weight rests upon the towing vehicle.
6. Semitrailer. Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
7. Persons. Every natural person, firm, partnership, association or corporation.
8. Pedestrian. Any person afoot.
9. Driver. Every person who drives or is in actual physical control of a vehicle.
10. Owner. A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner of the vehicle for the purpose of this Ordinance.
11. Police Officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
12. Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
13. Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner but not by other persons.
14. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.
15. 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.
16. Crosswalk. That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
17. Traffic. Pedestrians, streetcars, vehicles, and other conveyances either singly or together while using any highway (or other travelled surface) for purposes of travel.

18. Shopping Center. A group of retail outlets in Plainfield, Indiana, planned and developed as a unit, or managed as a unit, and containing: (1) a total floor area designated for retail occupancy of 25,000 square feet or more; (2) at least three tenants; and (3) on-site parking.

19. Business Parking Area. Any private property adjacent to a business establishment (or separated from a business establishment only by a street, highway, a private road or driveway) which is intended by the owner or lessee of such property to be used for the parking of motor vehicles or motorcycles while the operator thereof or passengers therein conduct or attempt to conduct bona fide business transactions in such business establishment.

Section 2. Parking and Traffic Regulations.

A person who:

(A) Parks a motor vehicle, a motorcycle or a motorized bicycle in a manner other than in substantial compliance with the general parking scheme as indicated by lines or other markings on the surface of the parking area, including, but not limited to, parking in a "No Parking Zone" or other area clearly not intended for parking, parking in a crosswalk, parking on a sidewalk, or parking in such a manner as to occupy all or parts of substantially more than one parking space; or

(B) Parks a motor vehicle, a motorcycle, a motorized bicycle, a trailer or semitrailer in or otherwise unreasonably interferes with the availability of use of or obstructs any portion of a private road, business parking area, designated handicapped parking area or space or driveway designated as a fire lane; or

(C) Operates a motor vehicle, a motorcycle, a motorized bicycle or a tractor on a private road or driveway, a public parking lot or a Business Parking Area for a purpose other than going to and from a parking place, looking for a parking place when all or nearly all parking spaces are occupied, or entering or exiting such public parking lot or Business Parking Area without a bona fide intent to conduct business with the public facility which is served by such public parking lot or with the merchant whose business establishment is served by such private road or driveway or Business Parking Area; or

(D) Parks a motor vehicle, a motorcycle, a motorized bicycle, a tractor, a trailer or a semitrailer in a Business Parking Area for a purpose other than conducting business or making a bona fide attempt to conduct business with a merchant whose business establishment is served by such Business Parking Area; or

(E) Operates a motor vehicle, motorcycle or motorized bicycle on a private road or driveway or Business Parking Area in such a manner as to unduly restrict or impede the movement of pedestrians or other traffic; or

(F) Litters or otherwise improperly disposes of trash or refuse while on a street, highway, private road, driveway, public parking lot or Business Parking Area; or

(G) With the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, congregates with other persons (including persons who congregate in motor vehicles) in a public place or on a private road or driveway or in a Business Parking Area and refuses to comply with a lawful order of the police to disperse;

commits a violation of this Ordinance. This ordinance may be enforced by any police officer of the Town of Plainfield.

Section 3. Contracts with Shopping Centers.

The Town of Plainfield is authorized to contract with the owner or lessee of a shopping center to empower the Town to regulate by ordinance the parking of vehicles and the traffic at the shopping center. In addition to any other provisions contained in any contract with any shopping center, the parking and traffic regulations established by this ordinance are hereby incorporated by this reference into each and every such contract with any shopping center owner or lessee. The parking and traffic regulations established by this ordinance or pursuant to any contract entered into with any shopping center owner or lessee pursuant to this ordinance may be enforced by any police officer of the Town of Plainfield.

Section 4. Traffic Plans.

There shall be appointed by the Board of Trustees of the Town of Plainfield an agent to represent the town who shall be responsible for working with the owner or lessee of any shopping center who enters into a contract with the Town to design the appropriate traffic controls to regulate both vehicular and pedestrian traffic, its movement and parking. These traffic controls are to constitute a traffic plan for the area of the shopping center and any public areas abutting the shopping center. In addition to the parking and traffic regulations established by this ordinance which shall be included in the traffic plan, said traffic plan may include, but not limited to, the following:

(A) The erection of stop signs, flashing signals, or yield signs at specified locations in a parking area and the adoption of appropriate regulations, for the designation of any intersection in the parking area as a stop intersection or as a yield intersection and the ordering of like signs or signals of one or more entrances to that intersection;

(B) The prohibition or regulation of the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking areas;

(C) The regulation of a crossing of any roadway or designated roadway in the parking area by pedestrians;

(D) The designation of any separate roadway or designated separate roadway in the parking area for one-way traffic;

(E) The establishment and regulation of loading zones;

(F) The prohibition, regulation, restriction, or limitation of the stopping, standing, or parking of vehicles in specified areas of the parking area;

(G) The designation of safety zones in the parking area and fire lanes;

(H) The removal and storage of vehicles parked or abandoned in the parking area during snow storms, floods, fire, or other public emergencies, or found unattended in the parking area where they constitute an obstruction to traffic, or where stopping, standing, or parking is prohibited, and for the payment of reasonable charges for such a removal and storage by the owner or operator of such vehicle;

(I) The prohibition, regulation, restriction, or limitation of the stopping, standing, or congregation of pedestrians or individuals in specified areas of the shopping center;

(J) The removal and storage of vehicles parked or abandoned in the parking area during certain posted hours that the parking area is closed or in violation of any other rules or regulations adopted as a part of the "traffic plan", and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle; and

(K) Such additional reasonable rules and regulations with respect to traffic, parking in a parking area and pedestrians as local conditions may require for the safety and convenience of the public or of the users of the parking area and shopping center.

Section 5. Penalties.

(A) Any person or persons who violate the parking and traffic regulations established (i) by Section 2 of this ordinance or (ii) as part of the traffic plan of any shopping center that has entered into an agreement with the Town of Plainfield, is guilty of a violation of this Ordinance and shall be fined in an amount of not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars for each violation.

(B) Any person who, within a twelve (12) month period, accumulates judgments of the number and type specified in the following subsections (1), (2) and (3) shall be fined in accordance with Subsection (B)(5) of this Section 5.

(1) This subsection applies whenever a person accumulates two (2) or more judgments, singularly or in combination, not arising out of the same incident, for violations of Section 2, Subparagraphs (C), (D) or (E).

(2) This subsection applies whenever a person accumulates three (3) or more judgments, singularly or in combination, not arising out of the same incident, for violations of Section 2, Subparagraphs (A), (B), (F) or (G).

(3) This subsection applies whenever a person accumulates three (3) or more judgments, singularly or in combination, not arising out of the same incident, for violations of Section 2, Subparagraphs (A), (B), (C), (D), (E), (F) or (G).

(4) For purposes of this subsection the following definitions shall apply.

(a) Judgment. A judgment against the defendant for violation of this ordinance.

(b) Violation. A violation of this ordinance.

(5) Any person or persons who have a judgment entered against them under Subsections (1), (2), or (3) of this Section B of this Ordinance shall be fined in an amount of not less than Thirty (\$30.00) Dollars and not more than Three Hundred (\$300.00) Dollars for such violation.

Section 6. Proceedings to enforce this Ordinance shall be subject to and in compliance with the applicable portions of Indiana Code Section 34-4-32-1 through 34-4-32-5 and any and all amendments thereto.

Section 7. Effective Date. This ordinance shall be in full force and effect sixty (60) days after its passage and publication as required by law.

SAID ORDINANCE ADOPTED this 22nd day of February, 1988.

BOARD OF TRUSTEES OF
THE TOWN OF PLAINFIELD, INDIANA

Robert M. Wood
President, Board of Trustees

J. D. Waddy
Member

Henry M. Hanes
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ATTEST:

Juliana M. Hummel
Clerk-Treasurer