

**TITLE 7**  
**VEHICLES AND TRAFFIC**

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## **Chapter 7.02**

### **Definitions**

#### **Sections:**

<b>7.02.010</b>	<b>Parking</b>
<b>7.02.020</b>	<b>Vehicle</b>

**7.02.010 Parking.** For purposes of the Ordinance, the word "parking" shall mean the standing of a vehicle, whether or not upon the named roadway or portion thereof, other than temporarily for purposes of and while actually engaged in loading and unloading or in obedience of traffic regulations or signs. (Ord. 84-3, S4, Nov. 15, 1984)

**7.02.020 Vehicle.** For purposes of this Ordinance, the word "vehicle" shall mean any motor vehicle designed, used or maintained primarily for carrying freight, goods, ware or property and having a declared gross weight equal to or exceeding five (5) Thousand pounds, any motor vehicle designed and used primarily for drawing another vehicle or trailer, or any trailer or semi-trailer intended to be pulled by another motor vehicle. (Ord. 84-3, S3, Nov. 15, 1984)

## Chapter 7.06

### Parking

#### Sections:

<b>7.06.010</b>	<b>Parking prohibited</b>
<b>7.06.020</b>	<b>Restricted parking</b>
<b>7.06.030</b>	<b>Enforcement</b>
<b>7.06.040</b>	<b>Placement of signs</b>
<b>7.06.050</b>	<b>Penalty for violations</b>
<b>7.06.060</b>	<b>Impounding vehicle</b>

**7.06.010 Parking prohibited.** It shall be and is hereafter unlawful to park vehicles upon the following named streets or portions thereof:

- A. East side of Rhodes Avenue (Ord. 1961-1, Feb. 15, 1961)
- B. Repealed (Ord. 1983-1, S1, Oct. 20, 1983) (Ord. 1961-1, Feb. 15, 1961)
- C. East side of Elm Street between the streets known as New Street and Fourth Street (Ord. 1961-1, Feb. 15, 1961)
- D. Both sides of Sinclair Street from Russell Street to Tulip Street (Ord. 84-3, S1, Nov. 15, 1984)
- E. East side of Highway #56 from a point thirty feet south of First Street, thence north to Second Street (Unnumbered ordinance May 17, 1961)
- F. West side of Walnut Street (Ord. 83-1, S1, Oct. 20, 1983)
- G. North side of Sinclair Street (Ord. 88-8, S1, Aug. 17, 1988)
- H. Both sides of Sixth Street from Highway 56 to Kenwood Avenue (Ord. 89-6, Dec. 19, 1989)
- I. Both sides of Elm Street from 5th Street to 6th Street (Ord. 89-7, Dec. 19, 1989)

**7.06.020 Restricted parking.** The following streets have restricted parking conditions:

- A. West side of Highway #56 between West Baden Avenue and Second Street, limited to one hour parking during the hours of 8:00 a.m. to 6:00 p.m., except Sundays (Unnumbered ordinance May 17, 1961)

**7.06.030 Enforcement.** The Town Marshall is hereby ordered to place in force said regulation according to the laws of the State of Indiana as defined by I.C. 35-50-4-4. (Ord. 89-7, Dec. 19, 1989) (Ord. 89-6, Dec. 19, 1989) (Unnumbered ordinance May 17,

1961)

**7.06.040 Placement of signs.** It shall be the duty of the Town Marshall to forthwith cause signs to be placed and maintained along said streets in proper position and location, which are sufficiently legible to be seen by an ordinarily observant person. (Ord. 84-3, S2, Nov. 15, 1984)

**7.06.050 Penalty for violation.** The owner or operator of any vehicle who shall receive notice, either personally or by the attaching of such notice to said vehicle, that said vehicle is parked in violation of this ordinance shall, within forty-eight (48) hours from the time when such notice is served upon him or attached to such vehicle, pay to the Town Clerk-Treasurer as a penalty for such violation the sum of Ten Dollars (\$10.00). If said penalty is mailed to the Town Clerk-Treasurer, said penalty shall be deemed paid as of the time of post mark thereof. (Ord. 84-3, S5, Nov. 15, 1984)

**7.06.060 Impounding vehicle.** Any vehicle found upon any named street illegally parked, or reasonably appearing to be abandoned or upon which a notice has been theretofore issued which remains unpaid after five (5) days from time of issue, may be removed and impounded under the direction of the Town Marshall and shall be placed in a public or privately owned garage or enclosed area controlled thereby. Within five (5) days after the impounding of any such vehicle the owner thereof may claim the same upon payment of the above described penalty and of the towing and storage fees. If said vehicle is not claimed by the owner within five (5) days after impounding, said vehicle shall be disposed of in the manner provided by I.C. 9-9-1.6. (Ord. 84-3, S6, Nov. 15, 1984)

**Chapter 7.08**  
**One-Way Streets**

**Sections:**

**7.08.010      Designated one-way streets**

**7.08.010 Designated one-way streets.** The following streets are designated as one-way streets upon which vehicular traffic shall proceed as follows, except when crossing the streets:

Hopkins Street 1, Feb. 15, 1961)	North between "L" Street and Oak Street (Ord. 1961-
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## **Chapter 7.10**

### **Parking of unattended or unattached trailers**

#### **Sections:**

- 7.10.010      Parking of unattended or unattached trailers**
- 7.10.020      Penalty for violation**

**7.10.010 Parking of unattended or unattached trailers.** It shall hereafter be unlawful for any unattended trailer, not attached to a motor vehicle which is incapable of moving under its own power, to be parked on the public streets, alleys and thoroughfares of the Town of West Baden Springs, Indiana. (Ord. 77-2, part S1, April 21, 1977)

**7.10.020 Penalty for violation.** The owner, or person having control over said trailer so left unattached shall be fined for each such violation for violation of this ordinance in a penal sum of not less than Five (\$5.00) Dollars nor more than Twenty five (\$25.00) Dollars. The Town Attorney is directed to enforce the ordinance. (Ord. 77-2, part S1, April 21, 1977)

## Chapter 7.12

### Weight restrictions

#### Sections:

7.12.010	Truck Hauling Permit
7.12.020	Local road system
7.12.030	Exemptions
7.12.040	Limitations
7.12.050	Erection and maintenance of signs
7.12.060	Effective
7.12.070	Procedures to obtain a truck hauling permit
7.12.080	Penalty for violation
7.12.090	Rights upon violation

**7.12.010 Truck Hauling Permit.** All persons, companies, corporations, partnerships and other legal entities shall be required to obtain a Truck Hauling Permit prior to operating any motor vehicle upon any highway or street within the jurisdiction of the Town of West Baden Springs, Indiana if the total gross vehicle weight is in excess of Ten Tons (20,000 pounds), except as hereinafter provided. (Ord. 86-1, S1, Jan. 16, 1986)

**7.12.020 Local road system.** This ordinance shall apply to all highways in the Town of West Baden Springs Highway System under the jurisdiction of the Board of Trustees of the Town of West Baden Springs, Indiana, except highways in the State Highway System and the State maintained routes thereof. (Ord. 86-1, S2, Jan. 16, 1986)

**7.12.030 Exemptions.** The exemptions set forth below, as contained in I.C. 9-8-1-19; -19.9; and -21(b) and I.C. 9-1-1-2(j) and (k) shall apply to this ordinance.

I.C. 9-8-1-19 Highway construction vehicles; permit. The provisions of this act shall not apply to vehicles while engaged in the construction of public highways when the movement of such vehicles is confined wholly to such highway or roads, or sections thereof actually under construction and not yet opened to unlimited public use: Provided, that the owner or operator of such vehicle first obtains from the proper authority having jurisdiction, a permit in writing allowing such operation.

I.C. 9-8-1-19.9 Exempted machinery and equipment. The provisions of this chapter shall not apply to machinery or equipment used in highway construction or maintenance by the state highway commission, counties, or municipalities; nor to farm drainage machinery; nor to implements of husbandry, when so constructed that they can be moved without material damage to the highways; nor as limiting the width or height of farm vehicles when loaded with farm products; and the vehicles enumerated in this section may be moved or operated as to avoid any material damage to the highway, or unreasonable interference with other highway traffic. For the purpose of



this chapter, any truck hauling unprocessed leaf tobacco is a farm vehicle loaded with a farm product.

I.C. 9-8-21(b) Implement of Husbandry defined. "Implement of husbandry" means special farm machinery and farm machinery as defined in IC 1971, 9-1-1-2 as well as other self-propelled equipment, specially adapted to be capable of both over-the-road and off-road usage, for the transportation and application of plant food materials or agricultural chemicals and vehicles designed to transport farm implements.

I.C. 9-1-1-2(j) Definitions. Special Farm Machinery - Every paint spray outfit, all livestock dipping equipment and seed cleaning and treating equipment, when mounted and transported upon a trailer using the public highways.

I.C. 9-1-1-2(k) Definitions. Farm Machinery - Every grain and bean separator, combine, corn picker, ensilage cutter, corn shredder, corn sheller, hay raker, manure spreader, portable saw mill, all well drilling machinery, and all seeding, cultivating and harvesting machinery. (Ord. 86-1, S3, Jan. 16, 1986)

**7.12.040 Limitations.** The Board of Trustees of West Baden Springs, Indiana, shall determine, in its sole discretion, the town highways and streets, and portions thereof, which shall be closed or which shall be limited to vehicles not exceeding a total gross vehicle weight as determined by said Board of Trustees for each of said town highways and streets as from the time to time designated by said Board of Trustees, as hereinafter provided.

Upon adoption of this Ordinance, the total gross vehicle weight limit on all town highways and streets is established to be a maximum of ten (10) tons (20,000 pounds), except that the following streets shall have no maximum limit:

- A. Elm Street, between Sinclair and First Streets;
- B. Sinclair Street, east 1,000 feet from Broadway;
- C. Gagnon Street; west 1,000 feet from Broadway;
- D. West Baden Avenue, west from Broadway;
- E. Main Street, between Ballard and First Streets;
- F. First Street, between Broadway and Elm Streets;
- G. Ballard Street, between Broadway and Elm Streets.

The determination of street closings and limitations may be altered or amended from time to time by the addition or deletion of streets or portions thereof or by the increase or decrease of weight limits for any of said streets, as shall be determined to be necessary in the sole discretion of said Board of Trustees. (Ord. 86-1, S4, Jan. 16, 1986)

**7.12.050 Erection and maintenance of signs.** The Town Street Department is now authorized and directed to erect and maintain signs designating the provisions of this ordinance at each highway and street entering the Town of West Baden Springs, Indiana. (Ord. 86-1, S5, Jan. 16, 1986)

**7.12.060 Effective.** The provisions of Section 7.12.040 of this Ordinance shall not be effective until signs designating the closing or weight limits are erected and maintained as provided in Section 7.12.050 of this Ordinance. (Ord. 86-1, S6, Jan. 16, 1986)

**7.12.070 Procedures to obtain a truck hauling permit.** Truck Hauling Permits shall be issued by the Clerk-Treasurer of West Baden Springs, Town Office, West Baden Springs, Indiana. Prior to issuing any Truck Hauling Permit for any vehicle which shall be using a specific Town highway or street for a continuous or extended period of time, as determined by the Board of Trustees in its sole discretion, the Clerk-Treasurer shall follow the procedures adopted thereto by the Board of Trustees, including the requirement that the owner of said vehicle shall post with the Clerk-Treasurer a cash and surety bond, at least 20% of which shall be a cash bond in a form approved by the Board of Trustees, said bond equaling not more than \$30,000.00 per mile for each mile of surfaced blacktop road to be used, not more than \$20,000.00 per mile for each mile for chip and seal road to be used, not more than \$5,000.00 per mile for each mile of gravel road to be used by said owner. Said cash and surety bond shall insure and save harmless the Town of West Baden Springs, Indiana, from maintenance of damage to, and repairs to said street while said bond is in effect.

The cash portion of the bond shall be invested by the Town in a savings account or certificate in a depository of public funds in a savings account or certificate in the name of the Town with interest earned thereon to be credited to the individual, partnership or company filing the bond. The Town shall withdraw from said cash bond for the purpose of maintaining and repairing streets for which the bond was filed under the following procedure.

When the Town Street Commissioner finds that a bonded highway or street is in need of repair or maintenance he shall give three (3) days notice by receipted mail, return receipt requested or delivered in person to the users of said highway or street to repair or maintain the same to his satisfaction. If the needed maintenance or repair is not done within three (3) days of delivery of the notice, the Town Street Commissioner will make the necessary repairs or provide the needed maintenance. After the maintenance or repair work is done, those persons, partnership or companies bonded to keep the road maintained and in repair are to be notified of the amount expended for such maintenance and repair and their proportionate part of such cost, which shall be paid to the West Baden Springs Town Clerk-Treasurer within seven (7) days. If said sums are not paid, the Town shall withdraw the sum required from the cash bond to pay for the repair and maintenance and notify the person, partnership or company of the withdrawal. Within ten (10) days thereafter cash equal to the amount of the expenditure must be deposited by the holders of the permits with the Town Clerk-Treasurer to maintain their twenty (20) percent cash

bond. If said bond is not maintained at twenty (20) percent the Board of Trustees may order that their permit be revoked until such time as the proper bond is filed.

Provided however, the owners of vehicles having surety bonds with the Town of West Baden Springs in existence as of the effective date of this Ordinance which allow for use of specific highways and streets having weight limits thereon shall not be required to place additional bonds on said specific town highways and streets. The owners of vehicles who have continuously used, operated over, and satisfactorily maintained, in the sole discretion of the Board of Trustees, designated town highways and streets for five (5) immediately preceding years and who have not been in default on, sued upon, or forfeited bonds on said highways and streets may provide bond of an approved surety in the amounts hereinabove provided in lieu of a cash bond. (Ord. 86-1, S7, Jan. 16, 1986)

**7.12.080 Penalty for violation.** Upon conviction of violation of this Ordinance, any such person shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00, upon a third or subsequent conviction, within one year after the first conviction, such person shall be punished by a fine of not more than \$500.00. (Ord. 86-1, S8, Jan. 16, 1986)

**7.12.090 Rights upon violation.** Law enforcement personnel, owners and operators of vehicles shall have the same rights upon violation of this Ordinance as set forth in I.C. 9-8-13,-14, -15, -17, -18, and -22. (Ord. 86-1, S9, Jan. 16, 1986)