

1 BILL NO. G-12-08-11 (AS AMENDED)

2
3 GENERAL ORDINANCE NO. G- 30-12

4 AN ORDINANCE AMENDING TITLE 7,
5 CHAPTERS 70, 71, 72, 74 OF THE CITY OF
6 FORT WAYNE CODE OF LAWS.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
8 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That § 70.01 of Chapter 70, Title 7 of the City of Fort Wayne,
10 Indiana Code of Ordinances be **amended** as follows:

11 § 70.01 Definitions

12 For the purpose of this Traffic Code, the following definitions shall apply unless the
13 context clearly indicates or requires a different meaning:

14 ALLEY. A right-of way other than a street, road, crosswalk or easement, designed
15 for the special accommodation of the property it reaches.

16 AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, Police
17 Department and such ambulances and other vehicles having a public emergency use
18 as are authorized and designated by the Board of Public Safety.

19 BICYCLE. Any foot-propelled vehicle, regardless of the number of wheels in
20 contact with the ground.

21 BICYCLE FACILITIES. A general term denoting improvements and provisions
22 made by public agencies to accommodate or encourage bicycling, including parking
23 and storage facilities, and shared roadways not specifically designated for bicycle
24 use.
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1 BICYCLE LANE or BIKE LANE. The terms "Bicycle Lane or Bike Lane" is a
2 portion of a roadway which has been designated by striping, signing and pavement
3 markings for the preferential or exclusive use of bicyclists.

4
5 BICYCLER or BICYCLIST. A term describing a person who operates a bicycle.

6 BICYCLE NETWORK. A system of bikeways designated by the jurisdiction having
7 authority. This system may include bike lanes, bicycle routes, shared use paths, and
8 other identifiable bicycle facilities.

9
10 BIKEWAY. A generic term for any road, street , path, or way which in some
11 manner is specifically designated for bicycle travel, regardless of whether such
12 facilities are designated for the exclusive use of bicycles or are to be shared with
13 other transportation modes.

14 BUSINESS DISTRICT. The territory contiguous to and including a street when
15 50% or more of the frontage thereon for a distance of 500 feet or more is occupied
16 by buildings in use of business.

17
18 CENTRAL BUSINESS DISTRICT. All streets and portions of streets within the
19 area described in Schedule 1 maintained on file in the office of the Traffic Engineer.

20 CROSSWALK.

21 (1) That part of a roadway at an intersection included within the connections
22 of the lateral lines of the sidewalks on opposite sides of the highway measured from
23 the curbs; or in the absence of curbs, from the edge of the traversable roadway.

24 (2) Any portion of a roadway at an intersection or elsewhere distinctly
25 indicated for pedestrian crossing by lines or other markings.

1 CURB LOADING ZONE. A space adjacent to a curb, or lateral boundary line of a
2 roadway, reserved for the exclusive use of vehicles while loading or unloading
3 passengers or materials.

4
5 DRIVER. Every person who drives or is in actual physical control of a vehicle.

6
7 FIREFIGHTER. Any active member of the Fort Wayne Fire Department, excluding
8 those members who are assigned to the Department of Traffic Engineering and/or the
9 Communications Department of the city, and excluding also those former members
10 who are on the retired list of the Fort Wayne Fire Department.

11 FREIGHT CURB LOADING ZONE. A curb loading zone reserved for the
12 exclusive use of vehicles while loading or unloading freight.

13 INTERSECTION.

14 (1) The area embraced within the prolongation or connection of the lateral
15 curb lines, or, if none, then the lateral boundary lines of the roadways of two streets
16 which join one another at an angle.

17 (2) Where a street includes two roadways 30 feet or more apart, then every
18 crossing of each roadway of such divided street by an intersecting highway shall be
19 regarded as a separate intersection. In the event such intersecting street also includes
20 two roadways 30 feet or more apart, then every crossing of two roadways of such
21 street shall be regarded as a separate intersection.

22 LANED ROADWAY. A roadway which is divided into three or more clearly
23 marked lanes for vehicular travel.

24
25 MOPED/MOTORIZED BICYCLE. A two or three wheeled vehicle that is propelled
26 by an internal combustion engine or a battery powered motor, and if powered by an
27 internal combustion engine, has the following:

1 (1) An engine rating of not more than two horsepower and a cylinder
2 capacity not exceeding 50 cubic centimeters.

3 (2) An automatic transmission.

4 (3) A maximum design speed of not more than 25 miles per hour on a flat
5 surface.

6 MOTORCYCLE. Every motor vehicle having a saddle for the use of the rider and
7 designed to travel on not more than three wheels in contact with the ground, but
8 excluding a tractor.

9
10 MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which
11 is propelled by electric power obtained from over-head trolley wires, but not
12 operated upon rails.

13 OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and
14 devices not inconsistent with this chapter placed or erected by authority of a public
15 body or official having jurisdiction, for the purpose of regulating, warning or guiding
16 traffic.

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18 PARK. The standing of a vehicle, whether occupied or not, other than temporarily
19 for the purpose of and while actually engaged in loading or unloading.

20 PASSENGER CURB LOADING ZONE. A curb loading zone reserved for the
21 exclusive use of vehicles while loading or unloading passengers.

22
23 PEDESTRIAN. Any person afoot.

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25 POLICE OFFICER. Every member of the Police Department of this city or any
26 person specifically authorized by the Board of Public Safety to direct or regulate
27 traffic or to make arrests for violations of traffic regulations.

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PREFERENTIAL INTERSECTION. An intersection where traffic entering on one street is required to yield the right-of-way to traffic entering upon the other street when proper signs are erected as provided in this chapter.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

RAILROAD TRAIN. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of 500 feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY. A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction of a highway, road or street that will include the travelled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, ROADWAY, as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

1 SAFETY ZONE. The area or space set apart within a roadway by the Board of
2 Public Safety for the exclusive use of pedestrians and which is structurally protected,
3 is so marked or is so indicated by adequate signs as to be plainly visible at times.

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5 SHARED USE PATH. A bikeway physically separated from motorized vehicular
6 traffic by an open space or barrier and either within the highway right-of-way or
7 within an independent right-of-way. Shared use paths may also be used by
8 pedestrians, skaters, wheelchair users, joggers and other non-motorized users.

9 SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a
10 roadway, and the adjacent property lines intended for the use of pedestrians.

11
12 STOP. Complete cessation of movement.

13
14 STOP INTERSECTION. An intersection where traffic on one street is required by
15 law to stop before entering or crossing the same when stop signs are erected, as
16 provided in this chapter.

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18 STOP, STOPPING or STANDING. Any stopping or standing of a vehicle whether
19 occupied or not, except when necessary to avoid conflict with traffic or in
20 compliance with the direction of a Police Officer or traffic-control sign or signal.

21
22 STREET or HIGHWAY. The entire width between the boundary lines of every way
23 publicly maintained, except alleys, when any part thereof is open to the use of the
24 public for purposes of vehicular travel.

25
26 THROUGH STREET. Every street or portion thereof at the entrance to which
27 vehicular traffic from intersecting streets or highways is required by law to yield the
28 right-of-way to vehicles on such through street or highway, in obedience either to a
29 stop sign or a yield sign, when such signs are erected as provided in this chapter.
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1 TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances,
2 either singly or together, while using any street for purposes of travel.

3
4 TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or
5 mechanically operated, by which traffic is alternately directed to stop and to proceed.

6
7 TRAVEL LANE or LANE. A part of the roadway used by moving vehicles and
8 marked so as to control and guide vehicle operators and reduce traffic conflicts.

9 VEHICLE. Every device in, upon or by which any person or property is or may be
10 transported or drawn upon a street, except devices moved by human power or used
11 exclusively upon stationary rails or tracks.

12
13 YIELD INTERSECTION. An intersection where traffic entering on one street is
14 required to slow down to a speed reasonable for existing conditions or stop if
15 necessary before entering or crossing the same, when "Yield" signs are erected as
16 provided in this chapter.

17 SECTION 2. That § 70.16 of Chapter 70, Title 7 of the City of Fort Wayne,
18 Indiana Code of Ordinances be **amended** as follows:

19 § 70.16 AUTHORITY TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY
20 ZONES AND MARK TRAFFIC LANES.

21 The City Traffic Engineer is hereby authorized:

22
23 (A) To designate and maintain, by appropriate devices, marks or lines upon the
24 surface of the roadway, crosswalks at intersections where, in his opinion, there is
25 particular danger to pedestrians crossing the roadway, and at such other places as he
26 may deem necessary.

1 (B) To establish safety zones of such kind and character and at such places as he
2 may deem necessary for the protection of pedestrians.

3
4 (C) To mark lanes for traffic on street pavements or at such places as he may deem
5 advisable, consistent with this chapter or other traffic ordinances of the city.

6
7 (D) To designate and maintain by appropriate devices, marks or lines upon the
8 surface of the roadway for the bicycle network.

9 **SECTION 3.** That § 71.02 of Chapter 71, Title 7 of the City of Fort Wayne,
10 Indiana Code of Ordinances be **amended** as follows:

11 § 71.02 DRIVING IN ALLEYS.

12
13 (A) No driver of any vehicle shall drive into, on or through any alley or any portion
14 thereof except for the purpose of going to or departing from a place or property
15 abutting the section or block of such alley which such driver has caused his vehicle
16 to enter.

17 (B) When a driver is operating or driving a vehicle in, on or through any alley or
18 portion thereof the vehicle shall not exceed a speed of ten miles per hour.

19
20 (C) The driver of a vehicle emerging from an alley shall yield the right of way to all
21 crossing traffic.

22 **SECTION 4.** That Chapter 71, Title 7 of the City of Fort Wayne, Indiana
23 Code of ordinances be **amended** as follows to **add**:

24
25 § 71.06 OPERATION OF VEHICLES IN ROADWAYS WHERE BICYCLES
26 ARE PRESENT

27 (A) DRIVERS TO EXERCISE DUE CARE
28

1 Every driver of a vehicle shall exercise due care to avoid colliding with any person
2 operating a bicycle or other device propelled by human or animal power, upon any
3 roadway, and shall give warning by sounding the horn only when necessary; and
4 shall exercise proper precautions when sharing the travel lanes with bicycles.

5
6 (B) TURNING RIGHT IN FRONT OF A BICYCLE

7 When a motor vehicle and a bicycle are traveling in the same direction on any
8 highway, street, or road, the operator of the motor vehicle overtaking such bicycle
9 traveling on the right side of the roadway shall not turn to the right in front of the
10 bicycle at an intersection or at any alley or driveway until such vehicle has overtaken
11 and is safely clear of the bicycle.

12 (C) TURNING LEFT IN FRONT OF A BICYCLE

13 The driver of a vehicle within an intersection intending to turn to the left shall yield
14 the right-of-way to a bicycle approaching from the opposite direction and which is
15 within the intersection or so close thereto as to constitute an immediate hazard.

16 (D) PASSING OF BICYCLES

17 The operator of a motor vehicle passing a bicycle proceeding in the same direction
18 on a highway, street, or road shall leave a safe distance, but not less than three (3)
19 feet, when passing the bicycle, and shall maintain that distance until safely past the
20 overtaken bicycle.

21 § 71.07 OPERATION OF VEHICLES IN ROADWAYS WITH BICYCLE
22 LANES

23
24 (A) OPERATING ON ROADS WITH BICYCLE LANES

25 The driver or operator of any vehicle shall yield the right-of-way to an individual
26 operating a bicycle on a designated bike lane.

27 (B) TURNING ON ROADS WITH BICYCLE LANES
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1 The driver of a motor vehicle can only enter a bicycle lane to make a right turn when
2 it is safe and unobstructed of all cyclists.

3
4 (C) DRIVING ON BICYCLE LANES

5 The driver of a vehicle shall not drive, stand, or park the vehicle upon any on street
6 path or lane designated by official signs or markings for the use of bicycles unless
7 entering or exiting a legal parking space; or otherwise drive or place the vehicle in
8 such a manner as to impede bicycle traffic on such path or lane.

9 **SECTION 5.** That §71.50 of Chapter 71, Title 7 of the City of Fort Wayne,
10 Indiana Code of ordinances be **amended** as follows:

11 § 71.50 BOARDING OR EXITING FROM VEHICLES.

12
13 (A) No person shall board or exit any vehicle when such vehicle is in motion.

14
15 (B) No person shall open the door of a standing or stopped vehicle on the side of
16 the vehicle facing traffic unless and until it is safe to do so and can be done without
17 interfering with the movement of other traffic.

18
19 (C) No person shall leave a door open on the side of a vehicle available to moving
20 traffic for a period of time longer than necessary to load or unload passengers.

21 **SECTION 6.** That §72.22 of Chapter 72, Title 7 of the City of Fort Wayne,
22 Indiana Code of ordinances be **amended** as follows to **add**:

23
24 §72.22 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED
25 PLACES.

1 (S) Upon any on-street bicycle facilities designated by signage and/or pavement
2 marking for the shared use of motor vehicles and bicycles, or in such a manner as to
3 impede bicycle traffic on such lane.

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5 **SECTION 7.** That Chapter 74, Title 7 of the City of Fort Wayne, Indiana
6 Code of ordinances be **amended** as follows:

7 § 74.01 REPEALED

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9 § 74.15 REPEALED

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11 § 74.16 REPEALED

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13 § 74.17 REPEALED

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15 § 74.18 REPEALED

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17 § 74.19 REPEALED

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19 § 74.20 REPEALED

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21 § 74.21 REPEALED

22 **SECTION 8.** That Chapter 74, Title 7 of the City of Fort Wayne, Indiana
23 Code of ordinances be **amended** as follows to **add**:

24 § 74.34 OPERATION OF BICYCLES

25 (A) Every person riding a bicycle upon a street shall be granted all of the rights and
26 shall be subject to all of the duties applicable to the driver of a vehicle. Every person
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1 riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject
2 to all of the duties applicable to a pedestrian.

3
4 (B) The regulations in the traffic code applicable to bicycles shall apply whenever a
5 bicycle is operated upon any roadway or public sidewalk or upon any shared-use
6 path, subject to those exceptions stated herein.

7 (C) The operator of a bicycle shall not overtake standing vehicles in a travel lane.
8

9 **SECTION 9.** That §74.38 of Chapter 74, Title 7 of the City of Fort Wayne,
10 Indiana Code of ordinances be **amended** as follows:

11 § 74.38 RIDING ON SIDEWALK AREA.
12

13 (A) Whenever any person is riding a bicycle upon a sidewalk, such person shall
14 yield the right-of-way to any pedestrian and shall give an audible signal before
15 overtaking and passing such pedestrian.

16
17 (B) No person shall operate a moped or motorized bicycle on any sidewalk.

18 **SECTION 10.** That §74.50 of Chapter 74, Title 7 of the City of Fort Wayne,
19 Indiana Code of ordinances be **amended** as follows:

20 § 74.50 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES
21 RESTRICTED.
22

23 No person upon roller skates or other footwear with wheels, riding in or by means of
24 any coaster, skateboard or toy vehicle or similar devices, shall go upon any roadway
25 or designated on-street bicycle facility except while crossing a street or a crosswalk,
26 and when so crossing, such person shall be granted all of the rights and shall be
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1 subject to all the duties applicable to pedestrians. This section shall not apply upon
2 any street while set aside as a play street as authorized by this chapter.

3 **SECTION 11.** That §74.99 of Chapter 74, Title 7 of the City of Fort Wayne,
4 Indiana Code of ordinances be **amended** as follows:

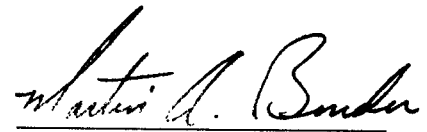
5 § 74.99 PENALTY

6 (A) Every person convicted of a violation of any provision of this chapter,
7 where another penalty is not expressly provided, shall be punished by a fine of not
8 less than \$50 and not more than \$100.

9 (B) Every person convicted of a violation of § 74.50 shall be guilty of a
10 class C infraction.

11 **SECTION 12.** All ordinances or parts of ordinances in conflict herewith are
12 hereby repealed. The invalidity of any section, clause, sentence, or provision of this
13 ordinance shall not affect the validity of any other part of this ordinance.

14 **SECTION 13.** That this ordinance be in full force and effect from and after
15 its passage and any and all necessary approval by the Mayor and all necessary
16 publication.

17 
18 Martin A. Bender
19 Councilmember

20 APPROVED AS TO FORM AND LEGALITY

21 
22 Carol Helton, City Attorney

Read the first time in full and on motion by Bender and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on _____, the _____ day of _____, 2012, at _____ o'clock _____ M.,E.S.T.

DATED: 8-28-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ placed on its passage. PASSED by the following vote:

Bender and duly adopted, LOST

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 9-11-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. G-30-12 on the 11th day of September, 2012

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 2012, at the hour of 11:30 o'clock AM M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of September 2012, at the hour of 2:00 o'clock _____ M.,E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR