

## CHAPTER 70: GENERAL PROVISIONS

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### **GENERAL PROVISIONS**

#### **§ 70.01 NOISE.**

(A) *Unnecessary; prohibited.* It is unlawful for any person to operate any vehicle that is so loud that the operation thereof causes unnecessary noises.  
(Prior Code, § 10-1) (Ord. 287, § 4)

(B) *Mechanical devices prohibited.* It is unlawful for any person to use or cause to be used any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising or other purposes.  
(Prior Code, § 10-2) (Ord. 287, § 3)

(C) *Defective equipment prohibited.* It is unlawful for any person to operate any vehicle which, by reason of any mechanical defect or other defects, causes unnecessary noise.  
(Prior Code, § 10-3) (Ord. 287, § 5)

(D) *Horns, warning devices; prohibited; exception.* It is unlawful for any person to operate any vehicle and to sound any horn or motor vehicle horn or other warning device except when reasonably necessary for the prevention of accidents.  
(Prior Code, § 10-4) (Ord. 287, § 6)  
Penalty, see [§ 70.99](#)

**§ 70.02 ONE-WAY STREETS; AUTHORITY; COMPLIANCE.**

The Chief of Police is authorized to designate, with the approval of the Common Council, streets and alleys within the city on which traffic shall move in 1 direction only. When signs are properly posted giving notice thereof, it shall be unlawful for any person to drive a vehicle in the direction opposite than indicated on the signs.  
(Prior Code, § 10-5) Penalty, see [§ 70.99](#)

**§ 70.03 BUS STOPS; AUTHORITY; PARKING REGULATIONS.**

The Chief of Police is authorized to designate, with the approval of the Common Council, those areas and locations to be used by buses for the loading and unloading of passengers. When the areas are properly indicated by signs or markings on curbs, no person shall park any vehicle, other than a bus, in such areas.  
(Prior Code, § 10-6) Penalty, see [§ 70.99](#)

**§ 70.04 CROSSWALKS; AUTHORITY; SAFETY ZONES; TRAFFIC LANES.**

The Chief of Police, with the approval of the Common Council, shall:

(A) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is a particular danger to pedestrians crossing the roadway and at such other places as the Common Council may deem necessary;

(B) Establish safety zones of such kind and character and at such places as the Common Council may deem necessary for the protection of the pedestrians; and

(C) Mark lanes for traffic on street pavements at such places as the Common Council may deem advisable, consistent with this chapter and other traffic ordinances of the city.  
(Prior Code, § 10-7)

**§ 70.05 TRAFFIC-CONTROL DEVICES; INSTALLATION.**

The Chief of Police shall, with the approval of the Common Council, place and maintain traffic-control signs, signals and devices when, and as required, under this chapter and other traffic ordinances of the city to make effective the provisions of this chapter and other ordinances.  
(Prior Code, § 10-8)

**§ 70.06 IMPOUNDED VEHICLES.**

(A) *Authority.* The members of the Police Department of the city shall have the right to order any trucks, passenger cars, trailers and motor vehicles towed into any garage when the operator or person in charge of the motor vehicle has violated any statutes of the state, this code or other city ordinance.

(Prior Code, § 10-9) (Ord. 463, § 1)

(B) *Release; fee obligation.* The motor vehicle, as described in division (A) above, shall not be released to the owner or person in charge of the vehicle when the same was towed in and placed in storage, until a release is issued by the Department of Police of the city and the cost of the towing and storage shall be paid by the person to whom the release is given.

(Prior Code, § 10-10) (Ord. 463, § 2)

**§ 70.07 TRAFFIC CITATIONS; FORM.**

All officers shall have with them printed forms for traffic violations, the contents of which shall be prescribed by the Chief of Police of the city, the original of the form to be attached to or left with the automobile, truck, motor vehicle or trailer, 1 copy of the form to be forwarded to the Clerk-Treasurer of the city for filing, and 1 copy of the form to be sent to the Chief of Police of the city and all notices, as prescribed, when executed by any officer of the city, shall be made out in triplicate. (Prior Code, § 10-11) (Ord. 278, § 5)

**§ 70.08 TRUCKS.**

(A) *Restriction.*

(1) All trucks and/or trailers are prohibited from operating on any city street not a state highway if their gross weight exceeds 11,000 pounds. For the purposes of this section, the weight of a truck and/or trailer shall be that licensed officially by the state for license plate purposes and, if the truck and/or trailer is not officially licensed, then at the weight it should have been licensed.

(2) This section shall not apply to delivery or pickup of goods within the city or the legal performance of work within the city. This section shall also not apply to emergency or on-call dispatched vehicles by the Police and/or Fire Departments for the purpose of protecting the public health, safety or welfare of the citizens of Hobart. Also, this section shall not apply to recreational vehicles.

(Prior Code, § 10-12) (Ord. 89-01, § 1)

(B) *Route designation.*

(1) A truck route for State Road 51 be and the same is established. The truck route shall be described as follows: Beginning at the intersection of Third and Main Streets, on Main Street in a northwesterly direction to North Lake Park Avenue, then north on North Lake Park Avenue to U.S. 6.

(2) The truck route for State Route 51, as established in this section, shall not be incorporated into the state highway system, but shall remain the responsibility of this city.

(Prior Code, § 10-12.1) (Ord. 721, §§ 1, 2)

(C) *Parking restrictions.* The Chief of Police is authorized to designate, with the approval of the Common Council, boulevards or other streets on which trucks are prohibited. When signs are in place giving notice thereof, no truck shall be operated on any such street. (Prior Code, § 10-12.2)  
Penalty, see [§ 70.99](#)

**§ 70.09 SIDEWALKS.**

(A) *Restrictions.* It is unlawful for any person or persons to ride, operate, propel or use on any public sidewalk in the business district of the city, any of the following: motorized or non-motorized vehicles, bicycles, tricycles, scooters, roller skates, skateboards, hoops, jumping sticks, toys or recreational devices. (Prior Code, § 10-13.1) (Ord. 89-32, § 1)

(B) *“Business district” defined.* For the purpose of this section, the “business district”, as used herein, is defined as follows: Main Street between Norfolk and Western Railroad tracks and Second Street; Center Street between Fourth and Second Street; Third Street between Third Street Bridge and East Street; Fourth Street between Lake George and Center Street. (Prior Code, § 10-13.2) (Ord. 89-32, § 2)  
Penalty, see [§ 70.99](#)

**§ 70.10 PASSENGER RESTRAINTS.**

(A) *Definitions.* For purposes of this section, the following definitions shall apply unless the context indicates or clearly requires a different meaning.

**CHILD PASSENGER RESTRAINT SYSTEM.** A device that is manufactured for the purpose of protecting children from injury during a motor vehicle accident and meets the standards prescribed in I.C. 9-13-2-23 and 49 C.F.R. § 571.213.

**PASSENGER MOTOR VEHICLE.** A motor vehicle designed for carrying passengers and does not include a motorcycle, bus or school bus, truck tractor or recreational vehicle.

(B) *Front seat passengers.* Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R. § 571.208) shall have a safety belt properly fastened about the occupant’s body at all times when the vehicle is in forward motion.

(C) *Child restraint requirements.*

(1) A person who operates a motor vehicle in which there is a child less than 4 years of age shall have the child fastened and restrained by a child passenger restraint system; however, if it is reasonably determined that the child will not fit in a child passenger restraint system, then the child shall be properly fastened and restrained by a safety belt.

(2) A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R. § 571.208) shall have every child at least 4 years of age, but less than 12 years of age, properly fastened and restrained by a child passenger restraint system or a safety belt.

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(D) *Vehicle stop.* A vehicle may be stopped by the Police Department to determine compliance with this section; however, a vehicle, the driver of a vehicle or a passenger in a vehicle may not be inspected, searched or detained solely to determine compliance with this section.

(E) *Effective date.* The provisions of this section shall take effect immediately upon passage.

(Ord. 2002-06, § 1) Penalty, see [§ 70.99](#)

## ACCIDENT REPORTS

### § 70.20 FEES.

The Hobart Police Department is directed to charge and collect a fee in the amount as set out in the Fee Schedule of this code for each duplicated machine copy of its investigator's vehicle accident report and offense report furnished to any person or his or her authorized agent who has sustained loss or damage as a result of a vehicular accident or any offense where a report is compiled.

(Prior Code, § 10-39) (Ord. 0-89-05, (part))

### § 70.21 ADMINISTRATION.

The Hobart Police Department shall administer all funds collected for duplicating copies of reports in the manner provided by law.

(Prior Code, § 10-40) (Ord. 0-89-03, (part))

## OFF-ROAD VEHICLES

### § 70.35 DEFINITIONS.

The following words, terms and phrases, when used in this subchapter, shall have the meanings associated to them in this section, except where the context clearly indicates a different meaning.

**MOTORIZED BICYCLE.** A bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or battery-powered motor, or by both, and when powered by an internal combustion engine, having a rating of no more than 1-1/2 brake horsepower, and a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission and a maximum design speed of not more than 25 mph.

**OFF-ROAD VEHICLE.** Any motor driven vehicle capable of cross-country travel, without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It does not include a farm vehicle or other vehicle used in performance of its common function, or a registered aircraft.

**OPERATE.** To ride in or on, to drive, to use, to put into action, cause to function or to be in actual physical control of a vehicle.

**OPERATOR.** Any person who operates a vehicle.

**OWNER.** A person holding the legal title of a vehicle.

**PEDESTRIAN.** Any person afoot.

**SNOWMOBILE.** An off-road vehicle designed for travel primarily on snow or ice.  
(Prior Code, § 10-56) (Ord. 91-12, § 1)

**§ 70.36 SNOWMOBILES, OFF-ROAD VEHICLES; REGULATIONS.**

(A) It is unlawful for any person to operate a snowmobile or off-road vehicle under the following circumstances:

(1) On private property of another without the express written permission to do so by the owner or occupant of the property;

(2) On public school grounds, park property, playgrounds and recreational areas without express written permission or express provision to do so by the proper public authority;

(3) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the reasonable peace and quiet of other persons;

(4) In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person; and/or

(5) While under the influence of intoxicating liquor, fermented malt beverages or controlled substances or drugs.

(B) All snowmobiles and off-road vehicles operated within the city shall have the following equipment, as a minimum:

(1) Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operation;

(2) Adequate brakes in good working condition;

(3) A safety or “deadman” throttle in operating condition; and/or

(4) All lights, if equipped with such, shall be maintained in good working order at all times.

(C) It is unlawful for the owner or operator of a snowmobile or off-road vehicle to leave or allow the vehicle to be or remain unattended while the motor is running or the keys are left in the ignition.

(Prior Code, § 10-57) (Ord. 91-12, § 2) Penalty, see [§ 70.99](#)

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**§ 70.37 PERMITTING A VIOLATION.**

No parent or guardian shall authorize or knowingly permit his or her minor child or ward to violate any of the provisions of this subchapter.

(Prior Code, § 10-58) (Ord. 91-12, § 3) (Ord. 2009-17, § 2) Penalty, see [§ 70.99](#)

**§ 70.99 PENALTY.**

Any person violating any provision of this title for which no specific penalty is prescribed shall be subject to the General Penalty provisions of the Hobart Municipal Code [§ 10.99](#).

(Prior Code, § 10-13.3) (Ord. 89-32, § 3, Ord. 2002-06, § 1) (Ord 2009-17 § 3)

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