

TOWN OF NASHVILLE INDIANA ORDINANCE NO. 2019-12

AN ORDINANCE REPEALING ORDINANCE 2018-09, DEFINING TRAFFIC VIOLATIONS, ESTABLISHING PENALTIES AND APPROVING A PRE-TRIAL DIVERSION PROGRAM

WHEREAS, the Town Council desires to establish a fair and uniform system for the enforcement of Town traffic regulation ordinances, and;

WHEREAS, the Town Council has heretofore established in CHAPTER 72 of said Code of Ordinances, schedules establishing ONE WAY STREETS, SPEED LIMITS, STOP STREETS, and SCHOOL CROSSWALKS, and;

WHEREAS, the penalties heretofore established in Section 70.99 of the Traffic Code are obsolete and not consistent with penalties for similar ordinance violations in other cities and towns; and;

WHEREAS, I.C. 34-28-5-1 provides that actions to enforce moving traffic violation ordinances may be brought in the name of the Town by the Town Attorney, and;

WHEREAS, I.C. 34-28-5-1 allows the attorney for the municipal corporation (town attorney) to establish a deferral program for deferring actions brought for the violation of town traffic ordinances.

It is therefore **ORDAINED** as follows:

I. VIOLATIONS

1. No person shall operate a vehicle in the opposing direction to the direction indicated in Chapter 72, Schedule I, One Way Streets of the Town of Nashville, Indiana Code of Ordinances. Any person so doing commits an ordinance violation and shall be subject to civil penalties as set out herein.
2. No person shall operate a vehicle at a speed in excess of the speed limit established by Chapter 72, Schedule II, Speed Limits of the Town of Nashville, Indiana Code of Ordinances on the streets and alleys indicated therein. Any person so doing commits an ordinance violation and shall be subject to civil penalties as set out herein.
3. All persons operating vehicles shall stop and yield to vehicles not required to stop at the intersections indicated in Chapter 72, Schedule III, Stop Streets of the Town of Nashville, Indiana Code of Ordinances. Any person so doing commits an ordinance violation and shall be subject to penalties as set out herein.
4. All persons operating vehicles shall stop and yield to pedestrians at the crosswalks indicated in Chapter 72, Schedule IV, School Crosswalks of the Town of Nashville, Indiana Code of Ordinances, and all other marked crosswalks. Any person failing to do so commits an ordinance violation and shall be subject to penalties as set out herein.

II. PENALTIES

1. Violations of Chapter 72, Schedule I, III, and IV (one-way streets, stop streets, crosswalks) shall be subject of a civil penalty of \$85 per violation plus court costs.
2. Violations of Chapter 72, Schedule II (speeding) shall be subject to a civil penalty of \$85 plus \$10 per every 10 mph in excess of the posted limit plus court costs.

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IV. ENFORCEMENT

Enforcement of the moving violations set out herein shall be in the Brown Circuit Court and brought by the Town Attorney in the name of the Town of Nashville Indiana.

V. PRETRIAL DIVERSION

An action for the enforcement of the moving violations set out herein may be deferred by the Town Attorney on the following conditions:

- a. The violator agrees to the terms of a deferral program offered by the Town Attorney.
- b. The violator pays a fee of \$70 to the Clerk of the Court.
- c. The terms of the agreement are set out in writing, signed by the violator and the Town Attorney and filed with the Brown Circuit Court.
- d. The Town Attorney may set an initial user's fee not to exceed \$52 and a monthly user's fee not to exceed \$10 per month.

When a violator complies with the terms of the diversion agreement, the Town Attorney shall request a dismissal of the enforcement action in the Brown Circuit Court, if the violator fails to comply with the terms of the agreement, then the matter shall proceed to trial and judgment.

Funds derived from the pretrial diversion program shall be used for any of the purposes authorized by I.C. 33-37-8-4, but must be appropriated by separate ordinance designating the purpose.

VI. REPEALER

Ordinance Number 2018-09 and all ordinances in the Town of Nashville, Indiana Code of Ordinances that are in direct or implied conflict with the terms of this ordinance are hereby REPEALED.

VII. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

IT IS SO ORDAINED THIS 19th Day of DECEMBER 2019.

ATTEST:

Brenda K. Young
Clerk-Treasurer, Brenda K. Young

Jane Gore (yea) nay abstain
Council President Jane Gore

Alisha Gredy (yea) nay abstain
Council Vice-President Alisha Gredy

Nancy Crocker (yea) nay abstain
Council Member Nancy Crocker

Anna Hofstetter (yea) nay abstain
Council Member Anna Hofstetter

Dave Rudd (yea) nay abstain
Council Member Dave Rudd