

1 BILL NO. G-12-08-11

2 GENERAL ORDINANCE NO. G-_____

3
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
15 ALLEY. A right-of way other than a street, road, crosswalk or easement, designed
16 for the special accommodation of the property it reaches.

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

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

23 BICYCLE FACILITIES. A general term denoting improvements and provisions
24 made by public agencies to accommodate or encourage bicycling, including parking
25 and storage facilities, and shared roadways not specifically designated for bicycle
26 use.

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

10
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) An engine rating of not more than two horsepower and a cylinder capacity not exceeding 50 cubic centimeters.

(2) An automatic transmission.

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

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 tractor.

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

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

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

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

PEDESTRIAN. Any person afoot.

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

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.

4
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 STOP. Complete cessation of movement.
12

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

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

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

23
24 THROUGH STREET. Every street or portion thereof at the entrance to which
25 vehicular traffic from intersecting streets or highways is required by law to yield the
26 right-of-way to vehicles on such through street or highway, in obedience either to a
27 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 TRAFFIC DIVISION. The traffic division of the Police Department of this city.
7

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

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

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

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

21 § 70.16 AUTHORITY TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY
22 ZONES AND MARK TRAFFIC LANES.

23 The City Traffic Engineer is hereby authorized:

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

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

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

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

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

12 § 71.02 DRIVING IN ALLEYS.

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

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

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

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

25 § 71.06 OPERATION OF VEHICLES IN ROADWAYS WHERE BICYCLES
26 ARE PRESENT
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1 (A) DRIVERS TO EXERCISE DUE CARE

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

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

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
28

1 (B) TURNING ON ROADS WITH BICYCLE LANES

2 The driver of a motor vehicle can only enter a bicycle lane to make a right turn when
3 it is safe and unobstructed of all cyclists.

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

12 § 71.50 BOARDING OR EXITING FROM VEHICLES.

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

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

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

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

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

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

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

§ 74.01 REPEALED

§ 74.15 REPEALED

§ 74.16 REPEALED

§ 74.17 REPEALED

§ 74.18 REPEALED

§ 74.19 REPEALED

§ 74.20 REPEALED

§ 74.21 REPEALED

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

§ 74.34 OPERATION OF BICYCLES

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

riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

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

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

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

§ 74.38 RIDING ON SIDEWALK AREA.

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

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

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

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

No person upon roller skates or other footwear with wheels, riding in or by means of any coaster, skateboard or toy vehicle or similar devices, shall go upon any roadway or designated on-street bicycle facility except while crossing a street or a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be

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

7 **SECTION 12.** That this ordinance be in full force and effect from and after
8 its passage and any and all necessary approval by the Mayor and all necessary
9 publication.

10
11 _____
12 Councilmember

13 APPROVED AS TO FORM AND LEGALITY

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15 _____
16 Carol Helton, City Attorney
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MEMO

Planning & Policy

To: City of Fort Wayne Common Council

From: Dennis Donahue, Fort Wayne Planning & Policy

Date: 8/24/12

Subject: Amendments to Traffic Regulations Ordinance

Attached are the recommended improvements to the existing **Fort Wayne Code of Ordinances, Traffic Regulations** section. They represent the work of a team that cooperated across professions, and came to a consensus with an understandable, enforceable, and safe ordinance. Representatives from the Fort Wayne Police Department, Transportation Engineering, NIRCC, Planning & Policy, Greenways, City Council, City Legal, and local bicycle commuters have reviewed concepts from similar cities, researched best practices, and have collectively agreed upon the changes.

One of the objectives in the Transportation chapter of our Comprehensive Plan (**Plan-It Allen**, 2007), was to "*Encourage and plan for fully accessible and safe alternative transportation options and infrastructure*". Following this newly adopted plan, the Fort Wayne City Council has since amended the comprehensive plan with a plan for bicycles (**Bike Fort Wayne**, 2010), and pedestrians (**Walk Fort Wayne**, 2011). One of the core goals of the **Bike Fort Wayne** plan is "*to increase the safety of, and expand the growing number of cyclists*" - which obviously has occurred. A specific strategy in the Legislative Chapter of this plan called for the creation of "*a study committee to review Chapter 74 of Fort Wayne's City Code and recommend deletions, additions, and modifications*". The proposed bill to amend the ordinance implements this legislative strategy.

Code inconsistency and public safety were the prevailing factors in improving our local codes, as current Indiana Code has inadequate language for the provisions of bicyclists. While Indiana Code values the welfare of bicyclists as the independent rider, it overlooks contemporary bicycling terms such as 'bike lanes' and 'shared-use path'. Other operational elements such as vehicular behaviors when bicycles are present have not been modernized; but are included in the recommendations to signify the importance of safety for all road users.

The Fort Wayne Code also has elements that are difficult to interpret and enforce, and contains dated components such as where and how to license bicycles. The intent for amending the existing code is to remove these components, and codify a new set of policies for bicyclists, motor vehicles, and public safety officials.

Highlights of the changes are:

1. Revising definitions to reflect language in the amendments

Existing City Code contains terms or 'definitions' for specific traffic-related ordinances. The definitions that were added will reflect only newly appended language, and none of the existing definitions were removed.

2. Updating the existing code to address the interaction between bicyclists and motorists

As more bike infrastructure is introduced, we have created better transportation alternatives. This increased the volume of bicyclists on our trails and streets. Knowing how to operate when bicycles are present on the roads is essential for safety. The goal is to give motorists more guidance when passing bicycles; and to create a safer environment for cyclists by defining a minimum safe distance for vehicles to pass. Protecting bicyclists from the risks associated with vehicles parked in the street is also addressed in the amendments.

3. Emphasizing the safety fundamentals in operating bicycles on streets and sidewalks

This ordinance matches Indiana Code in that bicyclists must follow all existing rules of the road. The proposed amendments will warrant predictive and legal behavior, in order to reduce confusion while motor vehicles and bicyclists continue to share the roads. Some bicyclists prefer to be on the sidewalks instead of in the roadway with motor vehicles. Rather than prohibiting cycling on sidewalks, the amendment clarifies that pedestrians always have the right-of-way.

4. Eliminating outdated provisions for the licensing and inspection of bicycles

While the 1974 City Code (then later amended in 1985) required that bicycles be inspected and licensed, this provision is seldom, if ever enforced or implemented. The proposed amendment removes these provisions. The serial number alteration provision will remain as it is a valuable method for recovering lost or stolen bicycles.

The effect of the passing of these proposed amendments is to foster the safer movement of vehicular traffic on our streets and to improve enforcement.

The following schedule is tentative for the changes that will be presented to the Common Council for your approval.

Ordinance Amendment Introduction	8/28/12
Ordinance Discussion	9/4/12
Ordinance Passage	9/11/12

Members of the Amendment Ordinance Review team will be present at the discussion session of the City Council meetings to present the amendments, and answer any questions you may have regarding these proposed changes.

If you have any questions, please feel free to call me at 427-2141