ORDINANCE NO. 2020-02-CM
ADDING TIPPECANOE COUNTY CODE CHAPTER 74
REGULATION OF TRAFFIC IN A RESIDENTIAL COMPLEX

WHEREAS, the Indiana General Assembly has authorized units to regulate traffic in residential complexes pursuant to IC 9-21-18-4.1 where the owners of such complexes request such regulation; and

WHEREAS, IC 9-21-18-4.1 requires units wishing to regulate such traffic to adopt an ordinance with specified provisions and to enter into agreements containing specified terms with owners of residential complexes seeking regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended by adding a new Chapter 74 reading as follows:

74.01 DEFINITIONS

(a) As used in this Chapter, "residential complex" means any multi-unit residential complex that contains at least five (5) units and which contains private drives, roadways, or streets.

(b) As used in this Chapter, "moving traffic violation" means a violation occurring in the operation of a motor vehicle while the motor vehicle is in motion and which would be a violation of Indiana law if committed upon a public roadway.

(c) As used in this Chapter, "enforcement contract" means a contract entered into between the Sheriff or the Sheriff's designee with the owner of a residential complex to enforce the provisions of this chapter.

74.02 AUTHORITY TO ENTER INTO CONTRACTS

(a) The Sheriff is hereby authorized to enter into enforcement contracts on behalf of Tippecanoe County with an owner of the residential complex who submits in writing to the Board of Commissioners of Tippecanoe County a request that Tippecanoe County enforce this residential complex traffic regulation ordinance.

(b) An enforcement contract must comply with the requirements of IC 9-21-18-4.1 and this section.

(c) The enforcement contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant portions of this Chapter. Such signs must be placed in a sufficient number of locations to clearly mark where this Chapter applies. A sign placed at the entrance to the complex does not satisfy this subdivision.

(d) The enforcement contract may not charge the owner of the residential complex a fee for enforcing this Chapter.

(e) Enforcement of this Chapter may not begin until the enforcement contract is executed by the owner and the Sheriff or the Sheriff's designee.

(f) All revenue derived from fines, penalties, or other charges shall be distributed in the same manner as if the fines, penalties, or other charges arose out of violations committed on a public roadway.

74.03 LIABILITY

(a) Pursuant to IC 9-21-18-4.1(i), an owner that enters into an enforcement contract is not subject to liability or other adverse legal consequence arising out of the manner in which a law enforcement agency discharges its duties under the enforcement contract.

(b) Pursuant to IC 9-21-18-4.1(j), a residential complex or its owner is not subject to liability or adverse legal consequence for not entering into an enforcement contract. The failure to enter into an enforcement contract is not admissible in any legal proceeding brought against a residential complex or its owner.

74.04 VIOLATIONS

(a) It shall be a violation of this chapter for any person to commit a moving traffic violation at or within a residential complex at which the County and an owner have entered into an enforcement contract under this Chapter.

(b) An electronic ticket for the moving traffic violation shall be issued in the same manner as if the violation had been committed on a public roadway.

(c) The fine for a violation shall be the same as if the violation had occurred on a public roadway.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 16th day of March, 2020, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

yes — Tracy A. Brown, President

yes — Thomas P. Murtaugh, Vice President

yes — David S. Byers, Member

ATTEST:

Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this _____ day of _____, 2020, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

____ _____
Tracy A. Brown, President

____ _____
Thomas P. Murtaugh, Vice President

____ _____
David S. Byers, Member

ATTEST:

_____
Robert Plantenga, Auditor of Tippecanoe County

REQUEST BY OWNER FOR TRAFFIC ENFORCEMENT IN RESIDENTIAL COMPLEX

The undersigned is the owner of a residential complex containing 25 or more units with private drives, roadways, or streets and hereby submits this request to the Board of Commissioners of Tippecanoe County asking that Tippecanoe County enforce traffic laws at said residential complex in a manner consistent with traffic laws on the public roadways, County Code Chapter 74, and IC 9-21-18-4.1. I understand that this process will require me to enter into an enforcement agreement with the Sheriff of Tippecanoe County.

_____
(Signature)

Owner Name: _____
(printed)

Owner Address: _____

_____

Phone number: _____

Location of residential complex: _____

RETURN TO:

Board of Commissioners of Tippecanoe County
20 N. 3rd Street
Lafayette, IN 47901

RESIDENTIAL COMPLEX TRAFFIC REGULATION ENFORCEMENT CONTRACT

The undersigned Owner is the owner or person authorized to execute this agreement by the owner of a residential complex containing 25 or more units with private drives, roadways, or streets described in Exhibit A ("Property"), attached hereto and made part hereof.

Owner has submitted a written request, consistent with the provisions of IC 9-21-18-4.1 to the Board of Commissioners of Tippecanoe County, asking that Tippecanoe County enforce Chapter 74 of the Tippecanoe County Code concerning regulation of traffic in a residential complex on the Property.

Owner and the Sheriff of Tippecanoe County hereby agree as follows:

1. Owner shall install signs notifying residents and visitors to the Property that moving traffic violations are enforced. Said signs must be placed in a sufficient number of places to clearly mark where the enforcement will apply. A sign placed solely at the entrance to the complex does not satisfy this subdivision.

2. The provisions of IC 9-21-18-4.1 and Chapter 74 of the Tippecanoe County Code are incorporated by reference and made part hereof. A copy of Chapter 74 is attached hereto as Exhibit B.

3. The Sheriff shall not charge Owner a fee for enforcement under this contract.

Date: _____

Sheriff of Tippecanoe County

_____

Owner:

By:_____

Name:_____

Title:_____

Address:_____

Phone Number:_____

EXHIBIT A - DESCRIPTION OF RESIDENTIAL COMPLEX

EXHIBIT B - COPY OF CHAPTER 74 ORDINANCE