

IC 9-21-18

Chapter 18. Regulation of Traffic on Private Property

IC 9-21-18-1

Application of chapter

Sec. 1. This chapter applies to privately owned real property on which the public is invited to travel for business or, before January 1, 2021, residential purposes.

As added by P.L.2-1991, SEC.9. Amended by P.L.38-2016, SEC.1.

IC 9-21-18-2

"Private business property" or "shopping center" defined

Sec. 2. As used in this chapter, "private business property" or "shopping center" may be defined by ordinance of the unit entering into a contract under this chapter.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-3

Unit

Sec. 3. As used in this chapter, "unit" means a county, city, or town.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-4

Contract to empower unit to regulate parking and traffic by ordinance

Sec. 4. A unit and the owner or lessee of a shopping center or private business property located within the unit may contract to empower the unit to regulate by ordinance the parking of vehicles and the traffic at the shopping center or private business property, subject to approval by the fiscal body of the unit by ordinance.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-4.1

Residential complex traffic ordinances; requirements for adoption and enforcement; expiration

Sec. 4.1. (a) As used in this section, "electronic traffic ticket" has the meaning set forth in IC 9-30-3-2.5.

(b) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.

(c) As used in this section, "moving traffic ordinance" refers to an ordinance regulating the operation of a motor vehicle only while the motor vehicle is in motion.

(d) As used in this section, "residential complex traffic ordinance" refers to an ordinance adopted under subsection (e).

(e) A unit may enforce a residential complex traffic ordinance on the property of a residential complex if all the following conditions are met:

- (1) The unit's legislative body adopts the ordinance under this section.
 - (2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.
 - (3) The owner of the residential complex enters into an enforcement contract with the unit.
- (f) A residential complex traffic ordinance must satisfy the following:
- (1) The ordinance must be a moving traffic ordinance.
 - (2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.
 - (3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.
 - (4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).
 - (5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.
- (g) A residential complex traffic ordinance may do the following:
- (1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.
 - (2) Define the term "residential complex" for purposes of the ordinance.
 - (3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.
- (h) An enforcement contract must satisfy the following:
- (1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of locations to clearly mark where the relevant provisions of the ordinance applies. A sign placed at the entrance to the residential complex does not satisfy this subdivision.
 - (2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.
 - (3) Enforcement of the residential complex traffic ordinance in the residential complex may not begin until both of the

following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, 2020.

As added by P.L.38-2016, SEC.2.

IC 9-21-18-5

Contracts; provisions

Sec. 5. A contract entered into under section 4 of this chapter may provide for the following:

(1) The erection by the unit of the stop signs, flashing signals, or yield signs at specified locations in a parking area and the adoption of appropriate regulations, or the designation of an intersection in the parking area as a stop intersection or as a yield intersection and the ordering of signs or signals at one (1) or more entrances to that intersection.

(2) The prohibition or regulation of the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking areas.

(3) The regulation of a crossing of a roadway in the parking area by pedestrians.

(4) The designation of a separate roadway in the parking area for one-way traffic.

(5) The establishment and regulation of loading zones.

(6) The prohibition, regulation, restriction, or limitation of the stopping, standing, or parking of vehicles in specified areas of the parking area.

(7) The designation of safety zones in the parking area and fire lanes.

(8) The removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires, or other public emergencies, or found unattended in the parking area where the vehicles constitute an obstruction to traffic, or where stopping, standing, or parking is prohibited, and for the payment

of reasonable charges for the removal and storage by the person who owns or operates the vehicle.

(9) The cost of planning, installation, maintenance, and enforcement of parking and traffic regulations to be paid by the unit, by the property owner or lessee, or for a percentage of that cost to be shared by both the unit and the property owner or lessee.

(10) The installation of parking meters on the shopping center or private business property parking area. The contract may establish whether the expense of installing those parking meters and maintenance of the parking meters is that of the unit or that of the shopping center or private business property owner or lessee, and whether any money obtained from those parking meters belongs to the unit or to the shopping center or private business property owner or lessee.

(11) Additional reasonable regulations with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the parking area.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-6

Contract period; restrictions on length

Sec. 6. A contract entered into between a unit and a shopping center or private business property owner under this chapter may not exceed twenty (20) years. A lessee of a shopping center or private business property may not enter into a contract under this chapter for a longer period of time than the length of the lease.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-7

Recording contract; effect of regulations; posting of notice

Sec. 7. A contract entered into between a unit and a shopping center or private business property owner or lessee under this chapter shall be recorded with the county recorder in the county in which the unit is located. No regulation made under the contract may take effect until three (3) days after the contract is recorded. Signs shall be posted within the shopping center or private business property not later than three (3) days after the contract is recorded stating that shopping center or private business property parking and traffic regulations are enforceable by local law enforcement officials.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-8

Violations of parking and traffic regulations; punishment; adoption

Sec. 8. The unit may adopt an ordinance providing for punishment of violations of the parking and traffic regulations in effect at a

shopping center or private business property under the contract.
As added by P.L.2-1991, SEC.9.

IC 9-21-18-9

Stop signs installed after July 1, 1990; requirements

Sec. 9. A stop sign that is installed after July 1, 1990, to control the movement of vehicular traffic in an area subject to this chapter must meet the following requirements:

- (1) The face of the sign must have a red background with white letters and a white border.
- (2) The sign must be an octagon.
- (3) The sign must measure at least twenty-four (24) inches wide and twenty-four (24) inches high.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-10

Yield signs installed after July 1, 1990; requirements

Sec. 10. A yield sign that is installed after July 1, 1990, to control the movement of vehicular traffic in an area subject to this chapter must meet the following requirements:

- (1) The face of the sign must have a red border band and a white interior with the word "yield" in red inside the border band.
- (2) The sign must be a downward pointing equilateral triangle.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-11

Do not enter signs installed after July 1, 1990; requirements

Sec. 11. A do not enter sign that is installed after July 1, 1990, to control the movement of vehicular traffic in an area subject to this chapter must meet the following requirements:

- (1) The face of the sign must have a white background with a red circle containing the words "do not enter" in white letters with a horizontal white bar.
- (2) The sign must be a square.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-12

Wrong way signs installed after July 1, 1990; requirements

Sec. 12. A wrong way sign that is installed after July 1, 1990, to control the movement of vehicular traffic in an area subject to this chapter must meet the following requirements:

- (1) The face of the sign must have a red background with a white border containing the words "wrong way" in white letters.
- (2) The sign must be a rectangle.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-13

Pedestrian crossing signs installed after July 1, 1990; requirements

Sec. 13. A pedestrian crossing sign that is installed after July 1, 1990, to control the movement of vehicular and pedestrian traffic in an area subject to this chapter must meet the following requirements:

- (1) The face of the sign must have a white background with black legend and a black border.
- (2) The sign must be either rectangular or square.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-14

Owners of property; regulation of property use; powers

Sec. 14. Except as provided in sections 9 through 13 of this chapter, nothing in this chapter may be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from:

- (1) prohibiting the property's use;
- (2) requiring other, different, or additional conditions than those specified in this chapter; or
- (3) otherwise regulating the property's use as determined best to the owner.

As added by P.L.2-1991, SEC.9.

IC 9-21-18-15

Violations; Class C infraction

Sec. 15. A person who installs a sign that violates section 9, 10, 11, 12, or 13 of this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.9.