

ORDINANCE No. 25-06

AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD VEHICLES AND GOLF CARTS ON TOWN OF WATERLOO ROADWAYS

WHEREAS, the Town of Waterloo recognizes the need to regulate the use of Golf Carts and Recreational Off-Highway Vehicles (ORVs) on public roads within town limits; and

WHEREAS, Indiana Code (I.C.) § 14-16-1-22 and § 9-21-1-3 authorizes municipalities to regulate such vehicles; and

WHEREAS, all applicable state traffic and safety laws remain in full effect and are the responsibility of the vehicle operator; and

WHEREAS, the Council has the responsibility and the duty to respond to requests of the Town Residents, who have requested the ability to operate golf carts and ORVs within town limits; and

WHEREAS, the operation of golf carts and ORVs can improve the quality of life in Waterloo and encourage residents' patronage of local businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WATERLOO, INDIANA:

Section 1. Definitions

• **Recreational Off-Highway Vehicle (ORV): As defined in I.C. § 14-8-2-233.5.**

- Sec. 233.5. "Recreational off-highway vehicle", for purposes of section 233.5 of this chapter, means a motorized, off-highway vehicle that:
 1. is eighty (80) inches or less in width when measured from outside of tire rim to outside of tire rim;
 2. has a dry weight of three thousand five hundred (3,500) pounds or less;
 3. is designed for travel on at least four (4) non-highway or off-highway tires; and
 4. is designed for recreational use by one (1) or more individuals.

• **Golf Cart: As defined in I.C. § 9-13-2-69.7.**

- Sec. 69.7. "Golf cart" means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

• **All-Terrain Vehicle (ATV): As defined in I.C. § 14-8-2-5.7**

- Sec. 5. 7. "All-terrain vehicle", for purposes of I.C. § 14-8-2-5.7, means a motorized, off- highway vehicle that:
 1. is fifty-five (55) inches or less in width when measured from outside of tire rim to outside of tire rim;
 2. has a dry weight of one thousand five hundred (1,500) pounds or less;
 3. is designed for travel on at least three (3) non-highway or off-highway tires; and
 4. is designed for recreational use by one (1) or more individuals.

The term includes parts, equipment, or attachments sold with the vehicle.

Section 2. Prohibited Vehicles

- All-Terrain Vehicles (ATVs), as defined in I.C. § 14-8-2-5.7 and § 14-8-2-185(b)(4), are not permitted on town streets, parking lots, or alleys unless explicitly allowed by Waterloo Town Council or the Waterloo Marshals department.
- A multi-wheel drive or low-pressure tire vehicle, as defined in I.C. § 14-8-2-185(b)(1).
- An amphibious machine, as defined in I.C. § 14-8-2-185(b)(2).
- A ground effect air cushion vehicle, as defined in I.C. § 14-8-2-185(b)(3).
- Snowmobiles or snowmachines are prohibited under this ordinance, with the exception listed in "Section 3. Permitted Use".

Section 3. Permitted Use

- ORVs and golf carts may operate on Town of Waterloo streets, excluding state and federal highways, unless specifically permitted by these or future ordinances.
- ORV's and golf carts are permitted to operate on North Wayne Street (State Route 427) between Union Street (US Hwy 6) and Rope Street.
- Snowmobiles or snowmachines are permitted during snow emergencies for emergency use only, when the roads are impassable by cars and trucks. This includes for the purpose of obtaining needed supplies, delivering various types of aid to persons in need, or transporting a person to required medical treatment.

Section 4. Registration

- ~~All ORVs and golf carts must be registered annually with the Waterloo Marshal's Department.~~
- ~~An inspection is required at the time of application and bi-annually thereafter.~~
- ~~Registration decals are valid from January 1 to December 31 of the following year.~~
- **Initial Registration Requirements:** Vehicle Identification Number (VIN) for ORVs, proof of address, proof of liability insurance, and a \$50.00 registration fee.
- **Renewals:** ~~VIN (for ORVs), proof of address, insurance, and a \$25.00 renewal fee for each subsequent year following the initial year of registration.~~
- **Late Renewals:**
- ~~Renewals submitted more than 30 days after December 31 shall be subject to a \$35.00 fee.~~
- ~~Renewals submitted more than 60 days late will require a new initial application and a \$50.00 fee.~~
- ~~All Registration Fees are non-refundable.~~
- ~~Registration decals shall be numbered sequentially and printed in a different color each year, allowing for easy identification of proper registration on an annual basis. Each numbered decal issued shall have the number recorded on the vehicle registration application, as well as the actual vehicle registration.~~
- ~~Registration decal must be affixed to the front lower right corner of the windshield.~~
- ~~All registration fees collected shall be deposited into the Marshals Department Fund.~~

Section 5. Insurance

- Operators must carry liability insurance meeting or exceeding Indiana minimums (I.C. § 9-25-4-5).
- Proof of insurance must be present in the vehicle at all times during operation.

Section 6. Operator Requirements

- ~~Operators must be at least 18 years old and possess a valid driver's license (Learner's permits are not considered a valid driver's license). Driver's licenses are not required to be carried on the person during operation of vehicles subject to this ordinance, per I.C. § 14-16-1-22(3).~~
- ~~Operators must follow all posted speed limits.~~
- ~~The maximum speed limit for all vehicles covered under this ordinance shall be 35 MPH, regardless of higher posted speed limits.~~
- ~~Operators shall obey all Indiana traffic laws and yield the right of way to all pedestrians and bicycles.~~
- ~~Required Safety Equipment: Speedometer (GPS Speedometers are acceptable), headlights, taillights, turn signals, brake lights, horn, orange bike flag, slow-moving vehicle sign, rearview mirror mounted at the top of the windshield or 2 side mirrors mounted on the forward roof braces, and seatbelts (if factory equipped).~~
- ~~Town registration permit and proof of insurance must be carried in the vehicle during operation.~~
- ~~ORV Passengers under 18 must wear a helmet (As required by Indiana Helmet Law).~~
- ~~For both Golf Carts and ORV's, a vehicle may only carry as many passengers as there are Original Equipment type seats installed on the vehicle (No modified seats), in accordance with I.C. § 9-21-1-3.3(c)(2). Vehicles that have been properly modified with additional original equipment type seats are allowable and can carry additional passengers for the number of additional seats installed.~~

Section 7. Areas of Operation

- Town streets, alleys, and parking lots.
- South Wayne Street at Southern Town Limit to North Wayne Street at Union Street (US Hwy 6).
- Crossing Union Street (US Hwy 6) is allowed by an operator of a golf cart or off-road vehicle to cross the highway at right angles, at any intersection with Union Street (US Hwy 6), in order to travel from one (1) street under the jurisdiction of the town, county or state, to another street under the jurisdiction of the town, county or state, when the operation can be done safely, in accordance with IC § 9-21-1-3.3.
- North Wayne Street from Union Street (US Hwy 6) to Rope Street

Section 8. Prohibited Areas

- ORVs and golf carts are always prohibited on Union Street (U.S. Hwy 6).
- No operation on Union Street (US Hwy 6) except when crossing Union Street (US Hwy 6) at a perpendicular crossing with a controlled traffic light device (N. Wayne Street (SR 427)), in accordance with IC § 9-21-1-3.3.
- No operation on State Road 427 (North Wayne Street) North of Rope Street
- No operation on South Wayne Street south of the Southern Town Limit, unless excepted by DeKalb County Ordinance.
- All trails, parks, sidewalks, grass areas, or other non-roadway surfaces.

Section 9. Basic Traffic Rules

- ~~• The maximum speed limit for all vehicles covered under this ordinance shall be 35 MPH, regardless of higher posted speed limits.~~
- ~~• All vehicles covered under this ordinance are required to operate as close to the right side of the traffic lane as possible, at all times.~~
- ~~• Vehicles covered under this ordinance are authorized to move to the left side of the lane for the purpose of making a left turn. This action shall only be performed when it is safe to do so and no sooner than 100 feet (estimated) from the turning point~~

Section 10. Exceptions

- Emergency use and special events may be authorized by the Town Council or Waterloo Marshals Department
- Town-owned vehicles used for official business.
- Special events with prior authorization

Section 11. Penalties

Violations of this ordinance shall result in the following penalties:

- **First Violation:** \$50 fine
- **Second Violation:** \$100 fine + 30-day registration suspension
- **Third Violation:** \$250 fine + 60-day registration suspension
- **Operating during suspension:** \$500 fine per occurrence
- **Criminal trespass (town/private property):** Lifetime suspension + \$100 fine
- **Use in commission of a crime (Includes DUI/OWI):** Lifetime suspension, vehicle impoundment, and owner responsible for all associated costs (towing, storage, administration fees, etc.)
- A fine assessed for a violation of a traffic ordinance under this section shall be deposited into the general fund of the Town of Waterloo in accordance with I.C. § 9-21-1-3.3(b).

Note: Registration fees are non-refundable in the event of suspension.

Section 12. Enforcement

- This ordinance may be enforced by the Town of Waterloo through legal action, including court proceedings, injunctions, and recovery of legal fees.

Section 13. Severability

- If any section, clause, or provision of this ordinance is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

Section 14. Repeal of Conflicting Ordinances

- All ordinances or parts thereof that conflict with this ordinance are hereby repealed.

Section 15. Effective Date

- This ordinance shall take effect upon passage and publication as required by law.

ORDINANCE NO. 25-08

AN ORDINANCE AMENDING ORDINANCE NO. 25-06 REGARDING REGULATIONS OF ORVs and GOLF CARTS

RECITALS

- A. The Town of Waterloo regulates ORVs and golf carts pursuant to Ordinance No. 25-06.
- B. The Council deems it advisable to make several amendments to the ordinance for further convenience to the citizens and visitors to the community while at the same time addressing registration issues, traffic hazards, and safety issues.

NOW, THEREFORE, BE IT ORDAINED by the Waterloo Town Council as follows:

I. Section 4. Registration of Ordinance No. 25-06 shall be amended to read as follows:

- All ORVs (side-by-sides) and golf carts must be registered annually with the Waterloo Marshal's Department.
- An inspection is required at the time of initial registration.
- Registration decals are valid from January 1 to December 31 of the following year.

• **Initial Registration Requirements:**

Golf Carts	ORVs
<u>Each Operator must present</u>	<u>Each Operator must present</u>
<ul style="list-style-type: none"> ○ Valid Driver's License ○ Proof of address/ mailing address ○ Contact phone number ○ Proof of insurance (See Section 5) ○ Pay \$50.00 Registration Fee 	<ul style="list-style-type: none"> ○ Valid Driver's License ○ Proof of address/ mailing address ○ Contact phone number ○ Proof of insurance (See Section 5) ○ VIN-Vehicle Identification Number ○ Make and model of ORV ○ Proof of Registration from BMV ○ Pay \$50.00 Registration Fee

- **Renewal Requirements:** Renewals must be consecutive years following the initial year of registration.

Golf Carts	ORVs
<u>Each Operator must present</u>	<u>Each Operator must present</u>
<ul style="list-style-type: none"> ○ Valid Driver's License ○ Confirm address & contact information ○ Proof of insurance (See Section 5) ○ Pay \$25.00 renewal fee 	<ul style="list-style-type: none"> ○ Valid Driver's License ○ Confirm address & contact information ○ Proof of insurance (See Section 5) ○ VIN-Vehicle Identification Number ○ Pay \$25.00 renewal fee

• **Late Renewals:**

- Renewals submitted more than 30 days after December 31 shall be subject to a \$35.00 fee.
- Renewals submitted more than 60 days after will require a new initial registration and a \$50.00 fee.
- All registration fees are non-refundable.
- Registration decals shall be numbered sequentially and printed in a different color each year, allowing for easy identification of proper registration on an annual basis. Each numbered decal issued shall have the number recorded on the vehicle registration application and on the vehicle registration.
- Registration decal must be affixed to the front lower-drivers side corner of the windshield or on the driver's side

front corner panel.

- All registration fees collected shall be deposited into the Marshals Department Fund.

II. Section 6. Operator of Ordinance No. 25-06 shall be amended to read as follows:

Section 6. Operator and Equipment Requirements

- Operators must be at least 18 years old and possess a valid driver's license (Learner's permits are not considered a valid driver's license). Driver's licenses must be carried on the person while operating a vehicle.
- Town registration information and proof of insurance must be carried in the vehicle during operation.
- ORV operators must follow all posted speed limits.
- All golf carts shall comply with the provisions of Indiana Code 9-21-9 (Slow Moving Vehicle) in effect at the time of the adoption of this ordinance and as amended from time to time.
- Operators shall obey all Indiana traffic laws and yield the right of way to all pedestrians and bicycles.
- ORV Passengers under 18 must wear a helmet (As required by Indiana Helmet Law).
- No person under the age of two (2) years shall be allowed to ride on a golf cart or ORV, and all persons under the age of ten (10) years must ride in the front seat of a golf cart or ORV.
- For both Golf Carts and ORVs, a vehicle may only carry as many passengers as there are Original Equipment type seats installed on the vehicle (No modified seats), in accordance with I.C. § 9-21-1-3.3(c)(2). Vehicles that have been properly modified with additional original-equipment-type seats are allowed and can carry additional passengers equal to the number of additional seats installed.
- **Required Safety Equipment:**
 - Speedometers (GPS Speedometers are acceptable)
 - Headlights
 - Taillights
 - Turn signals
 - Brake lights
 - Horn
 - 7' orange flag (Golf Cart only)
 - Slow-moving vehicle sign (Golf Cart only)
 - Rearview mirror mounted at the top of the windshield, or two (2) side mirrors mounted on the forward roof braces
 - Seatbelts are required for ORVs and golf carts if they are equipped.

III. Section 9. Basic Traffic Rules of Ordinance No. 25-06 shall be amended to read as follows:

- All vehicles covered under this ordinance are required to operate as close to the right side of the traffic lane as possible, at all times.
- Vehicles covered under this ordinance are authorized to move to the left side of the lane for the purpose of making a left turn. This action shall only be performed when it is safe to do so and no sooner than 100 feet (estimated) from the turning point.
- Golf carts shall comply with the provisions of Indiana Code 9-21-9 (Slow Moving Vehicle) in effect at the time of the adoption of this ordinance and as amended from time to time.
- ORV operators must follow all posted speed limits.

IV. In addition to Ordinance No. 25-06, Section 16. Interlocal Registration Waiver shall be added and shall be read as follows:

- Any golf cart or ORV that is lawfully registered in another city, town, or county shall be deemed registered in the Town of Waterloo, provided, however, that the other registering agency has an ordinance with the same requirements as this ordinance.