



July 6, 2026
Common Council

Present:

Mike Hartman, Mayor
Kristie Laub, Council District 2, Council President
Darren Alloway, Council District 3
Gale Ryan, Council District 4
Gerald Eldridge, Council as Large
Angela Eck, Clerk-Treasurer
Gavyn Aden, Wastewater Superintendent
Andy Cintron, Water Superintendent
Ron Mausteller, Fire Chief
Braxton Minkey, IT Specialist
Stuart Mutzfeld, Code Enforcement
Andrew Provines, City Planner
Cory Rowe, Assistant Police Chief
Donald Stuckey, City Attorney

Absent:

Tracey Hawkins, Council District 1
Kris Tadsen, Street Superintendent
Matt Traster, Police Chief

This meeting is being Livestreamed and can be found at www.youtube.com@CityofButlerIN. These meetings will be available for viewing for at least 90 days past the date of the recording.

Mayor Hartman opened the regular session of the Common Council at 7:14 pm at 215 South Broadway.

Pledge of Allegiance



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Common Council

Mayor Hartman asked for comments or questions from the audience pertaining to the agenda items. None

The minutes from the June 15th meeting were presented. Council Member Eldridge made a motion to approve the minutes and Council Member Alloway seconded the motion. The motion passed with all in favor.

Mayor Hartman reported that he has been discussing how ORVs get into the City with various community members. The current ORV ordinance has been in place for 4 years and it might be time to make some updates to it. The City has not experienced any problems with the ORVs or golf carts, but the City doesn't allow them on Main or Broadway. This really limits places ORVs can travel to. Mayor Hartman requested that these ORV drivers research and bring back information for the Council to consider. They have now done that, see Attachment 1.

Assistant Police Chief Cory Rowe stated that the only problems his department has observed are ORVs on Main and Broadway, which the current ordinance prohibits.

Amanda Knapp made the following points:

- Trains blocking crossings are an issue.

- ORVs are required to be registered with the State of Indiana.

- The Police Department requires that the ORVs have a DNR sticker as well.

Mayor Hartman stated that he thinks Butler should honor other communities stickers.

There was discussion about the speed of ORVs versus golf carts.

Updating the ordinance would allow the City and the School to use their UTVs to go between the schools and to the cemeteries.

Adam Wies stated that he can't even drive his ORV into town to fill up with gas.

Steve Upp stated that he spoke with the Waterloo Marshall and that they honor other communities stickers.



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There was discussion about the ORVs holding a Charity Event and ride on September 26th, starting at the American Legion. Mayor Hartman stated that if they complete a Special Event form, the ORVs could be permitted to ride in town, even if the ordinance hadn't been updated. That request needs to be presented to the Board of Works.

An Ordinance revising paid time off was given to the Council to look over. Clerk-Treasurer Eck requested that the Council reach out to her if they have any questions or thoughts about how it should be updated.

A proposed Resolution for a revolving fund loan was tabled. Mr. Stuckey needs to add more information to it.

Fire Chief Ron Mausteller thanked all of the department heads for their cooperation during the past 6 months.

Code Enforcement Officer Stuart Mutzfeld reported that he has written 7 tickets recently. He also reported that the Equinox that he drives had a few minor repairs made to it and it only has 85,000 miles on it.

City Attorney Don Stuckey presented a Letter of Recommendation from the Redevelopment Commission. The Redevelopment Commission recommends that the Council enter into an agreement with Kiracofe Homes regarding the purchase and development of 36 residential lots.

Clerk-Treasurer Eck reported that the Levy Growth Quotient for 2027 is 6%.

She also reported that she will be presenting an additional appropriation for the police and fire departments soon.

Council Member Eldridge asked for an update on the status of the Bohn Aluminum site. Mr. Stuckey reported that he sent the owner an Order to Demolish. They have 60 days to comply. Mr. Stuckey also stated that the Unsafe Building Committee will be holding a hearing to amend, enforce or terminate the Order to Demolish.



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Council Member Alloway asked if something could be done about the garbage cans at 206 W. Cherry. The house is vacant and people keep moving the cans into the street and sidewalk. The Clerk-Treasurer stated that she would have GFL pick the cans up.

Mayor Hartman reported that he is still discussing the issue of blocked train crossings with Norfolk Southern. Someone from Norfolk Southern will be here by the beginning of August to discuss the problem in person.

Mayor Hartman has also been in discussion with a company that monitors train crossings. He is waiting to get an annual cost back from them.

Council Member Eldridge made a motion to adjourn at 8:13 pm and Council Member Alloway seconded the motion. The motion passed with all in favor.



Mayor



Common Council



Clerk-Treasurer

130 East Seventh Street
Auburn, Indiana 46706

DONALD J. STUCKEY
Attorney At Law

Tele.: (260) 925-1966
e-mail: djstuckey@gmail.com

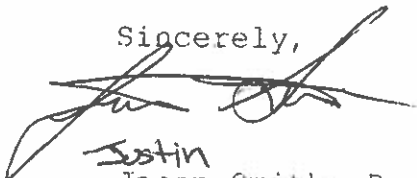
June 16, 2026

Butler City Council
215 South Broadway
Butler, Indiana 46721

Dear Council Members:

The Butler City Redevelopment Commission by unanimous vote recommends entering into an agreement with Kiracofe Homes regarding the purchase and development of 26 residential lots in Butler, Indiana. This is based upon the fact that the developer, Kiracofe Homes, can purchase 20 acres, provide infrastructure, prepare a subdivision plat consistent with Butler City Rules And Regulations, and build upon and market those lots. We believe that this is important for the Economic Development of the City of Butler.

Sincerely,



~~Justin~~
Jason Smith, President
Butler City Redevelopment Commission

ORDINANCE NO. 2022-R- 4

DEKALB COUNTY CODE SECTION 9-4-1

DEKALB COUNTY COMMISSIONERS

AN ORDINANCE REGULATING THE OPERATION OF
OFF-ROAD VEHICLES IN DEKALB COUNTY

WHEREAS, certain residents of DeKalb County, Indiana (the "County") desire to operate certain Off-Road Vehicles ("ORVs) upon the roadways located in DeKalb County; and

WHEREAS, the Board of Commissioners of the County of DeKalb ("the Commissioners") desire to allow safe and reasonable use of certain ORVs upon the roadways located in DeKalb County; and

WHEREAS, the operation of ORVs is regulated by Indiana Code 14-16-1; and

WHEREAS, the Commissioners are vested with the authority under Indiana Code 14-16-1 to allow the operation of ORVs upon roadways located in DeKalb County.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

SECTION I

Definition of the term "County Roads" is hereby defined as follows:

- a. County Roads shall include all roads and adjacent rights-of-way within the County;
- b. County Road 35, County Road 427, and County Road 11A from County Road 427 to County Road 56 and continuing to County Road 56 to State Road 205, are not authorized for ORV traffic.
- c. Those operators living on the restricted roads listed above in section (b), may use the restricted roads ONLY to travel to the nearest unrestricted road.

Exceptions to the term "County Roads" are hereby defined as follows:

- a. Federal and State roads;
- b. Federal and State rights-of-way;
- c. Roads and rights-of-way within an Incorporated City or Town Municipal Boundaries;

d. However, an operator of an ORV is permitted to cross a highway in the State highway system, at right angles, in order to travel from one highway under the jurisdiction of the county to another highway under the jurisdiction of the County when the operation can be done safely.

SECTION II

Definition of the term "Off Road Vehicle (ORV)." The following requirements must be met before an ORV may be operated on County Roads:

- a. Utility or pleasure vehicle;
- b. Is 76 inches in width or less and 156 inches in length or less;
- c. Is designed to travel on two (2) or more tires;
- d. Has at least one (1) working headlight and one (1) working taillight;
- e. Was not manufactured for use on public roads;
- f. Has an internal combustion engine of at least 200 cubic centimeters;
- g. May have 2 or more wheels, a braking system, and may have passengers if the ORV was manufactured allowing passengers and then only to the extent it was manufactured accordingly.

SECTION III

A person shall not operate an ORV on County Roads:

- a. With disregard for any laws regulating traffic on County roads;
- b. At a rate of speed excessive to road condition, operator capability, or ORV capability;
- c. On private property without consent of the land owners;
- d. By an operator under the age of eighteen (18);
- e. Without liability insurance for the ORV consistent with the minimum requirements of the State of Indiana for Motor Vehicle Insurance;
- f. Without properly registering the ORV with the State of Indiana BMV;

SECTION IV

All portions of any ordinance in conflict herewith are hereby repealed.

SECTION V

The expressed or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance.

Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed amended Ordinances as if this Ordinance had not been adopted.

SECTION VI

No part of this Ordinance shall be interpreted to conflict with Federal, State, or Local Laws and regulations, and all reasonable efforts should be made to harmonize the same.

Should any section or part thereof of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than that portion so declared to be invalid and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION VII

VIOLATIONS

The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.

Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law similar to treatments of speeding violations of Indiana Code.

Any existing penalties for such violations shall be applied to this Ordinance and be imposed for any such violations.

SECTION VIII

This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners, and the publication of this Ordinance thereafter as required by law.

Ordinance Codified. This DeKalb County Ordinance No. 2022-R-4 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 9-4-1, and appropriately indexed in the code.

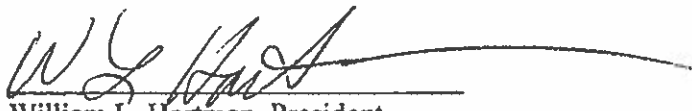
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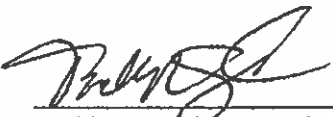
READ AND PASSED ON FIRST READING: Monday, March 7, 2022.

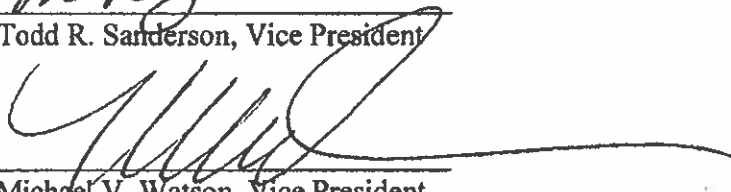
AMENDED READ AND PASSED ON SECOND READING: Monday, April 4, 2022.

READ AND PASSED ON THIRD READING: Monday, April 11, 2022.

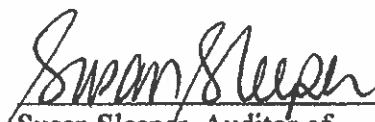
COMMISSIONERS:

BY: 
William L. Hartman, President

BY: 
Todd R. Sanderson, Vice President

BY: 
Michael V. Watson, Vice President

Attested By:


Susan Sleeper, Auditor of
DeKalb County, Indiana

ORDINANCE NO. 699

AUTHORIZING THE OFF-ROAD VEHICLES ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF MIDDLEBURY, INDIANA AND IMPOSING REQUIREMENTS FOR SUCH

WHEREAS, pursuant to Indiana Code § 9-21-8-57, an Off-Road Vehicle may not be operated on a highway under the jurisdiction of the Town of Middlebury, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a) which authorizes the operation of an Off-Road Vehicle on the highway; and

WHEREAS, the Town of Middlebury, Indiana ("Town") now wishes to allow the use of Off-Road Vehicles on highways under the jurisdiction of the Town and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Middlebury, Indiana, as follows:

Section 1. Adoption of State Law. This Ordinance adopts all mandatory provisions of state law relating to Off-Road Vehicles, including those set forth at I.C. 14-16-1.

Section 2. Definitions.

- (a) "Town Road" means any highway, road, street, or other right-of-way open to the public for travel under the jurisdiction of the Town of Middlebury except for the following:
 - (i) Any street posted by order of the Town Council or its designee for non-use for Off-Road Vehicles; and
 - (ii) Sidewalks and other paved or unpaved surfaces of public property on which motor vehicles are not allowed.
- (b) "Off-Road Vehicle" has the meaning set forth in I.C. 14-8-2-185. This definition excludes farm vehicles being used for farming. This definition does not include snowmobiles or golf carts.

Section 3. Operation of Off-Road Vehicles Permitted.

- (a) The Town Council hereby designates all Town Roads for the operation of Off-Road Vehicles, subject to the requirements of this Ordinance and applicable law. The operation of Off-Road Vehicles upon Town Roads is strictly prohibited unless the Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- (b) This ordinance does not restrict the use of municipally owned Off-Road Vehicles

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used for maintenance, public safety, or special events.

Section 4. Regulation of Off-Road Vehicles.

- (a) When operating an Off-Road Vehicle on a Town Road, an individual shall:
 - (i) Have financial responsibility in effect for the Off-Road Vehicle consisting of at least the following types in the following amounts:
 - (A) Twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual;
 - (B) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident; and
 - (C) Twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.
 - (ii) Obey all applicable traffic laws as if the Off-Road Vehicle were a passenger motor vehicle as defined in I.C. 9-13-2-123;
 - (iii) Have no more passengers than the number of seats for which the Off-Road Vehicle is rated by its manufacturer.
 - (iv) Ensure that all passengers of the Off-Road Vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
- (b) When more than one Off-Road Vehicle is present, the Off-Road Vehicle shall travel in single file except when passing or overtaking another vehicle.
- (c) When an Off-Road Vehicle is only operated at twenty-five (25) miles per hour or less, the Off-Road Vehicle shall display the slow-moving vehicle emblem described by I.C. 9-21-9-2.
- (d) All occupants within the Off-Road Vehicle less than eighteen (18) years of age must wear a helmet per I.C. 9-18.1-14-11, except as permitted by state law.
- (e) An Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the Town.
- (f) All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use in order for the Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain and use such equipment as required herein shall

constitute a violation of this Ordinance.

- (g) Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate an Off-Road Vehicle on Town Road.
- (h) The owner of an Off-Road Vehicle may not cause or knowingly permit an individual to operate the Off-Road Vehicle on Town Roads unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

Section 5. Operators.

- (a) Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate an Off-Road Vehicle on Town Roads.
- (b) The owner of an Off-Road Vehicle may not cause or knowingly permit an individual to operate the Off-Road Vehicle on Town Roads unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.
- (c) Owners and operators must ensure that all State-issued certificates of registration and decals for the Off-Road Vehicle are properly posted and available for inspection upon demand by a police officer. The decals must contain the Off-Road Vehicle's registration number and expiration date and must be attached on the forward half of the Off-Road Vehicle.

Section 6. Existing State Laws Applicable. Except as otherwise provided, this Ordinance does not affect the rights, responsibilities, or duties of individuals operating or owning an Off-Road Vehicles under Indiana law, including those with respect to:

- (a) Operating a vehicle at speeds compliant with posted speed limits or at reduced speeds when required by law;
- (b) The prohibition on operating:
 - (i) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another;
 - (ii) Without proper registration;
 - (iii) While under the influence of an alcoholic beverage or unlawfully under

the influence of a narcotic or other habit forming or dangerous depressant or stimulating drug;

- (iv) Without displaying a lighted headlight and a lighted taillight during the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise or when other conditions limit visibility;
 - (v) Without a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke;
 - (vi) Within one hundred (100) feet of another's dwelling between midnight and 6:00 a.m.;
 - (vii) While transporting on or in the vehicle a firearm, except as provided by state law;
 - (viii) Without adequate brakes and lights;
 - (ix) On a public highway or street without a valid motor vehicle driver's license;
 - (x) Without a helmet if less than eighteen (18) years of age, except as permitted by state law; or
 - (xi) To hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.
- (c) The duty to notify a conservation or law enforcement officer with jurisdiction where an accident involving an Off-Road Vehicle occurs by the quickest means of communication.
 - (d) The requirement that the owner of an Off-Road Vehicle shall have applied for and obtained a valid Off- Road Vehicle registration from the State of Indiana per I.C. 9-18.1-14.
 - (e) No Town permit, decal, or inspection is required of Off-Road Vehicles registered through the State of Indiana Bureau of Motor Vehicles as prescribed by I.C. 9-18.1-14.

Section 7. Violations, Enforcement, and Penalties.

- (a) Any person who violates Section 5(a)(i) of this Chapter while on a Town Road will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. 9-25-8-2 but in no case be fined more than a maximum of \$2,500.00.
- (b) Any person who violates Section 5(a)(ii) of this Chapter while on a Town Road

will be deemed to have committed an ordinance violation and may be fined as if the offense had been committed with a passenger motor vehicle as defined in I.C. 9-13-2-123 but in no case be fined more than a maximum of \$2,500.00.

- (c) Any person who violates Section 5(c) of this Chapter while on a Town Road will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. 9-21-9-2 but in no case be fined more than a maximum of \$2,500.00.
- (d) Any person who violates any provision of this Ordinance for which a penalty is not otherwise provided will be deemed to have committed an ordinance violation and may be fined not more than \$500 for each offense.
- (e) This Ordinance does not affect the sanctions and penalties for violating a state statute or regulation concerning Off-Road Vehicles, including the provisions of I.C. 14-16-1.
- (f) The Town may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500 for each violation.
- (g) All fines or civil penalties collected shall be deposited in the general fund of the Town.

Section 8. Other Ordinances. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 9. Severability. The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 10. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, publication, and adoption according to the laws of the State of Indiana.

[SIGNATURE PAGE TO FOLLOW]

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ORDAINED AND ADOPTED this 17th day of June, 2024.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: Miranda Cripe
Miranda Cripe, President

ATTEST:

By: Chali Kuiper
Chali Kuiper, Clerk

**AN ORDINANCE REGULATING THE USE AND OPERATION
OF RECREATIONAL OFF-ROAD VEHICLES AS DEFINED IN IC 14-8-2-233.5
FOR PURPOSES OF IC 14-5-2-185 IN THE TOWN OF HAMILTON**

WHEREAS, IC 14-16-1-22 provides that the Town may pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of IC 14-16-1 *et seq.*; and

WHEREAS, IC 14-16-1-22 further provides that the Town may not adopt an ordinance that provides any of the following:

1. imposes a fee for a license.
2. specifies accessory equipment to be carried on the vehicles.
3. requires a vehicle operator to possess a driver's license issued under IC 9-24-11 while operating an off-road vehicle or snowmobile.
4. imposes a dry weight limitation of less than two thousand (2,000) pounds; and

WHEREAS, IC 14-16-1-20 provides that an individual may not operate an off-road vehicle on a public highway without a valid motor vehicles drivers's license; and

WHEREAS, IC 14-8-2-185 defines an off-road vehicle as an all-terrain vehicle and also as a recreational off-highway vehicle; and

WHEREAS, IC 14-8-2-233.5 provides as follows: "Recreational off-road vehicle". For purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

1. is sixty-four (64) inches or less in width;
2. has a dry weight of two thousand (2,000) pounds or less;
3. is designed for travel on at least four (4) nonhighway or off-highway tires;
4. is designed for recreational use by one (1) or more individuals;
5. has a nonstraddle seat or saddle; and
6. has a steering wheel for steering control; and

WHEREAS, the Town Council deems it advisable and in the best interests of the community to register and regulate the use and operation of recreational off-road vehicles on the streets and alleys within the corporate limits of the Town of Hamilton subject to the provisions of this Ordinance and to prohibit the use and operation of all-terrain vehicles as defined in IC 14-8-2-5.7 as now enacted, supplemented or amended, on the streets and alleys within the corporate limits of the Town of Hamilton.

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

1. Recreational off-road vehicles, as defined above, shall be permitted to be operated and used on the streets and alleys within the corporate limits of the Town of Hamilton.
2. All-terrain vehicles, as defined in IC 14-8-2-5.7 as now enacted, supplemented or amended, shall not be permitted to be operated and used on the streets and alleys within the corporate limits of the Town of Hamilton.

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3. The ownership, use and operation of recreational off-road vehicles shall be done in strict compliance with the provisions of IC 14-16-1 *et seq.*, as now enacted, supplemented or amended, and also in strict compliance with all the other provisions of the Indiana Code applicable to the use and operation of recreational off-road vehicles .
4. Operators of recreational off-road vehicles shall obey all of the rules of the road, traffic regulations of the State of Indiana and the Town.
5. As required by IC 14-16-1-20(c) as now enacted, supplemented or amended, operators of recreational off-road vehicles are required to have a valid motor vehicle driver's license.
6. All recreational off-road vehicles to be operated on the public streets and alleys shall be registered with the Town.
7. The annual registration is for a period of time from April 1st to March 31st of the following year, at which time the annual registration shall expire. The registration forms are available in the office of the Clerk-Treasurer.
8. At the time of registration the owner shall present proof of insurance insuring not only the recreation off-road vehicle from property damage but also carrying property damage and personal liability coverage for injury or damage to property of other persons and of personal injury to other persons with a minimum combined single limit of \$100,000.00. Prior to the issuance of the registration by the Clerk-Treasurer, the recreational off-road vehicle shall be inspected by the Town Marshall to insure compliance with the terms of this Ordinance.
9. All provisions of this Ordinance shall apply to owner - operated recreational off-road vehicles as well as those leased or rented from a vendor.
10. Recreational off-road vehicles shall not be operated upon any sidewalk within the Town.
11. No person under the age of two (2) years shall be allowed to ride on a recreational off-road vehicle, and all persons under the age of ten years must ride in the front seat of a recreational off-road vehicle.
12. If the recreational off-road vehicle is equipped with seat belts they shall be used by the operator and any passengers.
13. An recreational off-road vehicle lawfully registered in another city, town or county shall be deemed registered in the Town of Hamilton, provided, however, that the other registering agency has an ordinance with the same requirements as this Ordinance.
14. All violations of this Ordinance shall be enforced by the Ordinance Violation Bureau.
15. Any person operating an recreational off-road vehicle within the Town of Hamilton not in compliance with the terms of this Ordinance shall be ordered by the Town Marshall or any other law enforcement agency to immediately cease operation until compliance with this Ordinance is accomplished.
16. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Hamilton, Steuben County, Indiana, at their regular meeting on the _____ day of _____, 2012.

TOWN COUNCIL OF THE TOWN OF HAMILTON, INDIANA

Brent L. Shull, Council Member

Robert Howard
Robert Howard, Council Member

Will Nuttle
Will Nuttle, Council Member

Mary Vail

Mary Vail, Council Member

Harry Grantham
Harry Grantham, Council Member

ATTEST:

Hester Souder
Hester Souder, Clerk-Treasurer

Presented to the President of the Town Council of the Town of Hamilton this 2nd day of JULY, 2012, at 7:00 o'clock A.M./P.M.

Hester Souder
Hester Souder Clerk-Treasurer

Approved by me this 2nd day of JULY, 2012, at 7:00 o'clock A.M./P.M.

President of Town Council, Hamilton, IN

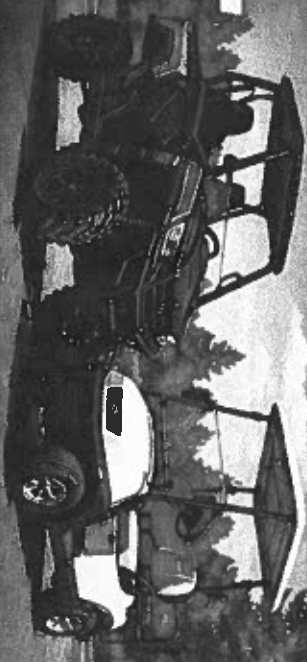
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CITY OF GOSHEN

ORV & GOLF CART

★ REGULATIONS ★



ORVS ORDINANCE 5184



GOLF CARTS ORDINANCE 5192



APPROVED LOCATIONS

- City streets
- SR 15 between Hackett and Egbert
- SR 119 between Greene and US 33
- SR 4 to S 29th St
- US 33 between Glenmore and CR138

- City streets with speed limits of 30mph or less



PROHIBITED

- Sidewalks
- Bike paths
- Trails
- Private property



State highway system

- US 33
 - SR 15
 - SR 119
- (May cross state highway at right angle)*
- Sidewalks
 - Bike paths
 - Trails
 - Private property



VEHICLE RULES

- Headlights
- Tail lights
- Brake lights
- All in working order and visible from 500 feet
- Turn signals at night or in poor visibility
- Seatbelts for all seating positions

- State permit displayed on front half of vehicle
- Insured

- ✓ Headlights
- ✓ Tail lights
- ✓ Brake lights
- ✓ Turn signals
- ✓ Rearview mirror
- ✓ Seatbelts
- ✓ Slow-moving vehicle emblem

- Lights on at night or in poor visibility
- Permit displayed on left rear of cart
- Insured



DRIVER RULES

- Valid, non-suspended driver's license
- At least 16 years of age
- Helmet if under 18



- Valid, non-suspended driver's license
- At least 16 years of age



SAFETY. COURTESY. COMPLIANCE.



WARMER WEATHER MEANS MORE RIDES!
Know the rules, ride responsibly, and

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.

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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.
- ORVs 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 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 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.

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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> ◦ Valid Driver's License ◦ Proof of address/mailling address ◦ Contact phone number ◦ Proof of insurance (See Section 5) ◦ Pay \$50.00 Registration Fee	<u>Each Operator must present</u> ◦ Valid Driver's License ◦ Proof of address/mailling 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> ◦ Valid Driver's License ◦ Confirm address & contact information ◦ Proof of insurance (See Section 5) ◦ Pay \$25.00 renewal fee	<u>Each Operator must present</u> ◦ 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

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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.

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