

CHAPTER 76: UTILITY TERRAIN VEHICLES

76.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Decatur, Indiana.

DRIVER'S LICENSE. A valid license to operate a motor vehicle issued by the State of Indiana or any other state.

FINANCIAL RESPONSIBILITY. Liability insurance coverage on a UTV in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

HIGHWAY. A US Highway under the jurisdiction and control of the State of Indiana and/or the United States Federal Government, including US 27, US 33 and US 224.

MUNICIPAL BOUNDARY. The existing corporate limits of the City of Decatur and future annexations thereto.

OPERATE. To exercise any control over the function or movement of a utility terrain vehicle or recreational off-highway vehicle.

STREET. A street, alley, park or parking area under the jurisdiction and control of the City of Decatur.

UTILITY TERRAIN VEHICLE (UTV). A four-wheeled motor vehicle also known as a recreational off-highway vehicle (ROV), which is a small one to six person four-wheel drive off-road vehicle as defined by I.C. 14-8-2-233.5. More specifically, all-terrain vehicles defined by I.C. 14-8-2-5.7 are not permitted for use by this chapter.

(Ord. 2022-8, passed 5-3-2022)

§ 76.02 OPERATION OF A UTILITY TERRAIN VEHICLE (UTV).

The operation of a UTV on streets within the municipal boundary of the city is hereby authorized only so long as the UTV is registered, operated, insured and equipped as hereinafter required. Failure to register, operate, insure and equip a UTV as required herein shall constitute a violation of this chapter and any subsequent codification of this chapter in the Decatur City Code of Ordinances. Violations shall be punishable by fines, costs and penalties as hereinafter set forth. No UTV may be operated on a highway, as defined herein, except for the purpose of crossing a highway, perpendicularly, at an intersection with a city street. UTVs must obey posted speed limits and may not be operated in excess of 30 mph. An operator of a UTV on a city street shall obey all traffic rules and regulations adopted by the State of Indiana and/or the city. All operators must use turn signals, either by turn signals installed on the UTV or through the use of hand signals in the event the UTV is not equipped with turn signals. No UTV may be operated or parked on city sidewalks or trails. UTVs must travel single file on city streets. All state motor vehicle laws and regulations must be followed at all time. No section of this chapter is intended to conflict with state law.

(Ord. 2022-8, passed 5-3-2022)

§ 76.03 OPERATOR.

Only a person, over the age of 18, with a valid driver's license shall be authorized to operate a UTV on a city street, which license must be in the possession of the operator while operating the UTV. Operation without a valid driver's license on a city street shall constitute a violation of this section. It shall also be a violation of this section for a UTV owner to authorize or permit a person without a valid driver's license to operate a UTV on a city street.

(Ord. 2022-8, passed 5-3-2022)

§ 76.04 PROOF OF FINANCIAL RESPONSIBILITY.

At all times during the operation of a UTV on city streets, proof of financial responsibility covering the UTV and its operation, in accordance with minimum statutory standards as defined by I.C. 9-25-4-5, shall be kept in or on the UTV. Failure to keep such proof of financial responsibility in or upon the UTV shall constitute a violation of this section by the owner of the UTV. Failure to do produce proof of financial responsibility, when requested by a law enforcement officer, shall constitute a violation of this section by the operator.

(Ord. 2022-8, passed 5-3-2022)

§ 76.05 EQUIPMENT.

(A) Unless otherwise exempted herein, all UTVs shall be equipped with the following minimum safety equipment in order to be operated on city streets:

- (1) Factory seating for all occupants;
- (2) Two head lights;
- (3) Minimum of one tail light;
- (4) Brake lights;
- (5) Factory installed rollover protection system.

(B) All safety equipment shall be maintained in good operating order. Lights shall be used when time of day or weather conditions necessitate such use in order for the UTV to be visible from a distance of at least 500 feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this section.

(Ord. 2022-8, passed 5-3-2022)

§ 76.06 OCCUPANTS OF UTV.

Maximum occupancy of a UTV when in use on a city street shall be limited to the maximum factory-rated occupancy for the vehicle, including the operator. When in motion, all occupants must be seated. No

child under the age of eight shall be allowed to occupy a UTV while operated on a city street. A child from the age of eight through the age of 17 may occupy a UTV while operated on a city street if such child is restrained by a standard seat belt and wears a helmet. Occupants shall keep all parts of the body within the perimeter of the UTV while the UTV is being operated on a city street. Failure by an operator of a UTV on a city street to ensure compliance with the provisions of this section shall constitute a violation of this section by the operator.

(Ord. 2022-8, passed 5-3-2022)

§ 76.07 TIME OF OPERATION.

No UTV shall be operated on a city street between the hours of 12:00 midnight and 6:00 a.m. Operation of a UTV during such prohibited time shall constitute a violation of this section.

(Ord. 2022-8, passed 5-3-2022)

§ 76.08 INSPECTION.

The inspection by the Chief of Police, or his or her designee, will cover the following safety requirements and every UTV operating on town streets must have the safety equipment described above in § 76.05:

- (A) Permits/stickers issued to operators/owners of UTVs by the Decatur Police Department.
- (B) Each owner must have proof of ownership, and liability insurance and a completed hold harmless agreement releasing the city, its employees and affiliates from all liability that may arise as a result of operating an UTV inside the City of Decatur, and said agreement must be renewed annually.
- (C) All UTVs must meet the requirements or minimum standards of safety equipment as set forth in this chapter.
- (D) All UTV operators must present a valid driver's license and be 18 years of age or older.
- (E) Permits/stickers will be issued annually and are valid for a one year period from May 1, through April 30 of the following year.
- (F) Lost or stolen permits/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Chief of Police or designee will have the discretion in determining whether a replacement permit/sticker may be re-issued in this instance. If no record can be found on a previous application, or the receipt or a permit/sticker, the Chief of Police may direct the applicant to reapply.
- (G) Any person who operates a UTV in the City of Decatur and fails to obtain and properly display a city issued permit/sticker, on the left lower side of the windshield shall be subject to all applicable state laws, in addition to being in violation of this chapter.
- (H) UTV owners must complete the inspection form attached to Ordinance 2022-8, hold harmless agreement and provide a copy of the proof of liability insurance prior the UTV being inspected. The completed forms and proof of insurance shall be in file and maintained by the City of Decatur Police Department.

(Ord. 2022-8, passed 5-3-2022)

§ 76.99 PENALTY.

(A) Any violation of this chapter, after its adoption and publication as required by law, shall constitute a Class C Infraction. Multiple violations may be cited as separate offenses. Each time of an offense shall constitute a new and separate offense. Failure to abide by any of the of the above conditions constitutes a violation of this chapter and shall be subject to the following fines and penalties:

(1) First violation: \$100.

(2) Second violation: \$250 and a 60-day suspension of said permit.

(3) Third and subsequent violations: \$500 fine and a lifetime suspension from permitted use on the streets of the City of Decatur as described in this chapter.

(4) Any conviction of criminal trespass involving a UTV shall result in an automatic lifetime suspension from the operation of a UTV on the streets of the City of Decatur.

(5) The violation of a 60-day suspension shall result in a \$1000 fine for each offense.

(B) In addition to civil penalties imposed herein, a person cited for violation of this chapter shall also be responsible for all court costs. Payment of fines imposed shall be paid into the City of Decatur Clerk-Treasurer's office. If contested in Court all fines and costs imposed shall be paid through and administered by the Clerk of Adams County, Indiana.

(Ord. 2022-8, passed 5-3-2022)

ORDINANCE NO. 2023- 23

SHORT TITLE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF DECATUR AMENDING CHAPTERS 72 AND 76 OF THE CITY OF DECATUR CODE OF ORDINANCES OF 2015 AS SUPPLEMENTED TO UNIFY THE REGISTRATION AND RENEWAL PROCESSES OF GOLF CARTS AND UTV'S IN USE WITHIN THE CITY OF DECATUR.

WHEREAS, the City of Decatur, Indiana ("City") has determined that it is desirable for residents to use and operate golf carts and utility terrain vehicles on city streets and has passed ordinances for the registration, inspection, operation and use of such vehicles in Chapter 72 (Golf Carts) and Chapter 76 (Utility Terrain Vehicles) of the City of Decatur Code of Ordinances of 2015, as supplemented in Ordinances 2009-6, as amended by Ordinance 2018-5 and Ordinance 2022-8, respectively; and

WHEREAS, the City now desires to amend the registration, inspection and registration renewal process in order to provide an efficient and uniform means of obtaining a registration permit and/or renewal sticker from the City of Decatur; and

WHEREAS, the City desires to amend the relevant provisions of Chapters 72 and 76 to remove an annual inspection requirement for both golf carts and utility terrain vehicles in order to promote efficiency in serving the public and in the use of City resources,

WHEREAS, further the City, in coordination with the Decatur Police Department, desires to establish uniform location on both golf carts and utility terrain vehicles for application of registration permits and renewal stickers; and

WHEREAS, the Decatur Police Department recommends the placement of registration permits and renewal stickers on the lower backside of a golf cart or UTV; and

WHEREAS, the Common Council hereby approves the recommendations of the Decatur Police Department to remove an annual inspection for renewal of permits for golf carts and UTV's and for the uniform placement of registration permits and/or renewal stickers as such will assist in the identification and recognition of registered golf carts and UTV's.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, AS FOLLOWS:

Section 1: Purpose. The purpose of this Ordinance is to amend Chapter 72 Golf Carts and Chapter 76 Utility Terrain Vehicles to amend sections within each Chapter to unify inspection and registration requirements and to implement uniform placement of registration permits on both golf carts and utility terrain vehicles registered with the City of Decatur.

Section 2: Amendment to Chapter 72. The City of Decatur Code of Ordinances of 2015, as supplemented, Chapter 72 Golf Cart, Section 72.18(A) Registration, Fee, is hereby amended to read as follows:

Unless otherwise excepted herein, no golf cart may be operated on a city street unless validly registered with the City. The Decatur Police Department shall register all golf carts to be operated on city streets in the name of the owner upon the applying for such registration, upon the owner providing proof of financial responsibility cover the golf cart, upon an initial and one-time inspection of the golf cart by Decatur Police Department personnel to confirm the cart is equipped as required within this Chapter and upon payment of the required registration fee. The initial registration of a golf cart shall be effective from the date of registration through December 31 of the same calendar year. Registration renewal shall be for a calendar year from January 1 through December 31. An owner of a golf cart registered with the City for the previous year may apply to renew the permit by applying for a registration renewal sticker and paying the annual registration fee. Registration permits and registration renewal stickers shall be affixed to the lower backside of the golf cart and must be visible at all times the golf cart is in operation within the streets of the City of Decatur and shall be regarded as proof of registration.

Section 3: Amendment of Chapter 76. The City of Decatur Code of Ordinances of 2015, as supplemented, Chapter 76 Utility Terrain Vehicles, Section 76.08 shall be amended as follows:

A. Heading of Section 76.08 shall be amended to read: Inspection, Registration, Renewal

B. 76.08(A) shall be amended to read: Registration permits and/or Registration renewal stickers shall be issued to owners/operators of UTV's by the Decatur Police Department annually.

- C. 76.08(G) shall be amended to read: Any person who operates a UTV in the City of Decatur and fails to obtain and properly display a city issued registration permit and/or registration renewal sticker with said permit/sticker to be fully displayed on the lower backside of the UTV, shall be subject to all applicable state laws, in addition to being violation of this chapter.
- D. 76.08(H) shall be amended to read: UTV owners initially registering a UTV with the City of Decatur must complete the inspection form attached to Ordinance 2022-8, and available from the Decatur Police Department, along with a hold harmless agreement and proof of financial responsibility prior to inspection and granting of an initial registration permit.
- E. New Section 76.08(I) shall be added to read: UTV owners renewing valid permits held for the previous year shall be required to apply for a registration sticker and shall be provided such upon completing said application and upon the execution of an annual hold harmless and indemnification agreement and upon a showing of proof of financial responsibility. No inspection is required, however all owners are responsible for ensuring compliance with provisions of this Chapter, state and federal laws regarding the ownership and use of UTV's.

Severability. In the event any provision within this Ordinance shall be deemed to be unenforceable, such provision shall be severed from the Ordinance and remaining provisions shall remain in full force and effect.

Effect of Ordinance. All other portions of Chapters 72 and 76 of the City of Decatur Code of Ordinances of 2015, as supplemented, not herein affected, shall remain in full force and effect.

Effective Date. This ordinance shall be in full force and effect upon its passage, approval by the Mayor and publication as may be required by law. *[APPROVED BY DANIEL L. RICKORD, AS MAYOR OF THE CITY OF DECATUR, INDIANA ON THE 5TH DAY OF DECEMBER 2023]*