

FILED

JUN 08 2011

CITY CLERK

**GENERAL ORDINANCE NO. 9, 2011  
AS AMENDED**

AN ORDINANCE TO AMEND TERRE HAUTE CITY CODE CHAPTER 8, ARTICLE 3. MISCELLANEOUS MOTOR VEHICLE REGULATIONS AND CHAPTER 2, SEC. 2-118 POLICE CONTINUING EDUCATION FUND.

WHEREAS, with the increased usage of mopeds on City streets, it is necessary to establish applicable regulation; and

WHEREAS, in addition, a large number of mopeds are stolen each year or left in the impound storage lots. Without a means to register and identify the moped owners, many mopeds remain unclaimed or unreturned to the lawful owners; and

WHEREAS, an increasing number of motor vehicle and pedestrian accidents now involve mopeds. If mopeds are to share our City streets with vehicles, bikes, and pedestrians, the manner in which the moped is operated should be regulated.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute as follows:

SECTION 1. The *Terre Haute City Code*, Chapter 8, Article 3, is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

**ARTICLE 3. MISCELLANEOUS MOTOR VEHICLE REGULATIONS.**

**~~Sec. 8-101 — Mo-Ped Regulations — Penalties.<sup>1</sup>~~**

a. ~~Mo-Ped.~~ A vehicle having the capacity to be foot propelled, irrespective of the number of wheels in contact with the ground, but also having the capacity to be propelled by gasoline or other fuel in part or totally and having a saddle for the use of the rider and/or passenger.

b. ~~From date of passage of the ordinance all operators of Mo Peds being ridden or driven upon streets of the City of Terre Haute, Indiana, must be fifteen (15) years of age or older.~~

e. ~~That it is declared to be a violation of this Section for any person under the age of fifteen (15) to operate a Mo-Ped upon the City streets of Terre Haute, Indiana.~~

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<sup>1</sup> Editor's Note: Special Ord. No. 17, 1977, as amended Special Ord. No. 5, 1977 which had been passed on February 10, 1977. I.C. § 9-13-2-104 defines "motor scooter". *Terre Haute First National Bank vs. Stewart* (Dist. Ct. Ap. 1983), 445 NE2d 362, addresses mopeds as a motorized vehicle.

d. ~~Penalties for violation of this Section shall be as follows: Any person who operates a Mo-Ped shall be subject to arrest and upon judgment or conviction shall be fined in the penal sum of not less than One Dollar (\$1.00) nor more than Twenty Five Dollars (\$25.00) and court costs. (Special Ord. No. 17, 1977, As Amended, §§ 1-4, 5-12-77, *Journal of Common Council*, pp. 120-121)~~

## **Sec. 8-101 Moped Regulations.<sup>2</sup>**

a. **Definition.** A “moped” is defined as a motorized vehicle with two (2) or three (3) wheels that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

1. An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters;
2. An automatic transmission; and
3. A maximum design speed of not more than twenty-five miles per hour (25 mph) on a flat surface.

b. **Registration.**

1. All persons operating a moped within the City of Terre Haute must have the moped owned or operated by them registered annually with the City of Terre Haute Police Department.

2. The annual registration form shall be completed in person at the Terre Haute Police Department Headquarters between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday (excluding holidays) at the Terre Haute Police Records Office.

3. Such annual registration form shall require the: name of the owner of the moped; his/her address and telephone number; date of birth of operator; the make, model and serial number of the moped; and the color, size, and other identifying characteristics of the moped.

4. Upon completion of the registration form and payment of the registration fee, the Terre Haute Police Department shall issue a registration decal which shall be affixed at that time to the moped in a location clearly visible to the officer upon inspection of the moped. Such registration decal shall remain affixed to the moped at all times while the moped is in operation.

5. The registration fees shall be as follows:

(A) Initial Registration Fee	\$25.00
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<sup>2</sup> The definition of moped does not include an electric personal assistive mobility device.

(B)      Renewal Registration Fee                      \$10.00

All initial registration and renewal fees shall be deposited in the Police Continuing Education Fund. See Sec. 2-118.

6.      Terre Haute Police Department shall not issue the registration or decal until all required items are submitted and payment is made.

7.      Upon submission to the Terre Haute Police Department of verifiable proof of completion of the ABATE certified motorcycle safety training class, the initial \$25.00 registration fee shall be waived. The owner/operator shall be required to pay the annual renewal fee thereafter.

c.      **Operation and Violations.**

1.      A moped may not be operated within the City limits by a person less than fifteen (15) years of age. All moped operators must have in their possession at all times while operating a moped within the City limits a valid form of identification issued by the Indiana Bureau of Motor Vehicles.

2.      No person shall operate a moped upon any public sidewalk.

3.      Persons riding mopeds shall comply with the traffic laws of the State of Indiana and all traffic ordinances of the City of Terre Haute, Indiana.

4.      Every person operating a moped shall obey all stop signs and traffic signals in the same manner and to the same extent as would be required if said person was operating a motor vehicle.

5.      No passengers are permitted on any moped operated within the City limits.

6.      Every moped shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

7.      Each moped shall be equipped with at least one (1) headlamp of sufficient intensity to reveal a person or vehicle at a distance of not less than one hundred feet (100').

8.      No person shall operate a moped at a speed faster than twenty-five miles per hour (25 mph).

9.      Tail and brake lights are required on all mopeds and shall remain operable at all times while moped is in operation.

10. Any moped found to be in violation of the provisions contained in this Article shall be subject to tow and impoundment by the Terre Haute Police Department.

d. **Enforcement.** This Section may be enforced by the issuance of a citation for an ordinance violation by the Terre Haute Police Department.

e. **Penalty.** Any person violating any of the provisions of this Section shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) and the moped shall be subject to impound until such violations are remedied to the satisfaction of the Terre Haute Police Department.

SECTION 2. The *Terre Haute City Code*, Chapter 2 is hereby amended by insertion of the underlined text as follows:

**Sec. 2-118 Police Continuing Education Fund.**

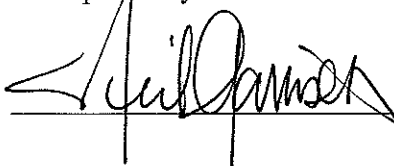
a. There is established a fund known as the Law Enforcement Continuing Education Fund for the purpose of purchases made by the Terre Haute City Police Department for equipment, supplies, continuing education, and law enforcement training for the Police Department.

b. This fund shall be comprised of fees collected by the Terre Haute City Police Department from the following activities:

1. Vehicle inspections;
2. Accident reports;
3. Hand gun licenses and transfer; and
4. Law Enforcement Education (LEE) fees from city court cases. (Gen. Ord. No. 2, 1996, 8-8-96)
5. Moped Registration Fees. See Sec. 8-101.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, said Ordinance shall be in full force and effect on October 1, 2011, from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by:  \_\_\_\_\_, Neil Garrison, Councilman

Passed in open Council this 9<sup>th</sup> day of June, 2011.

John Mullican John Mullican, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 10<sup>th</sup> day of June, 2011.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10<sup>th</sup> day of JUNE, 2011.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk