

WHEREAS, pursuant to provisions of IC 9-21-1-3(a)(14), the Town of Yorktown, with respect to private roads and highways under the Town's jurisdiction, and in accordance with IC 9-21-1-2 and within the reasonable exercise of police power, may regulate golf carts and recreational off road vehicles; and

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(a) the Town of Yorktown may adopt an ordinance with additional traffic regulations concerning the use of golf carts and recreational off road vehicles on streets and alleys under the jurisdiction of the Town as long as the ordinance does not conflict with or duplicate state law; and,

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(b) and (c), all fines assessed for a violation of the golf cart and recreational off road vehicle ordinance shall be deposited into the general fund of the Town and violations of the ordinance shall constitute a Class C infraction; and,

WHEREAS, the Common council of the Town of Yorktown has determined that a need exists for the regulation of golf carts and recreational off road vehicles on the streets and alleys and highways under the jurisdiction of the Town and that an ordinance should be adopted as authorized under Indiana law.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF YORKTOWN, INDIANA, that the Yorktown Town Code entitled Traffic and Vehicles shall be and hereby is amended to add Article VI set forth as follows:

DEFINITIONS.

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

(a) "Golf Cart" -A vehicle with four wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor.

(b) "Driver's License" - A valid license to operate a motor vehicle issued by Indiana or any other state.

(c) "Financial Responsibility" - Pursuant to I.C. 9-25-2-3, proof of ability to respond in damages for liability that arises out of the ownership, maintenance, or use of a golf cart in the following amounts:

- 1) Twenty-five thousand dollars because of bodily injury to or death of any one person;
- 2) Subject to the limit in division (1), \$50,000 because of bodily injury to or death of two or more persons in any one accident; and
- 3) Ten thousand dollars because of injury to or destruction of property in any one accident.

(d) "Recreational Off Road Vehicle"- A motorized off-highway vehicle that:

- 1) Is 64" or less in width;
- 2) Is designed for travel on at least four non-highway or off-highway tires;
- 3) Is designed for recreational use by one or more individuals;
- 4) Has a non-straddle seat or saddle;
- 5) Has a steering wheel for steering control;

- 6) Is not a lawn mower;
- 7) Has a manufactured from the factory set of head lights, tail lights and brake lights.

(e) "Brake Lights" manufactured or installed red light that automatically illuminates when the brakes are applied.

(f) "Turn signal" manufactured or installed flashing light to indicate a vehicle is about to change lanes or turn.

OPERATION OF GOLF CART AND RECREATIONAL OFF ROAD VEHICLE.

The operation of a golf cart or recreational off road vehicle within the Town of Yorktown is strictly prohibited unless the golf cart or recreational off road vehicle is operated and equipped in full compliance with this chapter.

OPERATOR.

Only valid licensed drivers, sixteen (16) years of age or older, and issued a driver's license from a State Bureau of Motor Vehicles may operate a golf cart or recreational off road vehicle in the Town of Yorktown.

FINANCIAL RESPONSIBILITY.

The operator of a golf cart or recreational off road vehicle must show financial responsibility when operating a golf cart or recreational off road vehicle. Written proof of financial responsibility must be available either in or on the golf cart or recreational off road vehicle at all times.

VEHICLE REQUIREMENTS.

The golf cart or off road vehicle must be equipped with brake lights and turn signals.

TIME OF OPERATION.

Golf carts and recreational off road vehicles may only be operated from sunrise to sunset.

PLACE OF OPERATION.

Golf carts and recreational off road vehicles may be operated on Town streets which have a posted speed limit of thirty (30) miles per hour or less. Golf carts and recreational off road vehicles shall not be operated on Town sidewalks, trail, multi-use path or upon any state highways located within the Town of Yorktown, specifically State Road 32 and State Road 332. Golf cart and recreational off road vehicle traffic may cross roads with a speed limit greater than 30 mph or State Highways in the Town of Yorktown, State of Indiana.

OCCUPANTS.

The number of occupants in a golf cart or recreational off road vehicle shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart or recreational off road vehicle. The operator and all occupants shall be seated in the golf cart or recreational off road vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart or recreational off road vehicle while the golf cart or recreational off road vehicle is being operated. No one under the age of eight (8) years is

allowed to ride on the back seat of the golf cart or recreational off road vehicle unless accompanied by an adult also riding in a back seat.

TRAFFIC RULES.

Golf carts and recreational off road vehicles shall obey all of the rules of the road and shall display a "slow moving vehicle" sign of the same type required under Indiana Law, as well as a registered sticker from the Town of Yorktown, valid for the current year.

REGISTRATION.

Golf carts and recreational off road vehicles shall be registered with the Town of Yorktown on or before May 1st annually. The Town incurs administrative costs in providing materials for the registration and for approved stickers to be placed upon the golf carts and recreational off road vehicles, and in inspecting the vehicles. Therefore, an Administration/Inspection fee of _____ dollars (\$XX.00) is to be paid through the office of the Town Clerk/ Treasurer or their designee. Registration tags will be issued by the Yorktown Marshal's Department after a satisfactory inspection of the golf cart or recreational off road vehicle has been completed.

OTHER.

The Town Council may exempt from the provisions of this Ordinance the use of golf carts or recreational off road vehicles in favor of public safety personnel and/or the use of golf carts and recreational off road vehicles during special events. All special events participants should be identified as such and each individual must provide proof of insurance and a valid driver's license before being allowed to operate a golf cart or recreational off road vehicle during any special event.

IMPOUNDING GOLF CARTS – NON-COMPLIANCE.

Notwithstanding any law to the contrary a law enforcement officer authorized to enforce motor vehicle laws who discovers a golf cart or operator that is in violation of Operator, Time of Operation, Vehicle Requirements and/or Registration sections shall take the golf cart into the officer's custody; and may cause the vehicle to be taken to and stored in a suitable place, at the owner's expense, until such time as the owner can take possession and transport the golf cart without violating the provisions of this ordinance.

PENALTY.

A violation of the provisions of the Town Code pertaining to this traffic regulation occurring after the adoption of this Ordinance shall constitute a Class C Infraction and a violation of this ordinance and upon a finding of such violation the violator shall be fined a sum not to exceed _____ Dollars (\$XXX.00). Two (2) or more violations within a calendar year may result in the revocation of the golf cart or recreational off road vehicle permit by Marshal for a period of up to six (6) months.

APPROVED AND ADOPTED by the Common Council of the Town of Yorktown, Indiana,