

ORDINANCE NO. _____

A PROPOSAL FOR AN ORDINANCE TO AMEND THE YORKTOWN TRAFFIC
CODE TO ADD THE REGULATION OF THE USE OF GOLF CARTS

WHEREAS, pursuant to Ind. Code §9-21-1-3(a)(14), the Town of Yorktown, Indiana, within the reasonable exercise of its police power, may regulate Golf Carts and Recreational Off-Road Vehicles on private roads and highways under the Town’s jurisdiction; and

WHEREAS, 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 IC §9-21-9-0.5(b), all fines assessed for a violation of this ordinance shall be deposited into the General Fund of the Town; and,

WHEREAS, the Town 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 Chapter 70 of the Yorktown Code of Ordinances, known as the Traffic Code, shall be and hereby is amended to ADD the following sections, beginning with §70.50:

70.50 DEFINITIONS.

For the purpose of this section, the following definitions, in addition to those enumerated in §70.02, shall apply unless the context clearly indicates or requires a different meaning:

- (A) “**Approved Street**” means Town streets which have a posted speed limit of thirty (30) miles per hour or less, not including any State Highway; this expressly does not include Town sidewalks, trails, or multi-use paths.

- (B) “**Financial Responsibility**” means proof of ability to respond in damages for each Golf Cart or Recreational Off-Road Vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the Golf Cart or Recreational Off-Road Vehicle in the following amounts:

(1) Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person.

(2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident.

(3) Twenty-five thousand dollars (\$25,000) because of injury to or destruction of property in any one accident.

(C) "**Recreational Off-Road Vehicle**" means a motorized, off-highway vehicle, as defined by IC §14-8-2-233.5 which states that it:

(1) is sixty-five (65) 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) non-highway or off-highway tires; and

(4) is designed for recreational use by one (1) or more individuals.

70.51 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 and all applicable laws and ordinances regarding vehicular travel and traffic control.

70.52 OPERATOR.

Only Operators holding a valid driver's license under Indiana law may operate a Golf Cart or Recreational Off-Road Vehicle in the Town of Yorktown. Violations of this subsection involving Operators of minor age will be assessed against the Owner of the vehicle. All Operators shall have the vehicle's registration card with them at all times while the vehicle is in operation.

70.53 VEHICLE REQUIREMENTS.

The Golf Cart or Recreational Off-Road Vehicle must be equipped with brake lights and turn signals as described in IC §9-19-6-17, a slow moving vehicle placard, and be otherwise safe for travel. The registration sticker must be visible and placed as instructed by the Town upon issuance.

70.54 TIME AND PLACE OF OPERATION.

(A) Golf Carts and Recreational Off-Road Vehicles may only be operated from sunrise to sunset.

(B) Golf Carts and Recreational Off-Road Vehicles may be operated on Approved Streets only. Golf Cart and Recreational Off-Road Vehicle traffic may cross roads with a speed limit greater than thirty (30) miles per hour or State Highways in the Town of Yorktown, State

of Indiana if done at a right angle in order to travel from one Approved Street to another Approved Street and done with due regard for safety.

70.55 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 appropriately installed; this number shall be noted on the approved permit. 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 vehicle while it is being operated. No one under the age of eight (8) years is allowed to ride on the back seat of a Golf Cart or Recreational Off-Road Vehicle unless accompanied by an adult also riding in a back seat; the Operator shall be responsible for compliance with this subsection.

70.56 REGISTRATION and PERMITTING.

(a) Golf Carts and Recreational Off-Road Vehicles shall be registered annually with the Town of Yorktown by completing an application. A registration fee of thirty-five dollars (\$35.00) is to be paid through the office of the Town Clerk-Treasurer or its designee at the time of application to cover the Town's administrative processing costs.

(b) The owner of a Golf Cart or Recreational Off-Road Vehicle must show proof of Financial Responsibility at the time of application and must maintain the same for the duration of the issued permit.

(c) If the registration is approved, and after satisfactory inspection by the Town Marshal, a permit and registration sticker will be issued; valid stickers shall be displayed visibly on the Golf Cart or Recreational Off-Road Vehicle.

(d) Registrations are valid for one year, from May 1 to April 30. Registrations may be obtained at any time during the calendar year but will expire April 30. Renewal applications will be made available in March each year and will be subject to the same \$35 registration fee.

70.57 EXEMPTIONS FOR PUBLIC SAFETY AND/OR SPECIAL EVENTS.

(A) This ordinance does not apply to the use of Golf Carts or Recreational Off-Road Vehicles by public safety personnel in furtherance of their official duties.

(B) Special Event participants may seek a waiver of the provisions herein by resolution of the Town Council, and will be required to submit proof of Financial Responsibility and a valid driver's license before being issued a Special Event golf cart permit.

70.58 FAILURE TO COMPLY.

Violation of this ordinance shall be considered an ordinance violation and be subject to monetary penalties. Law enforcement officers observing an ordinance violation under this section are further authorized to take the Golf Cart or Recreational Off-Road Vehicle into the officer's custody and store it in a suitable place, at the owner's expense, until such time as the

owner can take possession and transport it without further violation of the provisions of this ordinance. Two (2) or more violations of this section within a calendar year may result in the revocation of the Golf Cart or Recreational Off-Road Vehicle permit for a period of up to six (6) months.

70.59 PENALTY.

Any person violating a provision of §§70.50-70.58 shall be fined a sum not to exceed One Hundred Fifty Dollars (\$150.00) for a first offense, and Two Hundred Fifty Dollars (\$250.00) for any subsequent offense. The penalty shall be paid to the Town Clerk-Treasurer as Clerk of the Ordinance Violations Bureau and deposited into the General Fund.

Approved by the Town Council of Yorktown this _____ day of _____,
20____.

_____, Town Council President

ATTEST:

Lance Turner, Town Clerk/Treasurer