

ORDINANCE 2021-3

AN ORDINANCE AMENDING TITLE VII, CHAPTER 70 OF THE
TOWN CODE OF CLOVERDALE, INDIANA.
REGULATING THE OPERATION OF GOLF CARTS
AND OFF-ROAD VEHICLES ON TOWN STREETS

WHEREAS, by change to Indiana law, the operation of golf carts upon municipal streets, alleys and highways may be permissible unless prohibited or regulated by municipal ordinance;

WHEREAS, recent changes to Indiana law, including specifically I.C. 9-21-1-3.3, allow municipalities to approve and regulate the use of golf carts on public ways and highways under town jurisdiction;

WHEREAS, in light of increasing costs of transportation and demand from the public, many Indiana communities have allowed golf carts to be operated within their jurisdictions;

WHEREAS, the operation of off-road vehicles such as ATVs upon municipal streets, alleys and highways should also be regulated for public safety, and

WHEREAS, while public safety officials continue to have concerns about the dangers posed by operating golf carts and ATVs upon town streets amongst motor vehicle traffic, the Town Council believes that with sufficient regulation, operating them should be allowed.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE, INDIANA, that:

SECTION 1. There is hereby added a Section 70.30 to Title VII, Chapter 70, General Provisions, of the Municipal Code of the Town of Cloverdale concerning "Golf Carts" consisting of the following:

GOLF CARTS

70.31 DEFINITION.

"Golf cart" means a three (3) or 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.

70.32 UNLAWFUL TO OPERATE.

It shall be unlawful for any person to operate a motorized golf cart on the streets, alleys, sidewalks, highways, or other publicly accessible place within the Town of Cloverdale ("Town"), except as provided in this ordinance.

70.33 OPERATING REQUIREMENTS.

Any and all golf carts operated on the streets, alleys, or other publicly accessible places within the Town must:

- a. at all times display a reflective slow moving vehicle emblem in accordance with IC 9-21-9-3 or a red or amber flashing lamp in accordance with IC 9-21-9-4,
- b. have two (2) operable front headlights on at all times, and have a functional rear-view mirror,
- c. be operated by an individual who possesses a valid state issued driver's license,
- d. be operated during daylight hours only, with daylight hours defined as the times required by Indiana statute for motorists not to be required to use headlights on motor vehicles,
- e. not operate on state highways or on sidewalks, provided that a cart may cross the highway or a sidewalk at a 90 degree angle, if the operator does so in a manner provided by state law as if he or she were a driver of a motor vehicle,
- f. abide by all state laws and local ordinances, including all traffic laws that would otherwise apply to motor vehicles and noise ordinances,
- g. have financial responsibility in effect with respect to the golf cart, with proof thereof in accordance with IC 9-25-4-4 in the state required minimum amounts set by IC 9-25-4-5,
- h. have no more occupants than there are manufactured seats in the cart, and all occupants must be seated when the cart is in motion,
- i. not be operated on the grounds of the town park, and
- j. display the owner's first and last name, physical address, and working phone number visibly located on the cart, and this information must be legible in all weather conditions.

SECTION 2. There is hereby added a Section 70.40 to Title VII, Chapter 70, Traffic Regulations, of the Municipal Code of the Town of Cloverdale concerning "Off-Road Vehicles" consisting of the following:

OFF-ROAD VEHICLES

70.40 DEFINITION.

- (1) "Off-road vehicle" has the definition contained in I.C. §14-8-2-185. It means a motor driven vehicle capable of cross-country travel:
 - (a) Without benefit of a road or trail; and
 - (b) On or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

- (2) The term includes the following:
 - (a) A multi-wheel drive or low pressure tire vehicle.
 - (b) An amphibious machine.
 - (c) A ground effect air cushion vehicle.
 - (d) An all-terrain vehicle (ATV) (as defined in I.C. §14-8-2-5.7)
 - (e) A recreational off-highway vehicle (as defined in I.C. §14-8-2-223.5)
 - (f) Other means of transportation deriving motion from a source other than muscle or wind.

- (3) The term does not include the following:
 - (a) Any vehicle including an off-road vehicle being used for agricultural purposes.
 - (b) A vehicle being used for military, law enforcement, or emergency services purposes.
 - (c) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
 - (d) A snowmobile.
 - (e) A registered aircraft.
 - (f) Any other vehicle properly registered by the Bureau of Motor Vehicles.
 - (g) Any water craft that is registered under Indiana statutes. (h) A golf cart vehicle.
 - (i) A vehicle including an off-road vehicle that is being used by a person suffering from a handicap or disability, if the handicapped or disabled person is using the vehicle as a necessary means of transportation

70.41. UNLAWFUL TO OPERATE.

It shall be unlawful for any person to operate an off-road vehicle on the streets, alleys, sidewalks, highways, or other publicly accessible place within the Town of Cloverdale ("Town"), except as provided in this ordinance. It shall be unlawful for any person to operate a go-cart or non-street legal "dirt bike" on the streets, alleys, sidewalks, highways, or other publicly accessible place within the Town.

70.42 OPERATING REQUIREMENTS.

Any and all off-road vehicles operated on the streets, alleys, or other publicly accessible places within the Town must:

(a) At all times display a reflective slow moving vehicle emblem in accordance with IC 9-21-9-3, a red taillight or amber flashing lamp in accordance with IC 9-21-9-4, or a manufacturer-installed taillight.

(b) Have at least one (1) operable front headlight on at all times, and have a functional rear-view mirror,

(c) Be operated by an individual who possesses a valid state issued driver's license,

(d) Be operated during daylight hours only, with daylight hours defined as the times required by Indiana statute for motorists not to be required to use headlights on motor vehicles,

(e) Not operate on state highways or on sidewalks, provided that a vehicle may cross the highway or a sidewalk at a 90 degree angle, if the operator does so safely and in the manner proved by state law as if he or she were a driver of a motor vehicle,

(f) Abide by all state laws and local ordinances, including all traffic laws that would otherwise apply to motor vehicles and noise ordinances,

(g) Have financial responsibility in effect with respect to the vehicle, with proof thereof in accordance with IC 9-25-4-4 in the state required minimum amounts set by IC 9-25-4-5,

(h) Have no more occupants than there are manufactured seats in the vehicle, and all occupants must be seated when the vehicle is in motion,

(i) Not be operated on the grounds of the town park,

(j) Be registered with the Indiana Bureau of Motor Vehicles and display all required BMV plates and stickers, and

(k) Be operated in compliance with the Indiana Helmet Law and in compliance with all requirements of state law.

70.98 PENALTIES.

a. Any person found guilty of violation of Sections 70.30 or 70.40 of this Chapter shall be fined the sum of \$50.00 for the first violation and \$100.00 for each violation thereafter,

b. Owners or operators of non-compliant golf carts or off-road vehicles that are operated on the streets, alleys, or other public places within the Town are also subject to having said vehicles impounded; if impoundment occurs, the owner of the vehicle

shall be liable for an impound fee of \$50.00 and all towing and storage fees, in addition to any other fines or penalties of this and any other ordinance(s) violated; in order to retrieve the vehicle from impound, the owner must first pay all fines, fees and charges due; in the event the vehicle is not retrieved within seven (7) days, it will be subject to disposal by the Town in the manner set forth under Indiana law for abandoned motor vehicles, and

c. In the event a golf cart or off-road vehicle is operated on the streets, alleys, or other public places within the Town by someone without a valid driver's license and there is no one else present to lawfully operate the vehicle, or in the event such a vehicle is operated on a state highway other than to directly cross it, then it may be impounded immediately as provided above, together with all applicable fines and charges.

SECTION 3. (A) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect, and all provisions of the Town Code replaced or superseded by this Ordinance shall be and hereby are repealed.

(B) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(C) This Ordinance shall be in full force and effect upon adoption and 30 days after any necessary publication.

Adopted by the Town Council of the Town of Cloverdale, Indiana, this 11th day of May, 2021.

Attest:


Clerk-Treasurer
Town of Cloverdale, Indiana

CLOVERDALE TOWN COUNCIL:




