

ORDINANCE 17-8-2

Synopsis: This ordinance, if adopted, would replace Chapter 73 of the Town of Ossian Code of Ordinances to authorize the operation of golf carts and certain utility task vehicles on Town streets.

AN ORDINANCE AMENDING CHAPTER 73 OF THE TOWN OF OSSIAN CODE OF ORDINANCES

BE IT ORDAINED, by the Town Council of the Town of Ossian, Indiana, in meeting duly assembled and after consideration of information deemed by it to be sufficient, that Chapter 73 of the Town of Ossian Code of Ordinances be and is hereby deleted in its entirety and replaced with the following:

“CHAPTER 73: OPERATION OF GOLF CARTS and UTILITY TASK VEHICLES.

Section:

- 73.01 Definitions
- 73.02 Unlawful operation of a golf carts or utility task vehicles
- 73.03 Requirement of local registration
- 73.04 Requirement of driver's license
- 73.05 Requirement of financial responsibility
- 73.06 Time of operation and nighttime restrictions
- 73.07 Slow moving vehicle reflective sign
- 73.08 Place of operation
- 73.09 Traffic laws and ordinances
- 73.10 Occupants
- 73.11 No towing
- 73.12 Exceptions
- 73.13 Revocation of registration and eligibility to operate golf carts or utility task vehicles

- 73.99 Penalty

§ 73.01 DEFINITIONS.

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

FINANCIAL RESPONSIBILITY. The meaning given in I.C. 9-25-4-1 *et seq.* as it now reads or is subsequently amended.

GOLF CART. A 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.

OPERATE. To exercise any control over the function or movement of a golf cart or UTV.

SLOW MOVING VEHICLE REFLECTIVE SIGN. A triangle shaped reflective sign of the same type required under state law.

STATE HIGHWAY. Any street under the control of and maintained by the state and shall include but not be limited to State Road 1.

TOWN STREET. The entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel within the corporate limits of the town. **TOWN STREET** includes but is not necessarily limited to streets, alleys, roads, highways, and thoroughfares.

UTILITY TASK VEHICLE (UTV). A small, two to six (2-6) person, four-wheel, off-road vehicle with a steering wheel as opposed to handle bars, sometimes referred to as a “Side by Side”; “Utility Terrain Vehicle”, or “Recreational Off-Highway Vehicle”. Examples include Polaris and Gator. It does not include a farm vehicle being used for farming, including, but not limited to, a farm wagon; a vehicle used for military or law enforcement purposes; a construction, mining, or other industrial related vehicle used in the performance of the vehicle’s common function, including, but not limited to, a farm wagon; a snowmobile; a registered aircraft; any other vehicle properly registered by the bureau of motor vehicles; and any watercraft that is registered under Indiana statutes.

§ 73.02 UNLAWFUL OPERATION OF GOLF CARTS OR UTILITY TASK VEHICLES.

It shall be unlawful to operate a golf cart or UTV on any town street except as specifically authorized by this chapter. Any person who operates a golf cart or UTV in violation of this chapter shall be subject to penalty as set forth in this chapter.

§ 73.03 REQUIREMENT OF LOCAL REGISTRATION.

(A) *Local registration required.*

(1) Any golf cart or UTV operated on a town street must be registered at the town Police Department.

(2) The annual registration certificate will be valid from January 1 until December 31 of the year in which it is issued.

(3) The then current registration certificate shall be maintained on or about the golf cart or UTV at all times that it is in operation.

(B) Registration fee.

(1) Each registrant shall provide the vehicle identification number and proof of financial responsibility and shall pay a registration fee of \$25 for each golf cart or UTV to be registered for that year or the remaining portion thereof; or

(2) A temporary registration may be purchased for a period of time not to exceed five (5) consecutive days for a fee of \$10.

§ 73.04 REQUIREMENT OF DRIVER'S LICENSE.

The operator of a golf cart or UTV on a town street must have a valid driver's license issued by the State of Indiana or any other state and must possess that license while operating the golf cart or UTV.

§ 73.05 REQUIREMENT OF FINANCIAL RESPONSIBILITY.

No person may operate a golf cart or UTV on any town street unless financial responsibility is in effect with respect to the golf cart or UTV as provided under IC 9-25-4-4, as it now reads or is subsequently amended.

§ 73.06 TIME OF OPERATION AND NIGHTTIME RESTRICTIONS.

No golf cart or UTV shall be operated on a town street between the time of ½ hour after sunset and ½ hour before sunrise unless the golf cart or UTV is registered under this chapter and equipped with 2 headlamps, 2 tail lamps, front and rear turn lamps, and rear brake lamps, all of which must be visible from a distance of at least 500 feet.

§ 73.07 REQUIREMENT OF SLOW MOVING VEHICLE SIGN.

No golf cart or UTV shall be operated on a town street unless the golf cart or UTV is equipped with a properly displayed slow moving vehicle reflective sign clearly visible from behind.

§ 73.08 PLACE OF OPERATION.

No golf cart or UTV shall be operated on or at any of the following:

(A) Any town street or any portion of any town street where the speed limit in effect at the place of operation is greater than 30 miles per hour;

(B) Any town street designated as a state highway (Jefferson Street), except to cross any state highway at intersections perpendicular to the state highway

(C) Any sidewalk, public trail, or public greenway not specifically designated for use by a motor vehicle.

§ 73.09 TRAFFIC LAWS AND ORDINANCES.

The operator of a golf cart or UTV on a town street shall comply with all then effective traffic laws, ordinances, rules, and regulations adopted by the state and the town.

§ 73.10 OCCUPANTS.

(A) *Number and placement.* The number of occupants of a golf cart or UTV shall be limited to the lesser of six (6) persons or the number of persons for whom factory seating is installed on the golf cart or UTV. The operator and occupants shall be properly seated at all times, and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart or UTV while the golf cart or UTV is in operation, except that the operator shall use proper traffic hand signals when required.

(B) *Minor as operator.* If the operator of a golf cart or UTV is under eighteen (18) years of age, no more than two (2) additional persons under the age of eighteen (18) are permitted to occupy that golf cart or UTV.

(C) *Infants prohibited.* No one under the age of two (2) years shall be permitted as an occupant of a golf cart or UTV on a town street.

§ 73.11 NO TOWING.

No golf cart or UTV shall be used to tow any type of trailer or other vehicle.

§ 73.12 EXCEPTIONS.

(A) Upon receipt of written authorization from the Ossian Days Board, golf carts or UTVs operated in connection with the town's annual Ossian Days street fair shall be exempted from specifically specified requirements of this chapter for operation within the confines of that portion of the downtown in which fair activity is taking place, except that the operator of such golf carts or UTVs must still be a licensed driver and financial responsibility must be in effect with respect to the golf carts or UTVs.

(B) The town Police Department shall have the authority to specifically permit the use of golf carts or UTVs by identified persons at other special events without compliance with specifically specified provisions of this chapter, provided, however, that permission must be written, the operator of the golf cart or UTV must be a licensed driver, and financial responsibility must be in effect with respect to the golf cart or UTV.

§ 73.13 REVOCATION OF REGISTRATION AND ELIGIBILITY TO OPERATE GOLF CART OR UTILITY TASK VEHICLES.

Any unsafe operation, multiple violations, failure to maintain financial responsibility, or failure to pay fines in accordance to this chapter may, as reasonably determined by the Police Chief or the Police Chief's authorized designee, result in the revocation of a golf cart or UTV registration and the violator's eligibility to operate a golf cart or UTV on town streets for up to one (1) calendar year.

§ 73.99 PENALTY.

(A) Failure to comply with this chapter will result in fines and penalties as follows: first offense: \$25 fine; second offense: \$50 fine; and each additional offense: \$100 fine.

(B) An offense is defined as each separate violation of this chapter which occurs while operating a golf cart or UTV.”

BE IT FURTHER ORDAINED, that the Town of Ossian Code of Ordinances shall be amended in accordance herewith and that two (2) copies of the Code, so amended, are kept on file in the Office of the Clerk-Treasurer for public inspection.

BE IT FINALLY ORDAINED that this ordinance shall be in full force and effect following its adoption, publication and in accordance with applicable law.

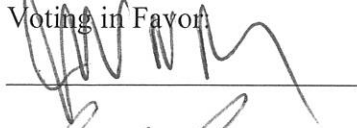
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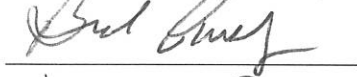
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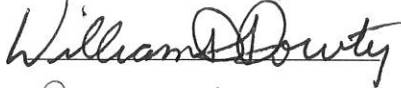
Ordinance 17-8-2 was duly adopted this 11 day of Sept., 2017, by a vote of 5 in favor and 0 in opposition.

TOWN OF OSSIAN, INDIANA by its TOWN COUNCIL

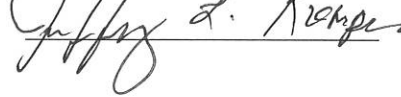
Voting in Favor:











Josh Barkley
(President)

Brad Pursley

Bill Dowty


Renee Sweeney

Jeff Kemper

Voting in Opposition:



Attest:


Jeannette Dickey
Clerk-Treasurer