

ORDINANCE NO: 2013-004

AN ORDINANCE AMENDING CHAPTER 7 OF THE
TOWN CODE OF THE TOWN OF WAYNETOWN, INDIANA
TO REGULATE THE OPERATION OF LOW SPEED VEHICLES
WITHIN THE TOWN OF WAYNETOWN

WHEREAS, by recent 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 city jurisdiction;

WHEREAS, I.C. 14-16-1-22 stipulates what a town can and cannot regulate with respect to off road vehicles,

THEREFORE BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Waynetown, Indiana, that Chapter 7 of the Town Code of Waynetown, Indiana, is hereby amended to adopt the following and repeal any prior versions:

7-8(a). It shall be unlawful for any person to operate a motorized golf cart or recreational off road vehicle on the streets, alleys, sidewalks, highways, or other public places within the Town Of Waynetown, except as provided in this ordinance, unless the applicable part of this ordinance is preempted by state law.

(b). Any and all golf carts and recreational off road vehicles operated on the streets, alleys, or other public places within the Town of Waynetown must:

- i. 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, and
- ii. have two (2) operable front headlights on at all times, and
- iii. have at least one (1) red rear taillight on at all times.

(c). Any and all golf carts and recreational off road vehicles operated on the streets, alleys, or other public places within the Town of Waynetown must:

- i. at all times be operated by an individual who possesses a valid state issued driver's license, and
- ii. be operated during daylight hours only, with daylight hours defined as the times required by Indiana statute for motorists to use headlights on motor vehicles, and
- iii. not operate on state highways or on sidewalks, provided that golf carts and recreational off road vehicles 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, and
- iv. abide by all state laws and local ordinances, including all traffic laws that would otherwise apply to motor vehicles.
- v. have financial responsibility in effect with respect to the golf cart or recreational off road vehicle; proof of financial responsibility shall be the state required minimum amount in accordance with IC 9-25-4-4 and as follows:

(a) Subject to the limit set forth in subdivision (b), twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual.

(b) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(c) Ten thousand dollars (\$10,000) for damage to or the destruction of property in one (1) accident.

(d). Before operating a golf cart and recreational off road vehicle on the streets, alleys, or other public places within the Town of Waynetown:

- i. The owner of that vehicle must register the cart or recreational off road vehicle with the Clerk-Treasurer of the Town of Waynetown, or the Clerk's designee, every three (3) years, on such forms as the Town may establish, and
- ii. For golf carts, pay a three-year fee for registration in the amount of \$30.00, which fee shall be deposited into the General Fund of the Town, while per state law there shall be no municipal registration fee for recreational off road vehicles, and
- iii. Upon registration, the owner shall receive one (1) registration sticker, which must be permanently placed on the left or front of the golf cart and recreational off road vehicle in a visible place.

(e) A person may operate a recreational off road vehicle on the streets, alleys, or other public places within the Town of Waynetown, provided that person complies with all state laws and regulations governing the operation of those vehicles on public property, including but not limited to I.C. 14-16-1.

(f). A person who violates this ordinance shall on the first offense be fined One Hundred dollars (\$100). A person who violates this ordinance a second time within a calendar year of the first offense shall be fined the sum Two Hundred fifty dollars (\$250). A person who violates this ordinance a third time, or more, shall be fined a sum not to exceed Two Thousand Five Hundred dollars (\$2,500). The foregoing shall together with reasonable attorney's fees incurred by the Town in enforcing this Ordinance. Upon that person's third conviction under this section, the golf cart or recreational off road vehicle will be impounded by the Town; in order to retrieve the golf cart or recreational off road vehicle from impound, the owner must first pay an impound fee of \$50.00 and a \$5.00 per day storage charge to the Town; in the event the cart or recreational off road 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

(g). In the event a cart or recreational off road vehicle is operated by someone without a valid Indiana state driver's license and there is no one else present to lawfully operate the cart or recreational off road vehicle or in the event a cart or recreational off road vehicle is operated on a state highway other than to directly cross it, then it shall be impounded immediately and subject to fees and potential forfeiture stated in section (f) above.

Section 2. (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.

(D) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

This ordinance shall be in full force and effect upon its passage and enforceable thirty (30) days after publication.

Adopted by the Town Council of the Town of Waynetown, Indiana, this 12th day of February, 2013.

Voting yes:

Voting no:

Scotty Sutter
Linda Arrigo

Ray Lewis

Charles Swank

Bob

WAYNETOWN TOWN COUNCIL

ATTEST:

Sandra K. Proctor

Sandra K. Proctor, Clerk-Treasurer