

ORIGINAL

AN ORDINANCE ESTABLISHING AND REGULATING THE LICENSING AND OPERATION OF GOLF CARTS WITHIN TOWN LIMITS OF THE TOWN OF DAYTON, INDIANA

WHEREAS citizens of the Town of Dayton, Indiana have expressed interest in operating golf carts on town streets; and

WHEREAS the Town of Dayton, Indiana wishes to provide an appropriate regulatory framework to ensure that golf carts are operated as safely and responsibly as possible on town streets; and

WHEREAS the Town of Dayton, Indiana has the authority pursuant to Indiana Code to adopt an ordinance concerning the use of golf carts on streets within its jurisdiction.

NOW THEREFORE the Town Council of the Town of Dayton, Indiana hereby ordains as follows:

Section 1: Definitions

- (a) "Golf Cart" shall mean golf cart as defined by Indiana Code 9-13-2-69.7, as may be modified, which presently reads: "Golf cart" means a 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.
- (b) Streets shall mean all public streets and rights of way, except those which are subject to control by the Indiana Department of Transportation, Tippecanoe County, or by any other governmental entity.
- (c) "Daylight Hours" shall mean one-half hour before sunrise through one-half hour after sunset.

Section 2: Registration

- (a) Before a Golf Cart may be operated on Town streets, the Golf Cart must be duly registered with the Town Marshal.
- (b) The Town Marshal shall establish a process whereby applicants demonstrate:
 - a. Proof of financial responsibility as defined by Indiana Code 9-25-2-3;
 - b. Issuance of a valid driver's license;
 - c. That the Golf Cart is reasonable safe for use on Town streets in the judgment of the Town Marshal;
 - i. The Golf Cart must be equipped with a "slow moving vehicle" sign;
 - ii. The Golf Cart must be equipped with at least one rear-view mirror;

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- iii. The Golf Cart must be equipped with headlights, taillights and brake lights;
 - iv. The Golf Cart must be equipped with seatbelts; and
 - v. The Golf Cart must be equipped with turn signals.
 - d. That the registered vehicle is a Golf Cart within the meaning of this Ordinance.
- (c) Prior to the issuance of a registration decal, the applicant shall pay the registry fee of Fifty Dollars (\$50.00).
 - a. The registration fee shall be deposited in the Town's General Fund.
- (d) Golf Cart registrations are effective for two (2) years, after which the Golf Cart must be re-registered in accordance with this Section.
- (e) If the Town Marshal is satisfied that the registrant has complied with the requirements of this Section, the Town Marshal shall issue a numerical registration decal to the owner.
 - 1. The Town Marshal shall maintain a registry containing each identification number with the name, address and telephone number of the registered owner.
 - 2. The registration decal shall be displayed prominently and conspicuously on the front and rear of the Golf Cart so as to be fully visible while the Golf Cart is in operation.
- (f) The Town Marshal's registration of a Golf Cart shall not be construed as a representation or warranty that the Golf Cart is safe or fit for use, only that it complies with the registration requirements of the ordinance.
- (g) In registering a Golf Cart, the registrant assumes responsibility for maintaining the Golf Cart in safe operating condition and ensuring that it is operated in safely and in compliance with the laws of the State of Indiana and this and all other Town Ordinances or other applicable law. Registrants assume the liability and risk of operation of the Golf Cart.

Section 3: Regulation of Operation of Golf Carts on Town Streets

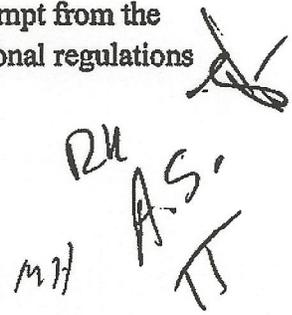
- (a) Golf Carts shall be maintained in proper working condition with all equipment in good working order.
- (b) Any Golf Cart operated on Town streets without first being properly registered is in violation of Indiana Code, and the Golf Cart may be towed and the operator issued a citation.
- (c) Any Golf Cart operated on Town streets not in compliance with the requirements of this Ordinance may be issued a citation pursuant to Indiana law. RU
- (d) A Golf Cart may be operated only by an individual with a valid driver's license. A. G. [Signature]

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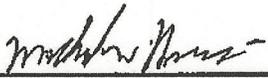
- (e) Golf Carts shall only be operated during Daylight Hours.
- (f) All Golf Carts shall obey all of the rules of the road, state laws and local ordinances.
 - a. Golf Carts may cross State Road 38, but may not travel on or alongside State Road 38.
 - b. Golf Carts may cross sidewalks, but may not travel on or sidewalks.
- (g) Golf Carts shall not exceed a speed of twenty (20) miles per hour within Town limits.
- (h) All Golf Carts shall display a "slow moving vehicle" sign attached to the rear of the Golf Cart.
- (i) Proof of financial responsibility (as defined by Indiana Code 9-25-2-3) shall be kept on the Golf Cart at all times.
- (j) All passengers must remain seated while the Golf Cart is in use, and must be restrained by their own individual seatbelt.
- (k) The provisions and requirements of Indiana Code §9-19-11-2 *et seq.* related to Passenger Restraint Systems for Children shall be applicable and fully enforceable with respect to Golf Carts within the Town, and Golf Carts shall be considered "motor vehicles" within the context of I.C. §9-19-11-2 *et seq.*
- (l) Golf Carts shall not emit noxious exhaust.
- (m) Golf Carts shall not be maintained or operated in a way that creates loud noise.
- (n) Any Golf Cart found operating in violation of this Ordinance shall be subject to the following fines:
 1. First Offense: Fifty Dollars (\$50.00);
 2. Second Offense within one (1) year: One Hundred Dollars (\$100.00);
 3. Third Offense within one (1) year of the second offense: Five Hundred Dollars (\$500.00) and revocation of the Golf Cart's registration for a period of not less than one (1) year.
- (o) Any fine assessed for violation of this Ordinance shall be deposited in the Town of Dayton's General Fund.
- (p) An exemption may be issued for the purpose of driving the Golf Cart to a location specified by the Town Marshal inspection and registration. Such exemption must be secured with the prior written consent of the Town Marshal.
- (q) Golf Carts owned by the Town of Dayton, Indiana shall be exempt from the registration requirements of this Ordinance, but not the operational regulations contained herein.

Section 4: Miscellaneous Provisions


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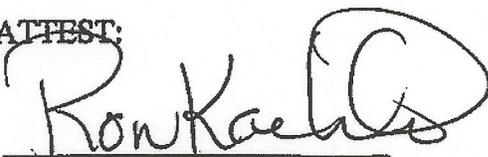
- (a) Repeal of Conflicting Ordinance. Any Town ordinance which is in conflict with this Ordinance is hereby REPEALED only to the extent to which the conflicting ordinance is in conflict.
- (b) Severability. If any part of this Ordinance is held to be invalid, such part will be deemed severable and the invalidity thereof shall have no effect upon the remaining provisions of the Ordinance.
- (c) This Ordinance shall take effect thirty (30) days after its publication in a paper of general circulation after its adoption by the Town Council of the Town of Dayton, Indiana.

SO ADOPTED this 14 day of Sept, 2015.



Presiding Officer

ATTEST:



Clerk-Treasurer