

ORDINANCE 2016 - 3

ORIGINAL

AN ORDINANCE ESTABLISHING AND REGULATING THE LICENSING AND OPERATION OF GOLF CARTS WITHIN TOWN LIMITS OF THE TOWN OF DAYTON, INDIANA AND REPEALING ALL PREVIOUS ORDINANCES ON THIS SUBJECT

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NOW THEREFORE Ordinance 2015 - 5 is repealed and the Town Council of the Town of Dayton, Indiana hereby ordains this new ordinance as follows:

Section 1: Definitions

- (a) "Golf Cart" shall mean golf cart as defined by Indiana Code 9-13-2-69.7, and shall include "off road vehicles" which shall include only 3 or 4 wheel vehicles with the equipment required by this ordinance, and which shall have side-by-side seating and a steering wheel, but shall exclude vehicles which must be straddled to ride or which have handle bars instead of a steering wheel.
- (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.

Section 2: Required Equipment

- (a) Operator shall be responsible for:
  - 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;
    - iii. The Golf Cart must be equipped with brakes, headlights and taillights; and headlights and taillights must be on during all times when cart is in operation on Town streets.

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### 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 not in compliance with the requirements of this Ordinance may be issued a citation pursuant to Indiana law.
- (c) A Golf Cart may be operated only by an individual with a valid driver's license.
- (d) Golf Carts shall only be operated at any time except between the hours of 12:00 p.m. midnight and 6:00 a.m.
- (e) All Golf Carts shall obey all of the rules of the road, state laws and local ordinances.
- (f) Golf Carts shall not exceed a speed of twenty (20) miles per hour within Town limits.
- (g) All Golf Carts shall display a "slow moving vehicle" sign attached to the rear of the Golf Cart.
- (h) Proof of financial responsibility (as defined by Indiana Code 9-25-2-3) shall be kept on the Golf Cart at all times.
- (i) All passengers must remain seated while the Golf Cart is in use.
- (j) 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.*
- (k) 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.
- (l) Any fine assessed for violation of this Ordinance shall be deposited in the Town of Dayton's General Fund.
- (m) Golf Carts owned by the Town of Dayton, Indiana shall be exempt from the requirements of this Ordinance, but not the operational regulations contained herein.

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Section 4: Miscellaneous Provisions

- (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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Presiding Officer

ATTEST:

  
Clerk-Treasurer

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