

ORDINANCE 2023-01

AN ORDINANCE CONCERNING GOLF CARTS AND ALL-TERRAIN VEHICLES

WHEREAS, the Town of Michigantown Town Council believes it would be in the best interests and safety of the residents of and visitors to Michigantown, Indiana to have an ordinance concerning the operation of golf carts and all-terrain vehicles in Michigantown, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MICHIGANTOWN, INDIANA, THAT:

Section 1. The following Ordinance shall consist of the following Subsections:

Subsections

- A. Definitions
- B. License required
- C. Hours of Operation
- D. Registration, Insurance, Inspection
- E. Restricted areas of operation
- F. Rules of Operation
- G. Occupants
- H. Required Equipment
- I. Operation exceptions
- J. Exemptions
- K. Penalties

§ A. DEFINITIONS.

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

Drivers' License. A valid current license to operate a motor vehicle issued by Indiana or any other state.

Financial Responsibility. Liability insurance coverage on a golf cart in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

Golf Cart. The definition provided in Indiana Code 9-13-2-69.7, as amended. As it now exists, the term means: a four 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.

Highway. 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 in Indiana, as set forth in I.C. 9-13-2-73, as amended.

Slow Moving Vehicle. Vehicle that is not under ordinary circumstances moved, operated, or driven at a speed greater than twenty-five (25) miles per hour, and found in IC 9-21-9-1, as amended.

All-terrain Vehicle. A motorized, off-highway vehicle that: (1) is fifty (50) inches or less in width; (2) has a dry weight of twelve hundred (1,200) pounds or less; (3) is designed for travel on at least three (3) nonhighway or off-highway tires; and (4) is designed for recreational use by one (1) or more individuals. This term does not include golf cart as defined in I.C. 14-8-2-5.7, as amended. Referred to in this Ordinance as an all-terrain vehicle or ATV.

§ B. LICENSE REQUIREMENTS.

Golf Cart Operators possessing a valid driver license shall be allowed to operate a golf cart in the Town of Michigantown restricted areas of operation. Learner and Probationary licensed drivers are not permitted to operate golf carts in the Town of Michigantown.

ATV Operators possessing a valid driver's license shall be allowed to operate in the Town of Michigantown restricted areas of operation. Learner and Probationary licensed drivers are not permitted to operate an ATV. (see section F. for further regulations)
Penalty, see § K.

§ C. HOURS OF OPERATION.

Golf Carts or ATV's shall be operated in the town only during permitted hours as specified herein. From April 1 through October 31, permitted hours shall include the times from 5:00 a.m. through 11:00 p.m. local time. From November 1 through March 31, permitted hours shall include the times from 5:00 a.m. through 10:00 p.m. local time. A Golf Cart or ATV not equipped with headlamps and brake lights are only permitted to operate half-hour after sunrise and half-hour before sunset.
Penalty, see § K

§ D. REGISTRATION, INSURANCE, INSPECTION.

Golf Carts shall be registered with the Town of Michigantown through the Clerk-Treasurer on or before May 1st annually, or if just purchased, leased, or rented, immediately after purchase/lease/rental and prior to use within the Town. The registration shall expire on April 30th the following year. Registration will not be prorated and cannot not be transferred from one golf cart to another. Each golf cart shall have a unique vehicle identification number (VIN) and or serial number affixed to the frame of the golf cart prior to the initial inspection. Altered or transferred VINs or Serial Numbers are subject to immediate revocation of the registration.

Newly purchased or rented golf carts shall present to the Michigantown Marshall for Inspection. If the golf cart passes the initial inspection the owner shall pay an initial inspection and registration fee to the Town Clerk-Treasurer of \$30 and shall present proof of financial responsibility in an amount not less than the minimum required by state law for motor vehicles, at which time a registration sticker will be issued. Proof of Insurance and registration shall always be with the golf cart during operation on public streets. The registration sticker shall be affixed to the driver side window or driver side front panel, so that it is always visible for inspection.

Registration Renewal. Prior to or on April 30th of each year the owner, shall complete a registration renewal at which time proof of financial responsibility shall be presented to the Clerk-Treasurer along with a registration renewal fee of \$15. After April 30th of each year, registration renewals shall be considered to be late renewals, and the registration renewal fee shall be \$30. The Clerk-Treasurer will provide the owner with a registration sticker containing the expiration year. The registration sticker shall be placed on the existing sticker prior to operation. False, fictitious, or altered registration stickers will result in immediate revocation of the registration. For registration renewals a physical inspection is not required. (It is the owner/operators' responsibility to maintain and ensure the required equipment is affixed and operational prior to operating on public roads).

ATV's shall be registered with the Indiana Bureau of Motor Vehicles prior to operation within the Town of Michigantown.

§ E. RESTRICTED AREAS OF OPERATION.

(A) A person shall not operate a golf cart or ATV on Highway 29, except to cross such highways in a perpendicular manner.

(B) A person shall not operate a golf cart or ATV on a sidewalk.

(C) A person shall not operate a golf cart or ATV in the town park except in areas specifically designated for vehicle traffic.

Penalty, see § K

§ F. RULES OF OPERATION.

(A) A person operating a golf cart or ATV shall observe and obey all rules of traffic, state laws, federal laws, and town ordinances.

(B) A person shall not operate a golf cart or ATV in a reckless or dangerous manner.

(C) A person operating a golf cart shall display a slow-moving vehicle sign, easily visible to approaching traffic. Golf Carts shall not operate in a manner that impedes the normal flow of traffic and shall yield the right of way to vehicles when safe to do so. Not Required for ATV's designed to travel greater than 25 miles per hour.

Penalty, see § K

(D) The use of drugs or alcohol while operating a golf cart or ATV is strictly prohibited and will result in immediate revocation of registration and possible criminal charges. Open containers of alcohol on the Golf Cart or ATV possessed by the operator or occupants is strictly prohibited.

§ G. Occupants

Golf Carts shall be equipped with seating for all occupants, with only one person seated in each seat. All persons in the golf cart shall remain seated at all times the golf cart is operated.

The number of occupants in a golf cart shall be limited to the number of seats of persons for whom seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated. No one under the age of eight (8) years can ride on the back seat of the golf cart unless accompanied by an adult. Children riding on the golf cart must be able safely and properly maintain a seated position on their own and without assistance. Small children and infants are not permitted to set or be held on the lap or person of another occupant or operator. The use of child car seats and booster seats are prohibited unless the golf cart has been properly equipped and with safety belts and certified by the NHTSA as defined by the Federal and State laws and guidelines.

ATV's shall follow all State and County laws regarding ATV's. All occupants under the age of 18 years of age shall wear an approved helmet as required under Indiana Law.

§ H. REQUIRED EQUIPMENT.

Golf Carts shall be equipped with headlamps, front and rear turn signal lamps, tail lamps, stop lamps, brakes, a slow-moving vehicle sign, and a rear-view mirror.

Penalty, see § K_

ATV's shall be equipped with all equipment required by Indiana Codes regulating ATV's.

§ I. OPERATING EXCEPTIONS.

The Town Council may designate special events, in which golf carts may be operated in compliance with this subchapter with exceptions. The Town Council shall set the dates in which golf carts will be permitted for use exempting golf carts from the registration requirements outline in section § D. Golf Carts not registered with the Town of Michigantown are still required to carry proof of financial responsibility during operation. If the golf cart used during special events does not meet the requirements of § H., the permitted hours as outlined in § C. shall be a half-hour after sunrise and a half-hour before sunset.

§ J. EXEMPTIONS.

The town's employees and Public Safety entities are exempt from the provisions of this subchapter.

§ K. PENALTIES.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to a fine not to exceed \$25.

(B) (1) Any person violating any of the provisions of §§ A. through J. shall, upon a first finding of such violation, be subject to a fine not to exceed \$50, and upon a second finding of such violation, be subject to a fine not to exceed \$100.

(2) Each violation shall constitute a separate offense and be subject to a separate fine.

(3) If a person accumulates two or more violations within a calendar year, the person's golf cart registration shall be suspended.

(4) ATV violations shall be subject to Indiana Code regulating Traffic and Department of Natural Resources violations.

Section 2. Severability. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Passed by the Town Council of the Town of Michigantown, Indiana, this 8th day of May, 2023.

Town Council, Town of Michigantown



Rob Surber, President

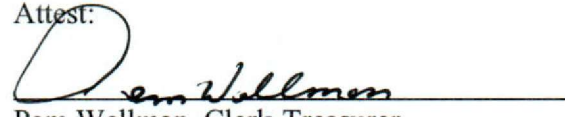


Jeff Wellman



Carrie Russell

Attest:



Pam Wellman, Clerk-Treasurer