

GOLF CARTS & OFF ROAD VEHICLES (P-3-2012)

An ordinance to provide for the operation of golf carts on the streets, roadways, intersections and alleys of Swayzee, Indiana.

WHEREAS, the State Legislature has adopted legislation IC 9-13-2-69.7 providing the authority and manner for the legislative body of a town to establish an ordinance governing the use of golf carts within the town limits and

WHEREAS, the Town of Swayzee considers it in the best interest of the town and public's safety to establish such an ordinance to regulate the operation of golf carts / off road vehicles on certain streets, roadways, intersections and alleys located within the town.

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

SECTION 1: DEFINITIONS

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

- (a) **GOLF CART** – a vehicle with 4 wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor.
- (b) **DRIVER'S LICENSE** – a valid license, issued by the State of Indiana or any other state of the union, which lawfully provides for the operation of a motor vehicle.
- (c) **FINANCIAL RESPONSIBILITY** – liability insurance coverage on the golf cart in the amount not less than required applicable by Indiana Law for motor vehicles operated on public highways within the State of Indiana.
- (d) **OFF-ROAD VEHICLE** – ATV, UTV *to be used unanimously with “golf cart” throughout this ordinance.

SECTION 2: OPERATION OF GOLF CART

The operation of a golf cart within the Town of Swayzee is strictly prohibited under state law unless the town has established an ordinance. Therefore with this ordinance we declare that a golf cart may be operated within the town limits so long as it is registered, equipped and operated in full compliance with all of the terms and conditions set forth in the ordinance. *The term “off-road” vehicle will be used unanimously with “golf cart” throughout this ordinance. (2014)

SECTION 3: OPERATOR

Only persons over the age of 16 years of age who holds a valid driver's license may operate a golf cart upon the streets, roadways, intersections and alleys located within the town.

SECTION 4: FINANCIAL RESPONSIBILITY

The operator of a golf cart must be able to show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either by placing the same on the golf cart or via carrying by the operator of said golf cart at all times.

SECTION 5: TIME OF OPERATION

A golf cart may not be operated on the streets, roadways, intersections or alleys located within the town during darkness from dusk to dawn or during inclement weather, when headlights are necessary for other motor vehicles, unless the golf cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet.

SECTION 6: SLOW MOVING VEHICLE SIGN AND FLASHING LAMP

A golf cart operated on the streets, roadway, intersections or alleys within the town shall at all times display either a slow moving vehicle (SMV) sign on the rear of the vehicle (IC 9-21-9-3) or an amber flashing lamp in accordance with IC 9-21-9-4.

SECTION 7: OCCUPANTS

The number of occupants in a golf cart shall not exceed the number of persons for whom factory seating is installed. The operator of a golf cart and all occupants will remain seated in said factory seating at all times while the golf cart is in motion. No part of the person's body may stick outside of the golf cart.

SECTION 8: PLACE OF OPERATION

A golf cart may be operated on the streets, roadways, intersections and alleys of the Town of Swayzee. A golf cart may not, in any circumstances, be operated on sidewalks, grass right of ways, town parks, or private property (unless the owner of private property consents) or along state highways (SR13 A.K.A. Washington Street) within the Town of Swayzee. A golf cart may be operated through marked intersections to cross said state highways only (side streets crossing SR13 East & West ONLY). Golf carts must not be operated inside of the town parks at any time except during town approved festivals. A golf cart and off-road vehicle shall only cross SR13 and not traverse the actual highway.

SECTION 9: TRAFFIC AND PARKING RULES

The operator of a golf cart shall comply with all traffic and parking rules and regulations adopted by the Town of Swayzee and the State of Indiana which govern the operation of motor vehicles. **MUST BE 16 YEARS OLD WITH VALID OPERATOR'S LICENSE.**

SECTION 10: INSPECTION AND PERMITTING

The owner or lessee of a golf cart must obtain an inspection of the golf cart by the town marshal or his designate each year prior to the vehicle's operation within the Town of Swayzee. The inspection shall cost \$10 per golf cart inspection per year. The purpose of the annual inspection shall be to determine whether a golf cart is safe and in compliance with the terms and provisions of this ordinance and any other applicable laws of the State of Indiana. Said inspections shall include a review of the financial Responsibility associated with the golf cart. The police department will keep a record of inspections. Upon completion of an adequate inspection, the owner or lessee of a golf cart shall register the golf cart and obtain a permit for its operation from the Swayzee Police Department. The cost of the permit shall be \$10 per year. The permit will be valid that calendar year only. Registration tags shall be placed upon the rear most point of the vehicle and should be displayed in a location clearly visible.

SECTION 11: RECIPROCITY

This section applies to anyone bringing in a golf cart or off-road vehicle for the Swayzee Days Festival, Swayzee Rummage Days, Swayzee Farm Days, or any other Town recognized festival or fair held within the town limits.

- (a) Anyone bringing a golf cart or off-road vehicle into Swayzee for the above events must have a valid, current and visible permit belonging to another municipality within Grant County, Indiana.
 - (b) Operators of any golf cart or off-road vehicle shall abide by all sections of this ordinance at all times and are subject to enforcement actions, fines and penalties.
 - (c) The reciprocity shall be valid only during the hours of the recognized event and shall not exceed three consecutive days. Reciprocity will expire at the conclusion of the event and is only honored during the scheduled hours of the recognized events.
 - (d) Any violator of this section must register their golf cart or off- road vehicle with the Swayzee Police Department and have their vehicle inspected subject to annual fees. If they wish to continue its use and operation outside of the above limitations.
 - (e) There is no fee under this section so long as the above criteria are met.
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