

ORDINANCE 2022- 13

Synopsis: This ordinance, if adopted, will replace Chapter 73, Sections 73.35-73.99 of the City of Columbia City, Indiana, Code of Ordinances to authorize the operation of golf carts and certain utility task vehicles on City streets.

**AN ORDINANCE AMENDING CHAPTER 73
OF THE CITY OF COLUMBIA CITY CODE OF ORDINANCES**

BE IT ORDAINED, by the Common Council of the City of Columbia City, Indiana, in meeting duly assembled and after consideration of information deemed by it to be sufficient, that Chapter 73, Sections 73.35-73.99 of the City of Columbia City Code of Ordinances be and are hereby deleted in their entirety and replaced with the following:

**CHAPTER 73, SECTIONS 73.35-73.99, REGARDING THE OPERATION OF GOLF CARTS
AND UTILITY TASK VEHICLES AND CHAPTER 73 PENALTIES**

- 73.35 Definitions
- 73.36 Unlawful operation of a golf carts or utility task vehicles
- 73.37 Requirement of local registration
- 73.38 Requirement of driver's license
- 73.39 Requirement of financial responsibility
- 73.40 Place of operation
- 73.41 Traffic laws and ordinances
- 73.42 Occupants
- 73.43 No towing
- 73.44 Exemptions
- 73.45 Revocation of registration and eligibility to operate golf carts or utility task vehicles
- 73.99 Penalties

§ 73.35 DEFINITIONS.

For the purpose of the chapter provisions relating to the operation of golf carts and utility task vehicles, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FINANCIAL RESPONSIBILITY. The meaning given in I.C. 9-25-4-1 *et seq.* as it now reads or is subsequently amended.

GOLF CART. A 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.

OPERATE. To exercise any control over the function or movement of a golf cart or UTV.

STATE HIGHWAY. Any street under the control of and maintained by the state and shall include, but not be limited to, State Roads 9 and 205.

CITY STREET. 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 within the corporate limits of the City. **CITY STREET** includes but is not necessarily limited to streets, alleys, roads, highways, and thoroughfares.

UTILITY TASK VEHICLE (UTV). A small, two to six (2-6) person, four-wheel, off-road vehicle with a steering wheel as opposed to handle bars, sometimes referred to as a "Side by Side"; "Utility Terrain Vehicle", or "Recreational Off-Highway Vehicle". Examples include Polaris and Gator. It does **not** include a farm vehicle being used for farming, including, but not limited to, a farm wagon; a vehicle used for military or law enforcement purposes; a construction, mining, or other industrial related vehicle used in the performance of the vehicle's common function, including, but not limited to, a farm wagon; a snowmobile; a registered aircraft; any other vehicle properly registered by the bureau of motor vehicles; and any watercraft that is registered under Indiana statutes.

§ 73.36 UNLAWFUL OPERATION OF GOLF CARTS OR UTILITY TASK VEHICLES.

It shall be unlawful to operate a golf cart or UTV on any City street except as specifically authorized by this chapter. Any person who operates a golf cart or UTV in violation of this Chapter shall be subject to penalty as set forth in this Chapter. Further, the provisions of this Chapter, the regulation of golf carts and UTVs and the individuals operating golf carts or UTVs in the City of Columbia City shall be subject to the laws and regulations of the State of Indiana, as they may be amended.

§ 73.37 REQUIREMENT OF LOCAL REGISTRATION AND OTHER PERMIT AND OWNERSHIP REQUIREMENTS.

(1) Any UTV operated on a City street must be registered under the laws of the State of Indiana and meet all registration and licensing requirements of the State of the Indiana. Proof of registration must be kept with the UTV at all times.

(2) Any golf cart operated on a City street must meet the following requirements and be subject to the following conditions and/or procedures:

- (a) Golf carts must be registered at the City Police Department and no person shall operate a golf cart in the City unless such golf cart has been issued a permit.
- (b) Golf carts must be applied for on a form provided by the City, accompanied by reasonable proof of ownership, and provided to the Chief of Police or officer assigned to such responsibility.
- (c) Golf carts registered under this chapter shall be equipped with 2 headlamps, 2 tail lamps, front and rear turn lamps, and rear brake lamps, all of which must be visible from a distance of at least 500 feet.
- (d) The Chief of Police or officer assigned to the responsibility as set forth above, on

receiving proper application and inspection of golf carts, is authorized to issue a golf cart permit.

- (e) The person seeking a golf cart permit shall not be issued a permit unless the person has received a copy of the rules and regulations concerning golf carts and signs an acknowledgment that they received and understand the rules and regulations.
- (f) The Chief of Police or officer assigned shall not issue a permit for any golf cart when he or she knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such golf cart.
- (g) A copy of the permit shall be kept with the golf cart at all times.
- (h) The fee for obtaining a permit shall be \$25. Permits shall be required to be obtained on a biennial basis every two years. Permits are non-transferrable and non-assignable. Although those who have obtained permits under prior law (before 2017) are not exempt from this provision, fees previously paid for a permit under this chapter shall be applied toward the obtainment of a permit under this amended permit provision.
- (i) Upon being approved for a golf cart permit, the City shall issue the golf cart owner a placard or decal ("decal") that the owner shall display on his or her golf cart in a location directed by the Chief of Police. For those permits approved prior to September 11, 2012, the Chief of Police shall provide permit holders decals to place on their golf carts to meet this requirement. Decals shall be required to be displayed, notwithstanding the date upon which a permit was obtained.
- (j) If a registration decal is lost or destroyed, the owner may apply for a duplicate on forms provided by the police department. An application submitted under this division must be accompanied by a fee established by the department for each decal. Upon receipt of a proper application and the required fee, the department shall issue a duplicate registration decal to the owner.

(3) Unless otherwise stated herein, golf cart or UTV operators and, if applicable, occupants, shall be solely responsible for their own safety and shall further be responsible for knowing and following their golf cart or UTV manufacturer's manuals and recommendations and applicable state laws.

§ 73.38 REQUIREMENT OF DRIVER'S LICENSE.

The operator of a golf cart or UTV on a City street must have a valid driver's license issued by the State of Indiana or any other state and must possess that license while operating the golf cart or UTV.

§ 73.39 REQUIREMENT OF FINANCIAL RESPONSIBILITY.

No person may operate a golf cart or UTV on any City street unless financial responsibility is in effect with respect to the golf cart or UTV as provided under IC 9-25-4-4, as it now reads or is subsequently amended.

§ 73.40 PLACE OF OPERATION.

No golf cart or UTV shall be operated on or at either of the following:

(1) Any City street designated as a state highway, except to cross any state highway at intersections perpendicular to the state highway; or

(2) Any sidewalk, bike trail, public trail, or public greenway not specifically designated for use by a motor vehicle.

§ 73.41 TRAFFIC LAWS AND ORDINANCES.

(1) The operator of a golf cart or UTV on a City street shall comply with all then effective traffic laws, ordinances, rules, and regulations adopted by the state and the City.

(2) Golf carts and UTVs shall be operated at or below posted speeds (or speeds established by City ordinance or state law).

§ 73.42 OCCUPANTS.

(1) Number and placement. The number of occupants of a golf cart or UTV shall be limited to the lesser of six (6) persons or the number of persons for whom factory seating is installed on the golf cart or UTV and with a maximum of two (2) persons per seat. The operator and occupants shall be properly seated at all times, and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart or UTV while the golf cart or UTV is in operation, except that the operator shall use proper traffic hand signals when required.

(2) Minor as operator. If the operator of a golf cart or UTV is under eighteen (18) years of age, no more than two (2) additional persons under the age of eighteen (18) are permitted to occupy that golf cart or UTV.

(3) Occupant age restrictions. Unless the laws of the State of Indiana state otherwise, no one under the age of six (6) shall be permitted as an occupant on a golf cart or UTV and no one under the age of ten (10) years shall be allowed on the back seat of the golf cart or UTV.

§ 73.43 NO TOWING.

No golf cart or UTV shall be used to tow any type of trailer or other vehicle or anything designed to be an extension of the golf cart or UTV. In furtherance thereof, no golf cart or UTV may be altered in any way to be in violation of state law or this subchapter or used to pull, push, tow, attach or drag any trailer, cart, seating apparatus, sidecar or any other accessory.

§ 73.44 EXEMPTIONS.

The City's Board of Public Works and Safety may exempt from the provisions of this subchapter the use of golf carts and/or UTVs in favor of public safety personnel and/or the use of golf carts and/or UTVs during special events. All special event participants should be identified as such and each individual must provide to event organizers proof of insurance and a valid driver's license before being allowed to operate a golf cart or UTV during any special event.

§ 73.45 REVOCAION OF REGISTRATION AND ELIGIBILITY TO OPERATE GOLF CART OR UTILITY TASK VEHICLES.

Any unsafe operation, multiple violations, failure to maintain financial responsibility, or failure to pay fines in accordance to this chapter may, as reasonably determined by the Police Chief or the Police Chief's authorized designee, result in the revocation of a golf cart or UTV registration and the violator's eligibility to operate a golf cart or UTV on City streets for up to one (1) calendar year.

§ 73.99 PENALTY.

(1) Failure to comply with this Chapter, Sections 73.01-20, will result in fines and penalties as follows: first offense: \$25 fine; second and each and every subsequent offense: \$50 fine. An offense is defined as each separate violation of this Chapter, Sections 73.01-20.

(2) Failure to comply with this Chapter, Sections 73.35-45, will result in fines and penalties as follows: first offense: \$100 fine; second offense: \$150 fine; and each additional offense: \$200 fine. An offense is defined as each separate violation of this Chapter, Sections 73.35-45, which occurs while operating a golf cart or UTV.

BE IT FURTHER ORDAINED that the City of Columbia City Code of Ordinances shall be amended in accordance herewith and that two (2) copies of the Code, so amended, are kept on file in the Office of the Clerk-Treasurer for public inspection.

BE IF FURTHER ORDAINED that in the event any provision of this Ordinance be found invalid, such invalidity shall not affect any of the other sections, sentences, provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared to be severable.

BE IT FINALLY ORDAINED that this ordinance shall be in full force and effect following its adoption, publication and in accordance with applicable law.

Ordinance 2022-__ was duly adopted this 24 day of May, 2022.

COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:

Daniel Weigold

Theodore J. Varga, Jr.

Walter Crowder

Walter C. Crowder

Jennifer B. Zartman-Romano

Jennifer B. Zartman-Romano

Jennifer Middleton

Jennifer Middleton

Attest:
Rosie Coyle

Rosie Coyle, Clerk-Treasurer

Approved this 24 day of May, 2022.

Ryan L. Daniel

Ryan L. Daniel, Mayor
City of Columbia City