

ORDINANCE 5184 - DRAFT

Authorizing the Use of Golf Carts and Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, a golf cart or off-road vehicle may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a) which authorizes the operation of a golf cart or an off-road vehicle on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of golf carts and off-road vehicles on highways under the jurisdiction of the City of Goshen, IN, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Operation of Golf Carts and Off-Road Vehicles.

- A. The operation of a Golf Carts and Off-Road Vehicles upon highways under the jurisdiction of the City of Goshen is strictly prohibited unless the Golf Cart or Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- B. This ordinance does not restrict the use of municipally owned Golf Carts and Off-Road Vehicles used for maintenance, public safety, or special events.

Section 2. Requirements for Operation of Golf Carts and Off-Road Vehicles.

- A. Rules.
 - 1. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with all Federal, State, and Local traffic laws.
 - 2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the requirement that such vehicle properly display a slow-moving vehicle emblem.
 - 3. No Golf Cart or Off-Road Vehicle may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.
 - 4. Operation of Golf Carts and Off-Road Vehicles on highways under the jurisdiction of the City of Goshen shall be limited to times between sunrise and sunset, when visibility is not limited by weather conditions, except that a Golf Cart or Off-Road Vehicle may be operated after sunset and before sunrise or in weather conditions limiting visibility, provided the Golf Cart or Off-Road Vehicle is equipped with and utilizes operational headlamps, tail lamps, turn signals, brake lights, and flashing lights under I.C. § 9-21-9-4, as amended from time to time.

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5. No person may operate a Golf Cart or Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
 6. A Golf Cart or Off-Road Vehicle may not be operated in a manner that unreasonably impedes the normal flow of traffic, and may not be operated in a manner that endangers life or property.
- B. Equipment.
1. Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.
 2. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be registered and operated on highways under the jurisdiction of the City of Goshen:
 - (a) A rear-view mirror;
 - (b) Head lights;
 - (c) Tail lights;
 - (d) Brake lights; and
 - (e) Turn signals (front and back).
 3. All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use in order for the Golf Cart or Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.
- C. Operator.
1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen.
 2. The owner of a Golf Cart or Off-Road Vehicle may not cause or knowingly permit an individual to operate the Golf Cart on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.
- D. Financial Responsibility.
1. A person shall not operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen without current financial

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responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.

2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Golf Carts and Off-Road Vehicle shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.
2. Golf Carts and Off-Road Vehicle shall not be operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (*e.g.*, S.R. 119, S.R. 15, S.R. 4, and U.S.33). (*see* I.C. § 9-21-1-3.3).

Section 3. Permit.

- A. No Golf Cart or Off-Road Vehicle may be operated within the City unless the owner of such Golf Cart or Off-Road Vehicle shall have applied for and obtained a valid Golf Cart or Off-Road Vehicle permit from the City.
- B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.
- C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen.
- D. Such permit shall be effective for the calendar year in which it is issued, and expires on December 31 of the year in which it is issued.
- E. Upon issuance of a permit, the Golf Cart or Off-Road Vehicle owner shall be provided a decal, which must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle and left front side quarter panel.
- F. A person or entity may apply for a temporary permit for the use of a Golf Cart or Off-Road Vehicle during or in connection with an authorized parade or festival. Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for specific use and limitations shall be issued; and to issue said temporary permit. Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety.

Section 4. Definitions

- A. "Golf Cart" shall have the definition prescribed in I.C. § 9-13-2-69.7, as amended.

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- B. “Off-Road Vehicle” shall have the definition prescribed in I.C. § 9-13-2-117.3 (I.C. § 14-8-2-185), as amended. The term Off-Road Vehicle refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. 9-13-2-94.5 (Low-Speed Vehicle) and I.C. 14-19-1-0.5 (Motorized Cart). The term Off-Road Vehicle does not include motorcycles, motor scooters, All Terrain Vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the State.

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized city inspector or designated code enforcement agent or assistant.
- B. This Ordinance may be enforced in the City’s Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.
- D. A person who violates this Ordinance more than two (2) times in a 365-day period may be subject to the impoundment of the Golf Cart or Off-Road Vehicle and/or revocation of a permit issued under this Ordinance.
- E. Each day of violating this Ordinance shall be construed as a separate violation.
- F. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 7. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____ day of May, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of _____:_____ .m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor