

ORDINANCE NO. 11-1-19

AN ORDINANCE AUTHORIZING AND REGULATING
THE OPERATION OF GOLF CARTS AND RECREATIONAL
OFF-ROAD VEHICLES IN THE TOWN OF TROY, PERRY COUNTY, INDIANA

WHEREAS, the State of Indiana, by its adoption of I.C. 9-21-1-3.3, authorizes cities and towns to adopt ordinances regulating and concerning the use of golf carts and off-road vehicles on roads within their jurisdiction; and

WHEREAS, the Town Council of the Town of Troy, Indiana, has determined it is in the best interests of the citizens of the Town of Troy to adopt such an ordinance in order to better protect the public health, safety and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROY as follows:

SECTION I, DEFINITIONS:

- (a) "Golf Cart". A four wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. Said vehicles may be powered by a battery or internal combustion motor and shall have an unloaded weight of not more than one thousand five hundred (1500) pounds.
- (b) "Driver's License". A valid license to operate a motor vehicle issued by the State of Indiana or any other state.
- (c) "Financial Responsibility". Liability insurance coverage on a golf cart in an amount not less than required by Indiana law for motor vehicles operated on the public highways in the State of Indiana.
- (d) "Operate or Operation". Shall mean to exercise any control over the function or movement of a golf cart.
- (e) "ROV". ROV shall mean recreational off-road vehicle which is a motorized off-road vehicle designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seatbelts, an occupant protective structure, and engine displacement up to 1000cc (for gasoline-fueled engines).
- (f) "Roadways". Shall mean the entire width between the boundary lines of every public way maintained when any part of the way is open to use of the public for the purpose of vehicular traffic within the town limits of the Town of Troy. The term includes, but is not necessarily limited to, streets, alleys, roads, highways and thoroughfares.
- (g) "State Highway". Shall mean any street under the control of and maintained by the State of Indiana.

SECTION II, REGISTRATION:

(a) The Troy Town Marshal is charged with the responsibility for inspecting and registering golf carts and ROVs. The Troy Town Marshal shall also maintain records of the registration of golf carts and ROVs.

(b) Before registration of a golf cart or an ROV, the Troy Town Marshal shall inspect the golf cart and ROV to insure that it is equipped with each of the following:

- (1) Brakes as required by law;
- (2) At least two headlamps on the front of the golf cart and ROV, located at a height not less than 24 inches and not more than 54 inches above the roadway;
- (3) If the golf cart or ROV will be operated at night, at least one tail lamp that emits a red light plainly visible from a distance of 500 feet to the rear, located not less than 20 inches or more than 72 inches from the roadway.
- (4) A muffler (if not an electric-powered golf cart or ROV) free from exhaust gas leaks, that is in good working order and in constant operation to prevent excessive noise;
- (5) A rearview mirror that reflects to the driver a view of the road for a distance of at least 200 feet to the rear of the golf cart or ROV;
- (6) Rubber tires that are free from cracks and/or long term wear;
- (7) Four seatbelts, two on the front seat and two on the rear seat, professionally installed and anchored to the vehicle;
- (8) A vehicle identification or serial number.

(c) Before issuing the registration, the operator of a golf cart or ROV must be able to show the Troy Town Marshal proof of financial responsibility when operating a golf cart or ROV. Written proof of financial responsibility must be carried in the golf cart or ROV or on the person of the operator of the golf cart or ROV at all times the golf cart or ROV is being operated.

(d) Before issuing a registration, the owner/operator must display to the Troy Town Marshal a valid driver's license to operate motor vehicles upon the roadways of the Town of Troy, Indiana.

(e) The Troy Town Marshal shall not register any golf cart or ROV that does not meet each of the above referenced enumerated items.

(f) Expiration of the Registration. The registration is only valid for a period of twelve (12) months. Upon expiration of the twelve (12) month period, the vehicle again must be presented to the Troy Town Marshal for inspection and registration.

SECTION III, REGISTRATION AND REGISTRATION STICKER:

- (a) The Troy Town Marshal shall charge a fee for the inspection and registration of the golf carts and ROVs of \$24.00.
- (b) Upon registration of the golf cart or ROV, the owner of said golf cart or ROV shall receive a registration sticker from the Troy Town Marshal that must be displayed at all times during the operation on the Town streets in a visible location on the rear of the golf cart or ROV. If a registration sticker is not available at the time of registration, the owner will receive written proof of registration to be carried during the operation of said vehicle on the Town streets until the registration sticker is issued.
- (c) The registration of golf carts or ROVS may not be transferred to another person nor to another golf cart or ROV.

SECTION IV, INSURANCE:

If during the period of registration, the operator/owner allows the insurance which provides for the financial responsibility of the vehicle to lapse or should it be terminated by the insurance carrier, the registration shall no longer be valid and the operator must cease use of the vehicle on the streets of the Town of Troy, Indiana.

SECTION V, OPERATION:

- (a) Only licensed drivers shall be allowed to operate a golf cart or ROV in the Town of Troy, Indiana, and only golf carts and ROVs which are properly registered as required herein may be operated in the Town of Troy, Indiana.
- (b) Golf carts and ROVs shall only be operated during daylight hours unless they are equipped with fully functional headlights and taillights.
- (c) All golf carts or ROVs shall obey all of the rules of the road, state laws and local ordinances. All golf carts or ROVs shall display a slow moving vehicle sign attached to the rear of the golf cart or ROV as well as a valid registration sticker from the Town of Troy. Proof of insurance shall be kept on the person or in the golf cart vehicle or ROV at all times.
- (d) There shall be no golf cart or ROV traffic permitted on any state highway located within the Town of Troy, specifically Indiana State Road 66 and State Road 545. However, golf carts and ROVs may cross these state highways at right angles only. In addition, no golf carts or ROVs shall be allowed to travel on Town sidewalks or in any area specifically designated for pedestrians or bicycles.
- (e) A golf cart or ROV may not under any circumstances be operated on walking paths, grass right-of-ways, private property (unless the owner of the private property consents), Town parks, (when except on paved roadways within the Town parks) or athletic fields (unless the owner of the athletic field consents to said operation).

- (f) The number of occupants in a golf cart or ROV shall not exceed the number of persons for whom factory seating and seatbelts are installed. The operator of a golf cart or ROV and all occupants of a golf cart or ROV shall remain seated on such factory seating at all times while the golf cart or ROV is being operated. No operator or occupant of a golf cart or ROV may ride on the lap of, or otherwise be held by, any other person. Furthermore, no part of the body of the operator of a golf cart or ROV or any occupant of a golf cart or ROV shall extend outside the perimeter of the golf cart or ROV while the golf cart or ROV is being operated.
- (g) The operator of all motorized carts or ROVs must yield to overtaking traffic.
- (h) The operator and all passengers shall wear a seatbelt while the golf cart or ROV is in operation. One seatbelt must be available for each occupant.
- (i) Golf carts and ROVs maximum speed limit will not exceed 35 miles per hour or the posted speed limit, whichever is less.
- (j) All golf carts and ROVs must comply with posted parking restrictions and are subject to the same penalties as automobiles when parked illegally. To be parked legally on a public street, the cart or ROV must be parked parallel to and on the right side of the street and in the same direction as traffic is designated to flow.
- (k) In accordance with Indiana Code 9-18.1-14-11, an individual less than eighteen (18) years of age who is operating or riding on an off-road vehicle shall wear a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

SECTION VI, PENALTIES:

- (a) The Troy Town Marshal shall issue a citation to any person the officer has probable cause to believe has violated of the Indiana Traffic Code, Town Traffic Ordinances, or this Ordinance while operating a golf cart or ROV whether the offending person is a juvenile or other person.
- (b) The Troy Town Marshal shall, upon the discovery of the violation of the registration provision of this Ordinance, immediately take custody of the vehicle and have the same towed to an impoundment lot. In the event of this violation, in addition to the penalties set forth below, the operator/owner shall be responsible for the payment of all costs of towing and storage of the unregistered vehicle.
- (c) The fines for violation of this Ordinance shall be the following:
- i. First offense - \$50.00
 - ii. Second offense within one year - \$100.00
 - iii. Third offense within one year - \$500.00 and revocation of registration and cart or ROV impoundment. Registration revocation will be in effect for a minimum of one year duration. In the event of impoundment, the owner shall be responsible for all costs of towing and storage.

(d) A fine assessed for a violation of a traffic ordinance associated with this ordinance will be deposited in the Town's General Fund.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TROY, this 13th

day of November, 2019.

TOWN BOARD OF THE
TOWN OF TROY, INDIANA

Forrest Jay Olson
Pet Belm
Sharma Jarboe
Linda J. Cull
Beth Kline

ATTEST:

Jane Efinger-Hayden
Jane Efinger-Hayden, Clerk-Treasurer