ORDINANCE No. 1563

AN ORDINANCE AMENDING TITLE 10 CHAPTER 10.14, GOLF CARTS & UTVS, OF THE MUNICIPAL CODE OF THE CITY OF BLUFFTON

WHEREAS, the Common Council ("**Council**") of the City of Bluffton ("**City**") has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens and the Council finds that the interests of the citizens of the City of Bluffton would be best served by amending the Bluffton Municipal Code to replace Chapter 10.14 in its entirety; and

WHEREAS, the City has considered the current language in the Municipal Code of the City ("**Code**"), specifically Chapter 10.14 concerning the use of golf carts on City streets, and has determined that Chapter 10.14 should be updated and revised to include utility task vehicles ("**UTV**").

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: Title 10, Chapter 14 of the Code of Ordinances of the City of Bluffton, Indiana as it has heretofore read is hereby repealed and replaced in its entirety and shall henceforth read as set forth in "**Exhibit A**" attached hereto and are to be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: This Ordinance shall take effect and be in force upon adoption and publication as required by law.

Adopted by the Common Council of the City of Bluffton, Indiana, this 6th day of September 2022 by the following vote:

AYES 5, to-wit:	NAYS ___, to-wit:	ABSENT ___, to-wit:

Mayor John S. Whicker, Presiding Officer

ATTEST:

Tamara D Runyon
Tamara D. Runyon, IAMC, MMC, ACPFA
City Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at 6:50 o'clock p.m. this 6th day of September, 2022.

Tamara D Runyon
Tamara D. Runyon, IAMC, MMC, ACPFA
City Clerk-Treasurer

Approved by me this 6th day of September, 2022

Mayor John S. Whicker

EXHIBIT A

"CHAPTER 10.14: OPERATION OF GOLF CARTS and UTILITY TASK VEHICLES.

Section:

10.14.010 Definitions
10.14.020 Unlawful operation of a Golf Carts or utility task vehicles
10.14.030 Requirement of local registration
10.14.040 Requirement of driver's license
10.14.050 Requirement of financial responsibility
10.14.060 Time of operation and nighttime restrictions
10.14.070 Slow moving vehicle reflective sign
10.14.080 Place of operation
10.14.090 Traffic laws and ordinances
10.14.100 Occupants
10.14.110 No towing
10.14.120 Exceptions
10.14.130 Revocation of registration and eligibility to operate Golf Carts or utility task vehicles
10.14.990 Penalty

§ 10.14.010 DEFINITIONS.

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

CLASS 1 VEHICLE. A Golf Cart or UTV not capable of or not operated in speeds in excess of 35 mph.

CLASS 2 VEHICLE. A Golf Cart or UTV capable of or operated at speeds equal to or in excess of 35 mph.

CODE. The City of Bluffton Municipal Code.

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.

HIGH VISIBILITY FLAG. A flag, the banner of which is at least sixty (60) square inches and is orange, yellow, green or red in color.

OPERATE. To exercise any control over the function or movement of a Golf Cart or UTV.

PROOF OF FINANCIAL RESPONSIBILITY. As defined in IC 9-25-2-3, as it now reads or is subsequently amended.

SLOW MOVING VEHICLE REFLECTIVE SIGN. A triangle shaped reflective sign of the same type required under state law.

STATE. The State of Indiana.

STATE HIGHWAY. Any street under the control of and maintained by the State and shall include but is not limited to State Road 1, State Road 116 and State Road 124.

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, including, but not 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, the steering of which is accomplished by use of 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.

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

It shall be unlawful to operate a Golf Cart or UTV on any City Street or City property 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 a penalty as set forth in Section 01.08.010 of the Code.

§ 10.14.030 REQUIREMENT OF LOCAL REGISTRATION.

A. A Golf Cart or UTV operated on a City Street or City property must be registered annually at the City's Police Department. The vehicle identification number, Proof of Financial Responsibility and a registration fee of $30 is required to register each Golf Cart or UTV.

B. An annual registration certificate is valid from 00:01 a.m. January 1 until 11:59 p.m. December 31 of the year in which it is issued.

C. A current registration certificate must be maintained on or about the Golf Cart or UTV at all times that it is in operation.

§ 10.14.040 REQUIREMENT OF DRIVER'S LICENSE.

The operator of a Class 1 Vehicle on a City Street must have:

A. a valid driver's license issued by the State of Indiana or any other state and must be in possession of that license while operating the Golf Cart or UTV; or

B. be at least sixteen (16) years and one hundred eighty (180) days of age and hold:

1. an identification card issued under I.C. § 9-24-16; or

2. a photo exempt identification card issued under I.C. § 9-24-16.5

The operator of a Class 2 Vehicle on a City Street must have a valid driver's license issued by the State of Indiana or any other state and must be in possession of that license while operating the Class 2 Vehicle.

§ 10.14.050 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.

§ 10.14.060 TIME OF OPERATION AND NIGHTTIME RESTRICTIONS.

No Golf Cart or UTV shall be operated on a City Street between the time of ½ hour after sunset and ½ hour before sunrise unless the Golf Cart or UTV is registered under this Chapter and equipped with 2 headlamps, 2 tail lamps, front and rear turn lamps, and rear brake lamps, all of which must working and be visible from a distance of at least 500 feet.

§ 10.14.070 REQUIRED EQUIPMENT; HIGH VISIBLE FLAT AND SLOW MOVING VEHICLE SIGN.

No Golf Cart or UTV shall be operated on a City Street unless the Golf Cart or UTV is equipped with operational equipment:

CLASS 1 & CLASS 2 VEHICLES:

A. an unobstructed:

1. properly displayed slow moving vehicle reflective sign clearly visible from the rear; or

2. a high visibility flag, the banner of which shall measure not less than (60) square inches. The flag shall be mounted on a pole in such a manner that the bottom of the banner of flag is not less than seven feet (7') and no more than twelve feet (12') above the ground when mounted.

B. Headlights, taillights and brake lights.

C. Factory installed seating.

CLASS 2 VEHICLES:

A. Rollover protection;

B. Seat belts;

headlights, taillights, turn signals and brake lights, which must be turned on and working when operated.

§ 10.14.080 PLACE OF OPERATION.

No Golf Cart or UTV shall be operated on or at any of the following:

A. Any City street or any portion of any City street where the speed limit in effect at the place of operation is greater than 30 miles per hour;

B. Any City street designated as a State Highway, except to cross at an intersection of a State Highway and a City Street by traveling on a City Street perpendicular to the State Highway;

C. Any sidewalk, public trail, or public greenway not specifically designated for use by a motor vehicle.

§ 10.14.090 TRAFFIC LAWS AND ORDINANCES.

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, including restrictions and prohibitions as set forth with Title 10 of the City Code. No Golf Cart or UTV shall be operated in excess of 30 mph.

§ 10.14.100 OCCUPANTS.

A. *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. 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.

B. *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.

C. *Infants prohibited.* No person under the age of two (2) years shall be permitted as an occupant of a Golf Cart or UTV on a City street.

§ 10.14.110 NO TOWING.

No Golf Cart or UTV shall be used to tow any type of trailer or other vehicle.

§ 10.14.120 EXCEPTIONS.

A. Golf Carts or UTV's operated in connection with City's annual street fair and with written permission of the Street Fair Board shall be exempted from the requirements of this ordinance when operated within the confines of that portion of the downtown in which fair activity is taking place; provided however, that the operator of a Golf Cart or UTV must still be a licensed driver and financial responsibility must be in effect with respect to the Golf Cart

B. The Board of Public Works and Safety shall have the authority to specifically permit the use of Golf Carts or UTV's by identified persons at other special events; provided however, that the operator of a Golf Cart or UTV must be a licensed driver and financial responsibility must be in effect with respect to the Golf Cart or UTV.

§ 10.14.130 REVOCATION 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.

§ 10.14.140 PENALTY.

(A) In addition to any other fines or penalties provided in the Municipal Code, failure to comply with this chapter will result in fines and penalties as follows: first offense: $25 fine; second offense: $50 fine; and each additional offense: $100 fine.

(B) An offense is defined as each separate violation of this chapter which occurs while operating a Golf Cart or UTV."