

ORDINANCE NO. 2017-03
AMENDMENT TO ORDINANCE NO. 2007-5, 2009-10, and 2014-4A

**SHORT TITLE: AN ORDINANCE THAT AUTHORIZES AND REGULATES THE
OPERATION AND USE OF GOLF CARTS AND OFF-ROAD
VEHICLES ON THE STREETS AND ALLEYS OF THE TOWN OF
GENEVA, INDIANA**

WHEREAS, the Board of Trustees of the Town of Geneva has the authority under the Indiana Code to authorize and regulate the operation of golf carts on the Town's streets and to make necessary regulations to protect and preserve the rights, property, health, safety and welfare of its citizens; and

WHEREAS, the City of Decatur, the City of Berne, and the Town of Monroe all have heretofore passed ordinances relating to utilization of golf carts upon the streets in such municipalities, which said ordinances vary to some extent in content and regulatory provisions; and

WHEREAS, upon occasion, individuals holding registration from other communities in Adams County, Indiana, have desired to utilize their golf cart(s) in the Town of Geneva; and

WHEREAS, the Town of Geneva has heretofore passed ordinances relating to utilization of golf carts and off-road vehicles on and along such streets and alleys of the Town of Geneva; and

WHEREAS, House Bill 1491 and House Bill 1200 were passed in the state legislature, which said bills add additional restrictions to the operation of golf carts and off road vehicles; and

WHEREAS, it is in the public interest to establish reasonable rules and regulations for the operation of both golf carts and off-road vehicles on and along such streets and alleys of the Town of Geneva; and

WHEREAS, the Board of Trustees of the Town of Geneva have contemplated the adoption of a Town Ordinance which authorizes and regulates both the use of golf carts and off-road vehicles on and along Town streets and alleys; and

WHEREAS, the Board of Trustees of the Town of Geneva has determined that it is in the best interest of the citizens of the Town of Geneva to enact an Ordinance that authorizes and governs the operation of both golf carts and off-road vehicles on and along the Town streets and alleys;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE TOWN OF GENEVA, INDIANA AS FOLLOWS;**

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. **Driver's License.** A valid license to operate a motor vehicle issued by the State of Indiana or any other state.
- B. **Financial Responsibility.** Liability insurance coverage on a golf cart and off-road vehicle in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.
- C. **Golf Cart.** A four (4) wheeled vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing golf on a golf course.
- D. **Highway.** The entire width between the boundary lines of a US Highway under the jurisdiction and control of the State of Indiana and/or the United States Federal Government, including (Main Street) US 27 and (Line Street) State Road 116.
- E. **Municipal Boundary.** The existing Corporate Limits of the Town of Geneva and future annexations thereto.
- F. **Street.** The entire width between the boundary lines of any street, alley, park or parking area under the jurisdiction and control of the Town of Geneva when any part thereof is open to the use of the public for purposes of vehicular travel.
- G. **Off-Road Vehicle.** A motor driven vehicle capable of cross country travel without the benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle, or other means of transportation deriving power from a source other than muscle or wind. It does not include a farm vehicle being used for farming or a vehicle used for military or law enforcement purposes, a construction, mining, or other industrial related vehicle used in performance of its common function, a snowmobile, a golf cart, a registered aircraft, or any other vehicle properly registered by the Indiana Bureau of Motor Vehicles, and any watercraft which is registered pursuant to Indiana Statutes.
- H. **Operate.** To ride in or on and to exercise any physical control over the function or movement of a golf cart or off-road vehicle.
- I. **Operator of Golf Cart.** Any person who holds a valid license to operate a motor vehicle issued by the State of Indiana or another state, or any person at least sixteen (16) years and one hundred eighty (180) days of age who holds an identification card issued by the Bureau of Motor Vehicles, including a photo exempt identification card.
- J. **Operator of Off-Road Vehicle.** Any person who holds a valid license to operate a motor vehicle issued by the State of Indiana or another state.
- K. **Town.** The Town of Geneva, Indiana

Section 2. Purposes. The purpose of this Ordinance is:

- A. To authorize persons holding a valid Indiana motor vehicle driver's license (or a valid motor vehicle license from another state), or any person at least sixteen (16) years and one hundred eighty (180) days of age who holds an identification card issued by the Bureau of Motor Vehicles, including a photo exempt identification card, to operate golf carts registered with the Town of Geneva's Marshal's Office over and upon the Town's streets and alleys.
- B. To authorize persons holding a valid Indiana motor vehicle driver's license (or a valid motor vehicle license from another state) to operate off-road vehicles registered with the Indiana Bureau of Motor Vehicles and the Town of Geneva's Marshal's Office over and upon the Town's streets and alleys.
- C. To establish rules and regulations for the operation of golf carts and off-road vehicles over and upon the Town's streets and alleys.
- D. To promote the safety of persons and property, responsible enjoyment in and connected with the use and operation of golf carts and off-road vehicles, and understanding consistent with the rights of all citizens of the Town of Geneva.

Section 3. Operation of a Golf Cart or Off-Road Vehicle. The operation of a golf cart or off-road vehicle on and along the streets and alleys within the municipal boundary of the Town is hereby authorized only so long as the golf cart or off-road vehicle is registered, operated, insured and equipped as hereinafter required. Failure to register, operate, insure and equip a golf cart or off-road vehicle as required herein shall constitute a violation of this Ordinance and any subsequent codification of this Ordinance in the Town of Geneva Code of Ordinances. Violations shall be punishable by fines, costs and penalties as hereinafter set forth. The operation of a golf cart or off-road vehicle over and upon the streets and alleys of the Town shall be solely for the purpose of reaching a predetermined destination. The operation of a golf cart or off-road vehicle in the Town of Geneva shall be subject to the following additional restrictions on such operation:

- A. No golf cart or off-road vehicle may be operated on a highway, as defined herein, except for the purpose of crossing a highway, perpendicularly, at an intersection within a Town street.
- B. An Operator of a golf cart or off-road vehicle must operate said golf cart or off-road vehicle at a rate of speed which is not greater than is reasonable and proper, having due regard for the conditions then existing, shall obey posted speed limits and may not operate said golf cart or off-road vehicle in excess of 30 M.P.H. An Operator of a golf cart or off-road vehicle shall abide by all traffic laws and signs governing the operation of motor vehicles in the Town and as set forth in the Indiana Code.
- C. Golf carts and off-road vehicles shall be operated as close to the right edge of the street or alley as possible, and may not impede the flow of normal traffic.

- D. No golf cart or off-road vehicle may be operated or parked on Town sidewalks.
- E. Headlights and tail lights shall be lighted between sunset and sunrise.
- F. No golf cart or off-road vehicle shall be operated on the frozen surface of public waters within one hundred (100) feet of an individual not in or upon a vehicle.
- G. No gas powered golf cart or off-road vehicle shall be operated unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- H. Any and all operators and riders of an off-road vehicle who are under the age of eighteen (18) years shall wear helmets at all times while said off-road vehicle is in operation.
- I. No golf cart or off-road vehicle shall be operated on any private property without the consent of the property owner.
- J. No operator shall operate a golf cart or off-road vehicle while transporting on or in the golf cart or off-road vehicle a firearm unless the firearm is unloaded and securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- K. No operator shall operate a golf cart or off-road vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

Section 4. Operator. Only a person who holds a valid license to operate a motor vehicle issued by the State of Indiana or another state, or any person at least sixteen (16) years and one hundred eighty (180) days of age who holds an identification card issued by the Bureau of Motor Vehicles, including a photo exempt identification card, shall be authorized to operate a golf cart on a Town street or alley, which license or identification must be in possession of the operator while operating the golf cart. Only a person who holds a valid license to operate a motor vehicle issued by the State of Indiana or another state shall be authorized to operate an off-road vehicle on a Town street or alley, which license must be in possession of the operator while operating the off-road vehicle. Authorization or permission by the golf cart or off-road vehicle owner to a person who does not qualify to operate a golf cart or off-road vehicle on a Town street or alley pursuant to this section shall constitute a violation of this section. Operators of golf carts or off-road vehicles shall obey all Federal, State and Local laws, regulations and ordinances governing passenger motor vehicles, including but not limited to laws, regulations and ordinances pertaining to licensing of operators and traffic regulation.

Section 5. Equipment. Off-road vehicles shall be equipped with the minimum safety equipment as set forth in IC 14-16-1 et. seq. in order to be registered and operated on Town streets and alleys. Unless otherwise exempted herein, all golf carts shall be equipped with the following minimum safety equipment in order to be registered and operated on Town streets and alleys:

- A. Factory seating for all occupants;
- B. A rear view mirror;

- C. Head lights;
- D. Tail lights;
- E. Brake lights;
- F. Turn signals; (front and back); and
- G. A Slow Moving Vehicle sign attached to the rear of the golf cart.

All safety equipment shall be maintained in good operating order. Lights shall 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.

Section 6. Occupancy of Golf Carts and Off-Road Vehicles. Maximum occupancy of a golf cart or off-road vehicle in use on a Town street or alley shall be limited to the number of factory manufactured seats installed on the golf cart or off-road vehicle. When in motion, all occupants must be seated, one to a manufactured seat. Occupants shall keep all parts of their body within the perimeter of the golf cart or off-road vehicle while the golf cart or off-road vehicle is being operated. Failure by the Operator of a golf cart or off-road vehicle on a Town street or alley to ensure compliance with the provisions of this section shall constitute a violation of this Section by the Operator.

Section 7. Financial Responsibility. At all times during the operation of a golf cart or off-road vehicle on Town streets, proof of financial responsibility covering the golf cart or off-road vehicle and its operation shall be kept in or on the golf cart or off-road vehicle. Failure to keep such proof of financial responsibility in or upon the golf cart shall constitute a violation of this Section by the owner of the golf cart or off-road vehicle. Failure to produce proof of financial responsibility, when requested by a law enforcement officer, shall constitute a violation of this Section by the Operator.

Section 8. Registration. Unless otherwise exempted herein, no golf cart or off-road vehicle may be operated on a Town street or alley until the golf cart or off-road vehicle is registered with the Town of Geneva Police Department. In addition, an off-road vehicle shall not be operated on a Town street or alley unless it is duly registered with the Indiana Bureau of Motor Vehicles and meets all of the standards, requirements, and regulations set forth in IC 14-16-1 et. seq. The Town of Geneva Police Department shall register all golf carts or off-road vehicle to be operated on Town streets and alleys in the name of the owner upon the owner applying for such registration, upon the owner providing proof of financial responsibility covering the golf cart or off-road vehicle, upon an inspection of the golf cart or off-road vehicle by the Police Department which confirms that the golf cart or off-road vehicle is equipped as required by this Ordinance and/or Indiana Statute, and upon the owner signing an acknowledgement that he or she received and read a copy of this Ordinance. The registration of a golf cart or off-road vehicle shall be effective as of the date of registration and shall expire on December 31st of the year of registration. Upon being registered, a registration sticker for the current calendar year shall be issued by the Town, which sticker shall be affixed to the left side of the rear of the golf cart or off-road vehicle as proof of registration.

Section 9. Registration Fee. Unless otherwise exempted herein, the Owner of a golf cart shall pay a registration fee of ten dollars (\$10.00) to Town of Geneva Police Department at the time of registration of a golf cart. The registration fee may hereafter be amended from time to time by Resolution adopted by the Board of Trustees of the Town. All registration fees shall be deposited in the Town of Geneva General Fund.

Section 10. Town's Right to Restrict Operation on Designated City Streets and Alleys. The Board of Trustees of the Town may restrict golf cart and off-road vehicular traffic on Town streets, alleys, parks or parking areas by designating such streets, alleys or areas as unsuitable for golf cart or off-road vehicular traffic and by posting signs on such designated streets, alleys or areas. It shall be a violation of this Ordinance to operate a golf cart or off-road vehicle on a street, alley or area so designated and posted.

Section 11. Exempt Vehicles. The Town's Board of Public Works and Safety and/or the Board of Trustees of the Town may exempt public safety personnel and/or the use of golf carts or off-road vehicle during special events from compliance with this Ordinance, provided that any operator of a golf cart or off-road vehicle so exempted must have a valid driver's license and provided proof of financial responsibility is provided for an exempted golf cart or off-road vehicle.

Section 12. Penalties. Any violation of this Ordinance, after its adoption and publication as required by law, shall constitute a Class C infraction. Multiple violations may be cited as separate offenses. Each time of an offense shall constitute a new and separate offense. Each violation shall carry a minimum fine of fifty dollars (\$50.00), not to exceed a fine of one thousand dollars (\$1,000.00), the maximum penalty allowed by law. In addition to civil penalties imposed herein, a person cited for violation of this Ordinance shall be responsible for all court costs. Payment of fine and costs imposed shall be made to the Clerk-Treasurer of the Town of Geneva. In the event an operator or owner of a registered golf cart or off-road vehicle is cited a second time in a calendar year for a violation(s) of this Ordinance, unrelated to the first offense, in addition to the imposition of a fine and court costs, the registration of the golf cart or off-road vehicle operated at the time of the second offense shall be revoked by the Town Police Department if such golf cart or off-road vehicle was being operated at the time of the first citation. The golf cart or off-road vehicle may be impounded by the law enforcement officer. In the event of impoundment, the golf cart or off-road vehicle shall not be released until the basis of the violation has been corrected and all towing and impoundment fees incurred as a result of the impoundment of the golf cart or off-road vehicle have been paid by the owner or operator of the golf cart or off-road vehicle.

Section 13. Reciprocity. By this ordinance, the Town of Geneva grants reciprocity to the citizens of the City of Decatur, the City of Berne, and the Town of Monroe to operate their golf cart and/or ORV within the Town of Geneva. Prior to the utilization of a golf cart or ORV that is registered in one of the aforementioned municipalities, the owner of said golf cart or ORV shall submit his or her golf cart or ORV to the Town of Geneva Police Department for inspection. Said golf cart or ORV shall comply in all respects with the requirements that the Town has imposed in this ordinance before permission to operate the same shall be granted by

the issuance of a certificate permitting the operation of such golf cart or ORV without the procurement of an additional registration fee. Residents of the Town of Geneva shall procure their registration through the Town of Geneva, and shall not procure a registration from another city or town in order to operate the golf cart or ORV within the Town of Geneva. Anyone operating a golf cart or ORV within the Town of Geneva utilizing a registration other than that issued by the Town of Geneva shall be subject to the penalties set forth in Section 13 above in the same manner and to the same extent as that imposed upon all residents of the Town of Geneva procuring a registration to operate a golf cart or ORV within the Town.

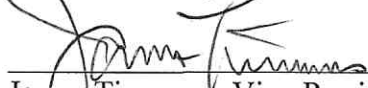
Section 14. Severability/Modification. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any section, subsection, sentence, clause or phrase to be unconstitutional, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause or phrase or part thereof. The Board of Trustees of the Town of Geneva may modify this Ordinance as deemed necessary.

Section 15. Applicability and Effective Date of Ordinance. This Ordinance shall apply only to the incorporated areas of the Town of Geneva, Indiana, and shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the Common Council of the Town of Geneva, Indiana on August ____, 2017.

BOARD OF TRUSTEES OF THE TOWN OF GENEVA


Richard Clutter, President


James Timmons, Vice-President


Agnes Schoch

ATTEST:


Jane Kaverman, Clerk-Treasurer