

**TOWN OF MORGANTOWN, INDIANA**

**ORDINANCE NO. 2017-1**

**AN ORDINANCE AMENDING ORDINANCE 2015-7 REGULATING THE OPERATION OF GOLF CARTS AND RECREATIONAL OFF ROAD VEHICLES ON STREETS UNDER THE JURISDICTION OF THE TOWN OF MORGANTOWN**

**WHEREAS**, pursuant to Indiana Code Sections 9-21-1-3(a)(14) and 3.3, a town may regulate or prohibit the operation of low speed vehicles, golf carts, and/or off-road vehicles and may adopt by ordinance traffic regulations concerning the use of golf carts or off-road vehicles, or both, on a highway under the jurisdiction of the town;

**WHEREAS**, the Morgantown Town Council, on September 14, 2015 adopted Ordinance 2015-7, to permit and regulate the operation of golf carts and certain off-road vehicles on the streets and highways under its jurisdiction;

**WHEREAS**, the Morgantown Town Council has now decided to amend Ordinance 2015-7 as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORGANTOWN, INDIANA, THAT:**

1. "Golf cart", for purposes of this ordinance, shall mean a four (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.
2. "Off-road vehicle", for purposes of this Ordinance shall mean:
  - (a) a motor driven vehicle capable of cross-country travel:
    - (1) without benefit of a road; and
    - (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
  - (b) The term includes the following:
    - (1) A multiwheel drive or low pressure tire vehicle.
    - (2) An amphibious machine.
    - (3) A ground effect air cushion vehicle.
    - (4) An all-terrain vehicle (as defined in section Indiana Code Section 14-8-2-5.7 of this chapter).
    - (5) A recreational off-highway vehicle (as defined in section Indiana Code Section 14-8-2-233.5).
    - (6) Other means of transportation deriving motive power from a source other than muscle or wind.
  - (c) The term does not include the following:
    - (1) A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in Indiana Code Section 9-13-2-60(a)(2)).
    - (2) A vehicle used for military or law enforcement purposes.

- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in Indiana Code Section 9-13-2-60(a)(3)).
- (4) A snowmobile (as defined by Indiana Code Section 14-8-2-261).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart vehicle.

- 4. "Recreational off-road vehicle", for purposes of this Ordinance, shall mean a motorized, off-highway vehicle that:
  - (1) is sixty-five (65) inches or less in width;
  - (2) has a dry weight of two thousand (2,000) pounds or less;
  - (3) is designed for travel on at least four (4) non highway or off-highway tires; and
  - (4) is designed for recreational use by one (1) or more individuals.
  
- 5. "Side by Side," for purposes of this Ordinance, shall mean a recreational off-road vehicle, as that term is defined herein, that has factory installed, side by side seating for no less than two (2) and no more than six (6) occupants and includes all of the following:
  - (1) a steering wheel;
  - (2) non straddle seating;
  - (3) foot controls for throttle and braking (or adapted throttle and braking controls for use, uniquely, by handicapped operators); and
  - (4) factory installed passenger restraints.
  
- 6. "Street" or "highway," for purposes of this Ordinance means the entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes an alley in a city or town. *Indiana Code Section 9-13-2-175.*
  
- 7. Except as specifically permitted herein or by applicable Indiana state statute, golf carts and off road vehicles may be not be operated on public streets and highways within the Town of Morgantown or otherwise on property owned or leased by the Town of Morgantown
  
- 8. Golf carts and side by sides, as those terms are defined herein, may be operated on the streets and highways located within and under the jurisdiction of the Town of Morgantown in strict compliance with the following:
  - a. Golf carts and side by sides may be operated only by licensed drivers.
  - b. Golf carts and side by sides shall be registered with the Town of Morgantown on or before May 1 of each year. For each golf cart and side by side registered the Town will charge an annual registration fee of Thirty and 00/100 Dollars (\$30.00) and will issue an annual certificate of registration for the period from May 1 of the current year through April 30 of the following year. As a condition of issuance of a certificate of registration, each owner of a golf cart or side by side must present valid proof of financial responsibility, as required by this Ordinance, and, for side by sides,

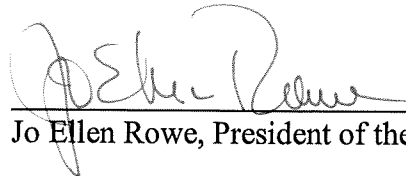
- a copy of a valid state issued registration, as required by applicable Indiana law, and make available for inspection the vehicle that is the subject of their application.
- c. Side by sides shall be registered and registrations and decals shall be displayed as may be required by applicable Indiana state statutes, including, without limitation, Indiana Code Chapter 14-16-1.
  - d. Golf carts and side by sides may be operated only during daylight hours, unless equipped with working headlights and taillights.
  - e. A slow moving vehicle emblem, which shall be the standard fluorescent orange triangle with retroreflective border that complies with the specifications found in 205 Indiana Administrative Code 1, shall be affixed, at all times, to all golf carts and side by sides operated on the streets of Morgantown. The slow moving vehicle emblem shall be mounted point up in a plane perpendicular to the direction of travel and shall be placed centrally at the rear of the vehicle, unobscured, and 3 to 5 ft. above the ground measured from the lower edge of the emblem.
  - f. The number of passengers, in addition to the driver, of a golf cart or side by side shall be limited by and to the original factory seating available. All passengers and drivers must be seated at all times. No passenger shall ride on the lap of any other passenger.
  - g. No golf cart or side by side, while being operated on the streets of Morgantown, shall be used to tow, pull, push, or otherwise assist any other vehicle, trailer, boat, sled, skid or other device or conveyance.
  - h. Each owner of a golf cart or side by side must have available, at all times while the golf cart or side by side is being operated on the streets of Morgantown, and present to a Morgantown police officer, upon request, proof of financial responsibility in a form prescribed by Indiana Code Chapter 9-25-4.
  - i. Drivers of golf carts and side by sides shall operate them, at all times, in strict compliance with all other local traffic rules and regulations that apply to all other motor vehicles operated on the streets of Morgantown.

Golf carts and side by sides owned by non-residents of Morgantown that are registered, as may be required by Morgan County and the State of Indiana, may be operated on Morgantown streets and highways in compliance with all other provisions of this Ordinance.

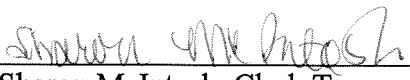
9. This Ordinance does not permit and should be not be construed to permit golf carts or side by sides to be operated on any state highways located within the Town of Morgantown, including specifically, but without limitation, State Road 135 and State Road 252.
10. The specific rules of this Ordinance shall not apply to Town vehicles and equipment that may meet the definitions of golf carts or off road vehicles, while being operated by on duty town personnel. Town vehicles and equipment, that may meet the definitions of golf cart or off road vehicle, may be operated by on duty town personnel anywhere in Town, subject only to the rights of private property owners.
11. Any person who violates this Ordinance shall be subject to a fine, for each separate violation, in the amount of Fifty and 00/100 Dollars (\$50.00). With regard to any golf cart or side by side operated in violation of this Ordinance: for the first violation, each calendar year, the Town registration shall be revoked for Thirty (30) days; for the second violation, each calendar year, the Town registration will be revoked for 1 year.

Introduced and adopted, by affirmative vote of the Town Council of the Town of Morgantown, at its regular meeting on the 9<sup>th</sup> day of January, 2017.

Adopted, on second and final reading, by affirmative vote of the Town Council of the Town of Morgantown, at its regular meeting on the 6<sup>th</sup> day of February, 2017.

  
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Jo Ellen Rowe, President of the Town

Attest:

  
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Sharon McIntosh, Clerk Treasurer