

CHAPTER 72: TOY VEHICLES

72.15 DEFINITIONS.

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

CITY. The City of Decatur, Indiana.

DRIVER'S LICENSE.

A valid license to operate a motor vehicle issued by the state or any other state.

FINANCIAL RESPONSIBILITY.

Liability insurance coverage on a golf cart in an amount not less than required by state law for motor vehicles operated on public highways in the state.

GOLF CART.

A four-wheeled motor vehicle originally and specifically designed to transport individuals and golf clubs for the purpose of playing golf.

GOLF COMMUNITY.

The subdivisions of Cross Creek, platted in conjunction with the expansion and development of Cross Creek Golf Course to the extent such subdivision is located within the municipal boundary of the city.

HIGHWAY.

A U.S. highway under the jurisdiction and control of the state and/or the United States Federal Government, including U.S. Hwy. 27, U.S. Hwy. 33 and U.S. Hwy. 224.

MANUFACTURING FACILITY.

Any site or sites located within the municipal boundary of the city, which are zoned for industrial or manufacturing purposes and which are owned and operated by the same or affiliated parties who, in the normal course of business, utilize golf carts on city streets for the transportation of personnel from one plant location to another.

MUNICIPAL BOUNDARY.

The existing corporate limits of the city and future annexations thereto.

OPERATE.

To exercise any control over the function or movement of a golf cart.

STREET.

A street, alley, park or parking area under the jurisdiction and control of the city.

TRAIL PASS.

A decal affixed to a golf cart which indicates that an annual fee has been paid to Cross Creek Golf Course or Grey Goose Golf Course authorizing the use of a privately owned golf cart on golf cart trails located within or adjacent to Cross Creek Golf Course or Grey Goose Golf Course.

(Ord. 2009-6, passed 7-21-2009; Ord. 2009-10, passed 9-15-2009)

§ 72.16 OPERATION GENERALLY.

(A) The operation of a golf cart on streets within the municipal boundary of the city is hereby authorized only so long as the golf cart is registered, operated, insured and equipped as hereinafter required. Failure to register, operate, insure and equip a golf cart as required herein shall constitute a violation of this subchapter and any subsequent codification of this subchapter in the code of ordinances.

(B) Violations shall be punishable by fines, costs and penalties as hereinafter set forth. No golf cart may be operated on a highway, as defined herein, except for the purpose of crossing a highway, perpendicularly, at an intersection with a city street.

(C) Golf carts must obey posted speed limits and may not be operated in excess of 30 mph.

(D) Golf carts shall be operated to the right side of the street and may not impede the flow of normal traffic.

(E) An operator of a golf cart on a city street shall obey all traffic rules and regulations adopted by the state and/or the city.

(F) No golf cart may be operated or parked on city sidewalks.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.17 OPERATOR REQUIREMENTS.

Only a person with a valid driver's license shall be authorized to operate a golf cart on a city street, which license must be in the possession of the operator while operating the golf cart. Operation without a valid driver's license on a city street shall constitute a violation of this section. It shall also be a violation of this section for a golf cart owner to authorize or permit a person without a valid driver's license to operate a golf cart on a city street.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.18 REGISTRATION; FEE.

(A) Unless otherwise excepted herein, no golf cart may be operated on a city street unless validly registered with the city. The City Police Department shall register all golf carts to be operated on city streets 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, upon an inspection of the golf cart by the City Police Department which confirms that the golf cart is equipped as required by this subchapter, and upon payment of the required registration fee. The registration of a golf cart shall be effective as of the date of registration and shall expire on December 31 of the year of registration. Upon being registered, a registration sticker for the current calendar year shall be issued by the city, which sticker shall be affixed to the left side of the rear bumper of the golf cart as proof of registration.

(B) Unless otherwise exempted herein, the owner of a golf cart shall pay a registration fee of \$30 to the city 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 City Common Council. All registration fees shall be deposited into the city's General Fund.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.19 PROOF OF FINANCIAL RESPONSIBILITY.

At all times during the operation of a golf cart on city streets, proof of financial responsibility covering the golf cart and its operation shall be kept in or on the golf cart. 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. Failure to do produce proof of financial responsibility, when requested by a law enforcement officer, shall constitute a violation of this section by the operator.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.20 EQUIPMENT.

(A) Unless otherwise exempted herein, all golf carts shall be equipped with the following minimum safety equipment in order to be registered and operated on city streets:

- (1) Factory seating for all occupants;
- (2) Rear view mirror;
- (3) Head lights;
- (4) Tail lights;
- (5) Brake lights;
- (6) Turn signals (front and back);
- (7) Windshield; and
- (8) "Slow moving vehicle" sign attached to the rear of the golf cart.

(B) 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 to be visible from a distance of at least 500 feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this section.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.21 OCCUPANTS OF GOLF CARTS.

Maximum occupancy of a golf cart when in use on a city street shall be limited to four persons, including the operator. When in motion, all occupants must be seated. No child under the age of three shall be allowed to occupy a golf cart while operated on a city street. Occupants shall keep all parts of the body within the perimeter of the golf cart while the golf cart is being operated on a city street. Failure by an operator of a golf cart on a city street to ensure compliance with the provisions of this section shall constitute a violation of this section by the operator.

(Ord. 2009-6, passed 7-21-2009; Ord. 2009-10, passed 9-15-2009) Penalty, see § 72.99

§ 72.22 TIME OF OPERATION.

No golf cart shall be operated on a city street between the hours of 12:00 midnight and 5:00 a.m. Operation of a golf cart during such prohibited time shall constitute a violation of this section.

(Ord. 2009-6, passed 7-21-2009) Penalty, see § 72.99

§ 72.23 EXEMPT VEHICLES.

(A) The city's Board of Public Works and Safety may exempt public safety personnel and/or the use of golf carts during special events from compliance with this subchapter; provided that, any operator of a golf cart so exempted must have a valid driver's license and provided proof of financial responsibility is provided for an exempted golf cart. In addition, within a golf community, any golf cart properly marked with a current and valid trail pass shall be exempt from compliance with §§ 72.18 and 72.20 of this chapter within a golf community if the golf cart is used exclusively to travel to and from a golf cart owner's residence and golf cart trails located within or adjacent to Cross Creek Golf Course in the case of the Cross Creek golf community, for use of golf course facilities and/or participation in and during a round of golf at the golf course.

(B) In addition, any golf cart used in the ordinary course of business for the transportation of personnel at a manufacturing facility shall be exempt from compliance with §§ 72.18, 72.20 and 72.22 of this chapter. Except as stated in this section, nothing in this section shall be construed to exempt compliance with any other sections of this subchapter.

(C) Nothing in this section shall exempt compliance with §§ 72.18, 72.20 and 72.22 of this chapter if the golf cart with a trail pass or manufacturing facility golf cart is operated on a city street for any purpose other than exempted herein.

(Ord. 2009-6, passed 7-21-2009; Ord. 2009-10, passed 9-15-2009)

§ 72.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any violation of §§ 72.15 through 72.23 of this chapter, 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 \$50 not to exceed a fine of \$100, the maximum penalty allowed by law. In addition to civil penalties imposed herein, a person cited for violation of §§ 72.15 through 72.23 of this chapter shall also be responsible for all court costs. Payment of fine and costs imposed shall be made to the Clerk of the county. In the event an operator of a registered golf cart or the owner of a golf cart is cited a second time in a calendar year for a violation(s) of §§ 72.15 through 72.23 of this chapter, unrelated to the first offense, in addition to the imposition of a fine and court costs, the registration of the golf cart operated at the time of the second offense shall be revoked by the City Police Department if such golf cart was being operated at the time of the first citation.

(C) All fines assessed and collected pursuant to § 72.18 shall be deposited by the City Clerk-Treasurer into the city's Local Law Enforcement Continuing Education Fund.

(Ord. 2009-6, passed 7-21-2009; Ord. 2018-5, passed 2-20-2018)

ORDINANCE NO. 2023- 23

SHORT TITLE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF DECATUR AMENDING CHAPTERS 72 AND 76 OF THE CITY OF DECATUR CODE OF ORDINANCES OF 2015 AS SUPPLEMENTED TO UNIFY THE REGISTRATION AND RENEWAL PROCESSES OF GOLF CARTS AND UTV'S IN USE WITHIN THE CITY OF DECATUR.

WHEREAS, the City of Decatur, Indiana ("City") has determined that it is desirable for residents to use and operate golf carts and utility terrain vehicles on city streets and has passed ordinances for the registration, inspection, operation and use of such vehicles in Chapter 72 (Golf Carts) and Chapter 76 (Utility Terrain Vehicles) of the City of Decatur Code of Ordinances of 2015, as supplemented in Ordinances 2009-6, as amended by Ordinance 2018-5 and Ordinance 2022-8, respectively; and

WHEREAS, the City now desires to amend the registration, inspection and registration renewal process in order to provide an efficient and uniform means of obtaining a registration permit and/or renewal sticker from the City of Decatur; and

WHEREAS, the City desires to amend the relevant provisions of Chapters 72 and 76 to remove an annual inspection requirement for both golf carts and utility terrain vehicles in order to promote efficiency in serving the public and in the use of City resources,

WHEREAS, further the City, in coordination with the Decatur Police Department, desires to establish uniform location on both golf carts and utility terrain vehicles for application of registration permits and renewal stickers; and

WHEREAS, the Decatur Police Department recommends the placement of registration permits and renewal stickers on the lower backside of a golf cart or UTV; and

WHEREAS, the Common Council hereby approves the recommendations of the Decatur Police Department to remove an annual inspection for renewal of permits for golf carts and UTV's and for the uniform placement of registration permits and/or renewal stickers as such will assist in the identification and recognition of registered golf carts and UTV's.

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

Section 1: Purpose. The purpose of this Ordinance is to amend Chapter 72 Golf Carts and Chapter 76 Utility Terrain Vehicles to amend sections within each Chapter to unify inspection and registration requirements and to implement uniform placement of registration permits on both golf carts and utility terrain vehicles registered with the City of Decatur.

Section 2: Amendment to Chapter 72. The City of Decatur Code of Ordinances of 2015, as supplemented, Chapter 72 Golf Cart, Section 72.18(A) Registration, Fee, is hereby amended to read as follows:

Unless otherwise excepted herein, no golf cart may be operated on a city street unless validly registered with the City. The Decatur Police Department shall register all golf carts to be operated on city streets in the name of the owner upon the applying for such registration, upon the owner providing proof of financial responsibility cover the golf cart, upon an initial and one-time inspection of the golf cart by Decatur Police Department personnel to confirm the cart is equipped as required within this Chapter and upon payment of the required registration fee. The initial registration of a golf cart shall be effective from the date of registration through December 31 of the same calendar year. Registration renewal shall be for a calendar year from January 1 through December 31. An owner of a golf cart registered with the City for the previous year may apply to renew the permit by applying for a registration renewal sticker and paying the annual registration fee. Registration permits and registration renewal stickers shall be affixed to the lower backside of the golf cart and must be visible at all times the golf cart is in operation within the streets of the City of Decatur and shall be regarded as proof of registration.

Section 3: Amendment of Chapter 76. The City of Decatur Code of Ordinances of 2015, as supplemented, Chapter 76 Utility Terrain Vehicles, Section 76.08 shall be amended as follows:

- A. Heading of Section 76.08 shall be amended to read: Inspection, Registration, Renewal
- B. 76.08(A) shall be amended to read: Registration permits and/or Registration renewal stickers shall be issued to owners/operators of UTV's by the Decatur Police Department annually.
- C. 76.08(G) shall be amended to read: Any person who operates a UTV in the City of Decatur and fails to obtain and properly display a city issued registration permit and/or registration renewal sticker with said permit/sticker to be fully displayed on the lower backside of the UTV, shall be subject to all applicable state laws, in addition to being violation of this chapter.
- D. 76.08(H) shall be amended to read: UTV owners initially registering a UTV with the City of Decatur must complete the inspection form attached to Ordinance 2022-8, and available from the Decatur Police Department, along with a hold harmless agreement and proof of financial responsibility prior to inspection and granting of an initial registration permit.
- E. New Section 76.08(I) shall be added to read: UTV owners renewing valid permits held for the previous year shall be required to apply for a registration sticker and shall be provided such upon completing said application and upon the execution of an annual hold harmless and indemnification agreement and upon a showing of proof of financial responsibility. No inspection is required, however all owners are responsible for ensuring compliance with provisions of this Chapter, state and federal laws regarding the ownership and use of UTV's.

Severability. In the event any provision within this Ordinance shall be deemed to be unenforceable, such provision shall be severed from the Ordinance and remaining provisions shall remain in full force and effect.

Effect of Ordinance. All other portions of Chapters 72 and 76 of the City of Decatur Code of Ordinances of 2015, as supplemented, not herein affected, shall remain in full force and effect.

Effective Date. This ordinance shall be in full force and effect upon its passage, approval by the Mayor and publication as may be required by law. *[APPROVED BY DANIEL L. RICKORD, AS MAYOR OF THE CITY OF DECATUR, INDIANA ON THE 5TH DAY OF DECEMBER 2023]*