

ORDINANCE 2014 - 7

AN ORDINANCE REGULATING THE OPERATION OF OFF-ROAD VEHICLES AND GOLF CARTS

Whereas, Indiana Code 14-16-1 and Indiana Code 9-21-1-3.3 regulating the use of golf carts on city or town streets and alleys; and

Whereas, a number of citizens of Hillsboro, Indiana are desirous of operating off-road vehicles and golf carts on and along town streets and alleys; and

Whereas, the Town of Hillsboro desires to authorize the operation of both off-road vehicles and golf carts on town streets and alleys; and

Whereas, it is in the public interest to establish reasonable rules and regulations for the operation of such vehicles on and along the town streets and alleys;

BE IT, THEREFORE, ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLSBORO, INDIANA THAT:

Section 1: This Ordinance shall be known as the Off-Road Vehicle and Golf Cart Ordinance.

Section 2: Definitions. As used in this ordinance the term:

- (a) "Operator" means any person at least sixteen (16) years old, holding a valid Indiana License to operate a motor vehicle, or a valid license to operate a motor vehicle from another state.
- (b) "Off-Road Vehicle" means 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 driven or low pressure tier vehicle, amphibious machine, ground effect air cushion vehicle or other means of transportation deriving power form 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 by the Indiana Bureau of Motor Vehicles, and any watercraft which is registered to Indiana Statutes.
- (c) "Highway, Road or Right-of-Way" means the entire width between the boundary lines of every way maintained by and within the jurisdiction of Hillsboro, Indiana, when any part thereof is open to the use of the public for purposes of vehicular travel.
- (d) "Operate" means to ride in or on and to be in actual physical control of the operation of an off-road vehicle or golf cart.
- (e) "Golf Cart" means a four (4) wheel 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.

Section 3: Purposes. The purpose of this Ordinance is:

- (a) To authorize persons at least sixteen (16) years old 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 Department of Natural Resources and the Hillsboro Police Department over and upon town roads and alleys.
- (b) To authorize persons at least sixteen (16) years old holding a valid Indiana motor vehicle driver's license (or a valid motor vehicle license from another State) to operate golf carts registered with the Hillsboro Police Department over and upon town roads and alleys.
- (c) To establish rules and regulations for the operation of off-road vehicles and golf carts over and upon town roads and alleys; and
- (d) To permit the safety of persons and property, responsible enjoyment in and connected with the use and operation of off-road vehicles and golf carts, and understanding consistent with the rights of all the citizens of this town.

Section 4: Persons Authorized to Operate Off-Road Vehicles and Golf Carts on Town Roads and Alleys.

- (a) All persons at least sixteen (16) years old who hold a valid motor vehicle driver's license are hereby authorized to operate an off-road vehicle and/or golf cart over and upon town roads and alleys under the conditions set forth in this Ordinance, and solely for the purpose of reaching a predetermined destination.
- (b) No person shall operate an off-road vehicle or golf cart on any town road or alley without a valid motor vehicle driver's license.

Section 5: Insurance.

- (a) Any person who operates an off-road vehicle or golf cart over and upon town roads and alleys shall maintain recreational vehicle liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per occurrence insuring against injury to persons and damage to property arising from the use and operation of such off-road vehicle or golf cart upon town roads and alleys.
- (b) Any person who operates an off-road vehicle or golf cart over an upon town roads and alleys shall carry proof of such insurance on his or her person at all times when operation an off-road vehicle or golf cart on town roads and alleys.

Section 6: Registration/Compliance with State Law.

- (a) An off-road vehicle shall not be operated on a town road and alley unless it is duly registered with the Indiana Department of Natural Resources and meets all of the standards, requirements, and regulations set forth in IC 14-16-1-1 et seq. Said registration shall be carried upon any person operating said off-road vehicle at all times when operating said off-road vehicle on town roads and alleys.
- (b) A golf cart/ATV owner is required to notify the Clerk Treasurer's Office, in writing, if he/she intends to operate a golf cart/ATV on Town roads and alleys, and submit a registration form to the Clerk Treasurer. A form shall be provided by the Town

Section 7: Restrictions on Operation. No person shall operate an off-road vehicle or golf cart:

- (a) At a rate of speed greater than 20 miles per hour, and is reasonable and proper having due regard for conditions then existing.
- (b) While under the influence of intoxicating liquor or unlawful under the influence of narcotic or other habit forming or dangerous depressant or simulant drugs.
- (c) During the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise without displaying a lighted headlight and tail-light.
- (d) One or across a cemetery or burial ground.
- (e) On a railroad tract or railroad right-of-way, except railroad personnel in performance of their duties.
- (f) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (g) On the frozen surface of public waters within:
 - a. One hundred (100) feet of an individual not in or upon a vehicle; or
 - b. One hundred (100) feet of a fishing shanty or shelter except at speed of not more than five (5) miles per hour.
- (h) 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.
- (i) Within one hundred (100) feet of a dwelling between 9:00 p.m. and 6:00 a.m. except on the individual's own property or property under the individual's control or as an invited guest.
- (j) On any property without the consent of the landowner.
- (k) While transporting on or in the vehicle a firearm unless the firearm is:
 - a. Unloaded; and
 - b. Securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- (l) An individual shall not operate an off-road vehicle or golf cart while a bow is present in or on the off-road vehicle or golf cart if the nock of an arrow is in position on the string of the bow.
- (m) Unless the off-road vehicle or golf cart is equipped with a lighted taillight, the off-road vehicle or golf cart shall display reflective tape or a slow moving vehicle emblem on the rear of the off-road vehicle or golf cart.
- (n) On or about town property, specifically but not limited to the Town.

Section 8: Operation on Town Road and Alleys. A person shall comply with the following rules when operating an off-road vehicle or golf cart on town roads and alleys:

- (a) The operator of an off-road vehicle or golf cart shall abide by all traffic laws governing the operation of motor vehicles in the State of Indiana, set forth in Titles 9 and 14 of the Indiana Code.
- (b) The operator of an off-road vehicle or golf cart may not cross a town road or enter upon a town road other than at right angles.
- (c) The operator of an off-road vehicle or golf cart shall bring his or her vehicle or cart to a complete stop before proceeding onto or across a town road or alley and shall yield the right-of-way to traffic.

Section 9: Right to Restrict Off-Road Vehicle Traffic and Golf Cart Traffic on Designated Town Road and Alleys.

- (a) The Town Council may restrict off-road vehicular and golf cart traffic on town roads and alleys by designating such roads as unsuitable for off-road vehicular or golf carts and by posting signs on such designated roads and alleys.
- (b) It shall be a violation of this Ordinance to operate an off-road vehicle or golf cart on any town road or alley so designated and posted.

Section 10: Enforcement.

- (a) Unless otherwise prohibited by State Law, all Law Enforcement officers having jurisdiction in Hillsboro, Indiana, including officers of the Indiana Department of Natural Resources, shall have authority to enforce the provisions of this Ordinance.

Section 11: Penalties for Violations.

- (a) A person that operates an off-road vehicle or golf cart in violation of this Ordinance shall, upon conviction, be fined as follows:
 - 1. First offense \$50
 - 2. Second offense \$75
 - 3. Third offense \$150 plus revocation of driving privileges under this ordinance

Violators may also be assessed reasonable attorney fees and costs of collection incurred in enforcement of this ordinance.

Section 12: Severability/Modification.

- (a) Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the fining or holding of any section, subsection, sentence, clause and phrase to be unconstitutional, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause and phrase or part thereof. The Town Council may modify this Ordinance as deemed necessary.

Section 13: Applicability and Effective Date.

- (a) This Ordinance shall apply only to the incorporated areas of Hillsboro, Indiana.
- (b) This Ordinance shall not be construed to permit the use of off-road vehicles or golf carts on State highways.
- (c) This Ordinance shall become in full force and effect from and after adoption by the Town Council and its publication in accordance with I.C. 5-3-1.
- (d) Any violations of State Law that occurred prior to the enactment of this Ordinance shall not be exempted from enforcement.

SO ADOPTED this 11th day of August, 2014.

TOWN COUNCIL OF THE TOWN OF
HILLSBORO, INDIANA

s/ Curt Hoagland
President

s/ Charles Willis

s/ Dale Voorhees

ATTEST:

s/ Jessica Price
Clerk-Treasurer