

' 70.03 USE OF GOLF CARTS.

(A) The use of a golf cart or off-road vehicle (ORV) upon the streets and alleys of the city is permitted upon satisfaction of the terms and requirements of this section with the specific exception that said vehicle shall not be operated on any highway within the corporate boundaries of the city which is designated as part of the Indiana State Highway System (S.R. 19 and U.S. 6) other than to cross any such state highway at its intersection with a local street under the jurisdiction of the city in accordance with I.C. 9-21-1-3.3.

(B) For purposes of this section, the term **GOLF CART** means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 25 miles per hour in accordance with I.C. 9-13-2-69.7.

(C) For purposes of this section, the term **ORV** means **OFF-ROAD VEHICLE** and refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. 9-13-2-94.5 (Low-Speed Vehicle) and I.C. 14-19-1-0.5 (Motorized Cart). The term ORV does not include motorcycles, motor scooters, all terrain vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the state.

(D) The operation of any golf cart or ORV on any city street or alleyway must be done by an individual with a valid state driver's license.

(E) A golf cart or ORV operated on the streets and alleys of the city shall at all times display either a slow moving vehicle emblem in accordance with I.C. 9-21-9-3 as amended from time to time or a red/amber flashing lamp in accordance with I.C. 9-21-9-4, as amended from time to time.

(F) A person shall not operate a golf cart or ORV on the streets and alleys of the city without current financial responsibility in effect on said vehicle. Proof of financial responsibility shall be in accordance with I.C. 9-25-4-4, as amended from time to time. A person who operates a golf cart or ORV on the streets and alleys of the city shall, at all times, maintain the state required minimum amount of financial responsibility for the operation of a motorized vehicle on public rights-of-way. Proof of financial responsibility must be presented at the time the golf cart or ORV is inspected during the application for golf cart or ORV permit.

(G) While operating a golf cart or ORV within the city limits, all federal, state, and local traffic laws shall be obeyed. This includes, but is not limited to, I.C. 9-21-9-1, as amended from time to time, requiring properly displayed slow moving vehicle signs. Additionally, no golf cart or ORV shall be operated within the city limits in excess of 25 mph.

(H) Operation of a golf cart or ORV within the city limits shall be limited to times between sunrise and sunset when visibility is not limited by weather conditions except that any golf cart or ORV may be operated after sunset and before sunrise or in weather conditions limiting visibility, including but not limited to fog, rain, or snow, provided that it possesses and shall utilize operational headlamps, tail lamps, turn signals and brake lights.

(I) No person shall operate a golf cart or ORV within city limits unless any and all passengers of said vehicle are seated in a seat attached to the vehicle. Seatbelt restraints must be properly fastened as specified by the manufacturer.

(J) No golf cart or ORV shall be operated within the city unless the owner of such golf cart or ORV shall have applied for and obtained a valid golf cart/ORV permit from the city. Application for such a

permit shall be made to the Police Department utilizing the application form as approved from time to time by the Board of Public Works and Safety. The fee for such application shall be \$50 made payable to the City of Nappanee. Such permit shall have an effective length of the life of the vehicle. Issuance of said permit must include visual inspection of the vehicle by a member of the Police Department to determine compliance. Upon issuance of a permit, the vehicle owner shall be provided a decal, which must be affixed to the left rear of the vehicle at all times.

(K) A person or entity may apply for a variance from the application of this section involving the use of a golf cart or ORV during or in connection with an authorized parade or festival. Any petition for variance must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a variance for specific use and limitations shall be issued; and to issue said variance. Any issuance of variance with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the variance, as determined by the Board of Public Works and Safety.

(L) A person who violates this section shall on the first offense be fined an amount of \$100. A person who violates this section a second time within a calendar year of the first offense shall be fined the sum of \$250. For each violation over two times in a two-year period, a person shall be fined a sum not to exceed \$2,500. Each day of violating this policy shall be construed as a separate violation.

(M) All fines collected pursuant to division (L) of this section shall be deposited in the general fund of the city.

(Ord. 1442, passed 9-7-10; Am. Ord. 1462, passed 5-21-12; Am. Ord. 1558, passed 7-15-19)