

ORDINANCE No. 1764

AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD VEHICLES AND GOLF CARTS ON CITY OF BUTLER ROADWAYS

WHEREAS, the City of Butler needs a policy governing the use of golf carts, as defined by Ind. Code 9-13-2-69.7, and off-road vehicles ("ORV") as defined by Ind. Code 14-8-2-185, on public roads; and

WHEREAS, pursuant to I.C. 14-16-1-22 and I.C. 9-21-1-3(a)(14), a city may pass an ordinance regulating the operation of off-road vehicles and golf carts; and

WHEREAS, all other applicable state traffic and other laws, including but not limited to the following will remain in full force and effect and abiding by such laws shall remain the operator's sole responsibility:

- 1) Any applicable Department of Natural Resource Registration requirements under I.C. 14-16-1, *et seq.*
- 2) Any applicable law related to working mufflers pursuant to I.C. 14-16-1-23; and
- 3) Any and all requirements to maintain a valid operator's license.

IT IS THEREFORE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BUTLER that:

Section 1. Definitions

As used in this chapter, "Off-Road Vehicle" has the same meaning as defined under I.C. 14-8-2-185, as amended from time to time.

As used in this chapter, "Golf Cart" has the same meaning as defined under I.C. 9-13-2-69.7, as amended from time to time.

Section 2. Off-Road Vehicles Permitted

Subject to the regulations contained in this ordinance, off-road vehicles as defined by I.C. 14-8-2-185 are hereby allowed on streets in the city limits of the City of Butler, excluding state and federal highways, subject to the conditions set forth in this ordinance.

Section 3. Golf Carts Permitted

Subject to the regulations contained in this ordinance, golf carts are hereby allowed on streets in the city limits of the City of Butler, excluding state and federal highways, subject to the conditions set forth in this ordinance.

Section 4. Registration Requirements

- A. Off-road vehicles and golf carts must be registered annually with the City of Butler by the City of Butler Police Department to operate on city streets.
- B. To register an off-road vehicle, each operator must present a vehicle identification number (VIN), the make and model of the off-road vehicle, proof of address, contact phone number, proof of insurance, and proof of registration through the Department of Natural Resources, and pay a registration fee in the sum of Thirty-Five Dollars (\$35.00).
- C. To register a golf cart, each operator must present proof of address, contact phone number, proof of insurance, and pay a registration fee in the sum of Thirty-Five Dollars (\$35.00).
- D. The registration fee shall be paid annually. The registration fee shall be paid to the City of Butler Clerk-Treasurer's Office.
- E. Any off-road vehicle or golf cart will be visibly inspected for compliance with all Indiana laws and ordinances. Inspections shall occur at the City of Butler Police Department at a date and time to be determined by the City of Butler Chief of Police and posted at the Butler police station.
- F. Upon registration and inspection, the operator will be provided with a registration decal specific to the vehicle. The decal provided by the police department shall always be displayed prominently on the rear of the vehicle while on city streets.
- G. All funds received from registration shall be deposited into the General Fund for the City of Butler and allocated to recoup the costs of the off-road vehicle registration process and other public safety projects.

Section 5. Insurance Requirements

Off-road vehicle and golf cart operators must have proof valid insurance covering his or her vehicle in an amount greater than or equal to the Indiana state automotive insurance

minimums as set forth in I.C. 9-25-4-5, as amended from time to time, when operated on city streets.

Section 6. Operator Regulations.

All off-road vehicles and golf cart operators on city streets must comply with the following:

- A. The operator must be at least 18 years of age or older.
- B. No passengers are permitted on a single seat off-road vehicle or golf cart. Passengers on all other off-road vehicles or golf carts are limited to the number of passenger seats on the vehicle. Any passenger under the age of 18 years shall wear a safety helmet in accordance with Indiana state law.
- C. All off-road vehicles must have working turn signals, two operating headlights, and at least one tail brake light when in operation on city streets.
- D. All golf carts must have working turn signals, two operating headlights, and at least one tail brake light when in operation on city streets.
- E. All off-road vehicles and golf carts must have seatbelts for the operator and all passengers. Seatbelts are required to be used when in operation on city streets.
- F. Off-road vehicles nor golf carts are not permitted on city streets between the hours of 11:00 p.m. to 6:00 a.m.
- G. Off-road vehicles and golf carts must travel single file on city streets.
- H. All off-road vehicles and golf carts must pull off to the side of the street or road and stop when approached by other motor vehicles.

Section 7. Operation on State and Federal Highways Prohibited.

- A. Off-road vehicles and golf carts shall be allowed to operate on public streets within the city limits, except on U.S. Highway 6 and State Road 1.
- B. The public roads listed in Section 7(A) may be crossed by an operator of an off-road vehicle or golf cart, only if the crossing is made at a ninety-degree angle to the highway and only after coming to a complete stop, following all traffic rules, and yielding to vehicles and pedestrians.

Section 8. All-Terrain Vehicles Prohibited.

All-terrain vehicles, as defined by I.C. 14-8-2-5.7 are prohibited from operating on city streets and roads.

Section 9. Exceptions.

- A. A law enforcement officers of the city, county, or state may authorize use of an off-road vehicle or golf cart on the public roads within the officer's jurisdiction during emergencies.
- B. An off-road vehicle or golf cart may be operated on a city street for a special event if a prearranged schedule has been approved by the Board of Public Works and Safety.

Section 10. Fines and Penalties.

- A. Failure to abide by any of the rules or regulations in this chapter shall constitute a violation.
- B. Fines and penalties for violations of this ordinance are as follows:
 - 1. For the first violation, a fine in the amount of \$100.00.
 - 2. For the second violation, a fine in the amount of \$250 and a 60-day suspension from using an off-road vehicle or golf cart on city streets.
 - 3. For the third violation, a fine in the amount of \$500.00 and a lifetime suspension from using an off-road vehicle or golf cart on city streets.
- C. The violation of a 60-day or lifetime suspension shall result in a fine of \$1,000.00 for each offense.
- D. Any conviction for criminal trespass involving an off-road vehicle or golf cart, shall result in an automatic lifetime suspension from the operation of off-road vehicles or golf carts on city streets.
- E. All fines shall be paid through the City of Butler Clerk-Treasurer or the Butler City Court.

Section 11. Action in Court Permitted

- A. The City of Butler is permitted to bring an action in City Court or any other court of competent jurisdiction to enforce the provisions of this chapter. Any action may be brought on a uniform traffic ticket (UTT) alleging a violation of this chapter.
- B. Enforcement of this chapter shall be conducted pursuant to I.C. 34-28-5.
- C. The City of Butler may file suite for an injunction against the offender seeking an injunction for compliance with the provisions of this chapter. The suit may seek fines as provided herein.
- D. The City of Butler shall be entitled to recover all costs and expenses, including reasonable attorney fees if the offender is found to be in violation of this chapter.

Section 12. Severability.

If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

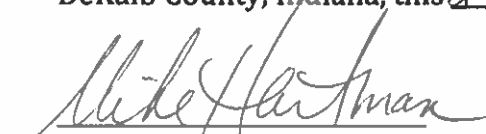
Section 13. Repeal of Conflicting Provisions and Ordinances.

All of the provisions of any ordinances previously or now in existence, and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.

Section 14. Effective Date.

The provisions of this Ordinance shall be in full force and effect as of the date of its passage, with the signature of the Mayor and publication as required by law.

THIS ORDINANCE passed and adopted by the Common Council of the City of Butler, DeKalb County, Indiana, this 21st day of November, 2022.


Mike Hartman, Mayor

First Reading: 10/17/22

Yes Votes: 4 No Votes: 1

Attest: Angela M. Eck
Angela M. Eck, Clerk-Treasurer

Second Reading: 11/7/22

Yes Votes: 3 No Votes: 1

Attest: Angela M. Eck
Angela M. Eck, Clerk-Treasurer

Third Reading: 11/21/22

Yes Votes: 4 No Votes: 1

Attest: Angela M. Eck
Angela M. Eck, Clerk-Treasurer

Approved by me this 21st day of November, 2022.

Mike Hartman
Mike Hartman, Mayor