

**ORDINANCE NO. 21-2021**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, TO ESTABLISH A PROCESS FOR THE USE OF GOLF CARTS ON CERTAIN CITY PUBLIC RIGHTS-OF-WAY**

**WHEREAS**, the Common Council (“Council”) of the City of Valparaiso, Indiana (“City”) determines that it is reasonable and necessary to establish a process for use of Golf Carts on certain City public rights-of-way.

**WHEREAS**, Indiana Code § 9-21-8-57 provides a golf cart . . . may not be operated on a highway except in accordance with an ordinance adopted under Indiana Code § 9-21-1-3(a)(14) and Indiana Code § 9-21-1-3.3(a).

**WHEREAS**, Indiana Code § 9-21-1-3(a)(14) provides that the City may regulate or prohibit the operation of golf carts on highways in accordance with Indiana Code §9-21-1-3.3(a)

**WHEREAS**, Indiana Code § 9-21-1-3.3(a) provides that an ordinance relating to the use of golf cart on a highway may not: (1) conflict with or duplicate another state law; or (2) conflict with a driver's licensing requirement of another provision of Indiana Code.

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:**

*Section 1.* That Ordinance 21-2021 of the Municipal Code of the City of Valparaiso, Indiana, shall be read as follows:

**Section 1. Definition:**

“Golf Cart” means a four-wheeled motor vehicle (whether powered by battery, fuel engine or otherwise) originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing a game of golf on a golf course. This definition explicitly excludes all-terrain vehicles (ATVs), utility vehicles (UTVs) Go Karts or any motorized vehicles with an engine in excess of 150 cc. It also excludes any Golf Cart with more than three (3) rows of seating or a seating capacity exceeding 6 passengers.

**Section 2. Compliance requirements:**

Except as otherwise provided, the operation or parking of a Golf Cart shall be limited to City residential roads, streets, alleys and thoroughfares and shall not be permitted on major thoroughfares or highways – except to cross. Attached as **Exhibit A** is a map designating roads where Golf Carts cannot travel. Golf Carts may not be operated on any public sidewalk, pathway or designated bike path lane. Except as otherwise provided in this Ordinance, operators of Golf Carts must follow all rules applicable to vehicles on public rights-of-way. In addition, when safe, Golf Carts shall move to far right side of a City road, street, alley and thoroughfare to allow vehicular traffic to pass.

**Section 3. Registration:**

No Golf Cart shall be parked and/or operated on any City residential roads, streets and thoroughfares, except insofar as such Golf Cart is registered, equipped and operated in full compliance with the following:

- A. The owners or lessees of a Golf Cart must register the Golf Cart with the Valparaiso Police Department and subject the Golf Cart to an annual safety inspection by a Valparaiso Police officer. Unless otherwise stated by the Valparaiso Police Department, all safety inspections will be conducted at the Valparaiso Police station. The annual fee for the golf cart permit sticker shall be \$50.00, renewable annually at a cost of \$25.00. Any lapse in registration of 90 days or more shall require a new registration at the initial \$50.00 amount. The permit sticker must be affixed to the Golf Cart on the front windshield.
- B. In addition to being in good operating condition, to receive a permit sticker, the Golf Cart must have the following:
  - i. a windshield,
  - ii. seatbelts for operator and all passengers,
  - iii. an operating horn,
  - iv. headlights, taillights, turn signals and brake lights visible from a distance of at least 500 feet,
  - v. rearview mirror.
  - vi. a roof canopy, and
  - vii. a roof mounted amber or yellow solid light.
- C. At all times, the owner or lessee must maintain liability insurance coverage for injuries arising from the use of the golf cart in an amount no less than \$25,000. Proof of liability coverage must be present with the operator of the Golf Cart at all times.
- D. The Valparaiso Police Department is directed to develop and utilize a registration form. Such form will contain a certification that the operator will observe all traffic laws applicable to the operation of a motor vehicle. The Valparaiso Police Department will handle the ordering of all permit stickers and collection of all registration fees.

**Section 4: Regulations:**

- A. A Golf Cart shall only be operated by a licensed driver, with proof of such on their person while operating the Golf Cart.

- B. No Golf Cart shall exceed a speed the lesser of 25 mile per hour or the posted speed limit.
- C. The Golf Cart operator and all passengers must utilize seatbelts whenever the Golf Cart is on a City road, street, alley and thoroughfare.
- D. The Golf Cart shall be subject to the City's Noise Ordinance.

**Section 5. Enforcement:**

The police chief or his/her respective designees are authorized to enforce the terms and provisions of this Ordinance.

**Section 6. Weather limitations:**

Golf Carts may not operate when there is one inch or more of snow accumulation and/or other weather conditions make usage unsafe.

**Section 7. Parking/Storage.**

A. Golf Carts may park in any public vehicle parking space in adherence with all rules and regulations relating to the parking of vehicles. Golf Carts may be parked in private driveways and private areas designated for the vehicle parking with the permission of the property owner.

B. No Golf Cart shall be parked or stored on a front or side lawn in a residential neighborhood or parked on a road, street, alley or thoroughfare overnight.

C. Golf Carts may not park in any permit parking space during times when permits are required.

**Section 8. Permits.**

A. Permits shall be issued as provided in Section 3(a).

B. Permits shall be valid from the date of issuance through the end of the calendar year. Any Golf Cart with an expired permit shall have until March 31 of the following year to secure a renewal. Any permit issued between the effective date of this Ordinance and December 31, 2021 shall receive a permit valid through December 31, 2022.

C. Replacement permit stickers shall be issued, if available, at a cost of \$25.00.

D. It shall be a violation of this Ordinance for anyone other than a Valparaiso Police officer to place a permit sticker on a Golf Cart or to remove a permit sticker from a Golf Cart and place it on a Golf Cart that has not been inspected

Section 9. **Amendments.**

The Board of Works is empowered to make any necessary changes to **Exhibit A.**

Section 10. **Penalties:**


- A. The first violation of this section shall subject the owner and/or operator of the golf cart to a fine of \$100.00.
- B. A second violation of this section shall subject the owner and/or operator of the golf cart to a fine of \$150.00.
- C. A third violation of this section shall subject the owner and/or operator of the golf cart to a fine of \$200.00 and revocation of their operating permit for a term of one year from the date of the third violation.

*Section 2* Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

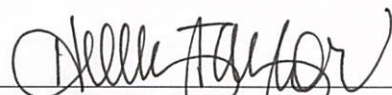
*Section 3.* Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

*Section 4.* Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

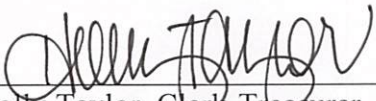
PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a 5-2 vote of all members present and voting, this 23rd day of August, 2021.

  
Matthew R. Murphy, Mayor

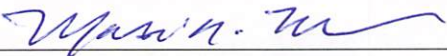
ATTEST:

  
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this 23<sup>rd</sup> day of August 2021.

  
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Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 23<sup>rd</sup> day of August, 2021 at 6:28 o'clock PM.

  
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Matthew R. Murphy, Mayor

# EXHIBIT A

## LEGEND

 STREET THAT GOLF CARTS ARE PROHIBITED, BUT MAY BE CROSSED

 STREET THAT GOLF CARTS ARE RESTRICTED, LIMITING TRAVEL TO NEAREST CROSS STREET

 CITY LIMITS

08/23/2021

