

ORDINANCE 2017-05
AN ORDINANCE ADDING SECTION 6.08.101 AND AMENDING SECTION 6.08.100
OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS, INDIANA
CONCERNING THE USE OF GOLF CARTS AND OFF-ROAD VEHICLES ON TOWN
STREETS AND PROPERTY

WHEREAS, the Town Council previously adopted Section 6.08.100 of the Municipal Code, concerning the regulation of various means of transportation on Town roadways and property; and,

WHEREAS, the Town Council has been requested to alter the Town's Municipal Code to permit the use of golf carts and off-road vehicles upon certain streets and roadways within the Town.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Santa Claus, Indiana, that a new Section 6.08.101 is hereby added to Municipal Code of the Town of Santa Claus, Indiana, as follows:

“6.08.101. Golf Carts and Off-Road Vehicles.

(1) Definitions.

A. "Off-road vehicle" shall have the same meaning herein as defined in I.C. §14-8-2-185, or as it may be amended or replaced.

B. “Golf Cart” shall have the same meaning herein as defined in I.C. §9-13-2-69.7, as it may be amended or replaced.

C. “Proof of Financial Responsibility” shall have the same meaning herein as defined in Ind. Code §9-25-2-3, as it may be amended or replaced.

(2) Application. This ordinance applies to Streets located in platted subdivisions of land which are zoned “Residential” (R-1, R-2 and/or R-3) pursuant to Title 11 of the Santa Claus Municipal Code (hereinafter “Permitted Streets”). Nothing herein shall be construed to limit the use of golf carts on (A.) golf courses, and Golf Carts crossing Clubhouse Road and Balthazar Drive for the purpose of participating in golfing activities; (B.) private property; (C.) The Town's use of golf carts on municipal property for official purposes; (D.) Golf Carts and Off-road Vehicles crossing Indiana State Highway 162 at a right angle from privately-owned real property to another parcel of privately-owned real property; or, (E.) The use of golf carts as permitted on other Town streets during officially sanctioned parades when such streets are closed to motor vehicle traffic.

(3) Use Permitted. Golf Carts and Off-Road Vehicles may be used and operated only on Permitted Streets within the Town.

(4) Requirements.

A. Each Golf Cart and Off-Road Vehicle operated on Permitted Streets shall have Proof of Financial Responsibility, and shall keep written proof of such financial responsibility in the Golf Cart or Off-Road Vehicle at any time it is operated on Permitted Streets.

B. Golf Carts and Off-Road Vehicles shall be operated in accordance with all laws, rules, regulation, markings, signals, posted signs and other rules governing the operation of motor vehicles on Permitted Streets.

C. Only persons eighteen (18) years of age and over possessing a valid non-probationary driver's license issued by the State of Indiana, another state of the United States of America or an international agency shall be permitted to operate a Golf Cart or Off-Road Vehicle on Permitted Streets.

D. Any Off-Road Vehicle operated on Town Streets operated on Permitted Streets shall be registered with the Indiana Bureau of Motor Vehicles pursuant to I.C. §9-18-2.5-3.

E. Each Golf Cart shall be registered with the Town each calendar year and provide proof of liability coverage to the Town Marshal, who shall charge an annual permit fee of twenty-five dollars (\$25.00).

F. Upon registration, each Golf Cart shall have affixed current registration decals provided by the Town on the left rear of the vehicle in such a manner as to be visible from the rear of the Golf Cart.

G. No Golf Cart or Off-Road Vehicle shall be operated with a number of passengers exceeding the design capacity for such Golf Cart or Off-Road Vehicle.

(5) Prohibitions.

A. Time of Operation. Golf Carts and Off-Road Vehicles shall only be operated on Permitted Streets from sunrise to sunset.

B. Location. Golf Carts and Off-Road Vehicles shall not be operated on sidewalks, trails, other public ways, streets and roadways other than those defined as "Permitted Streets" in this Section, State Highways (except as permitted by Section 2 above), or at any location on Louis J. Koch, Jr. Boulevard or on Ashburn Road between Louis J. Koch, Jr. Boulevard and New Year's Eve Day Drive. In and at Yellig Park, Golf Carts and Off-Road Vehicles shall be operated only in designated parking lots and driveways, and shall not be operated on walking trails, on ball or soccer fields or other areas not designated or otherwise established for vehicular travel.

(6) Penalties. The penalty for violation of this Subchapter shall be a municipal fine in the amount described below, if paid to the Clerk-Treasurer of the Town within thirty (30) days of the date of the violation:

First Offense:	\$10.00
Second Offense	\$25.00
Each Subsequent Offense	\$30.00

If any fine is not paid to the Clerk-Treasurer within thirty (30) days of the violation, the fine for a violation shall be \$50.00 regardless of priority, and such violation shall be referred to the Town attorney for prosecution as an Ordinance violation. If such violation is referred to the Town Attorney, in any such prosecution the violator shall be responsible for and shall pay all court costs and attorneys' fees incurred by the Town, and the Court may award restitution for damages caused by any violation of this Ordinance.

(7) Fees and Fines. All registration fees and fines received shall be deposited in the General Fund of the Town.

(8) Severability of Provisions. If any part of this Section is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this Section."

This ordinance shall become effective upon adoption and publication as required by law.

BE IT FURTHER ORDAINED, that Section 6.08.100 of the Municipal Code of the Town of Santa Claus, Indiana, is hereby amended to read as follows:

"6.08.100 Skateboards, Skates, Scooters, Minibikes, Mopeds, Snowmobiles And Off-Road Vehicles

(1) Prohibition. No person may ride upon any skateboard, skates (whether in- line or roller), scooter, mini-bike, moped, snowmobile, horse or similar device or contrivance in or on any of the following areas of the Town:

A. On the sidewalks, streets, alleys, roadways, rights-of-way, easements or public parking lots owned or controlled by the Town, or any other public body, board or other governmental entity;

- B. In or on any building owned or operated by the Town;
 - C. In any area of Yellig Park, including specifically, but not limited to, shelterhouses, basketball courts, tennis courts, ball diamonds, soccer fields, walking trails, parking lots, driveways, park sidewalks, playgrounds and on playground equipment, picnic tables, benches and seats;
 - D. At the Town Hall or upon the property surrounding the Town Hall;
 - E. At the Community Center, including specifically, but not limited to, the parking lot, sidewalks, shelterhouses, on picnic tables and in playgrounds or on playground equipment;
 - F. In any area of the Industrial Park;
 - G. On any other public or private property without the express written authorization of the owner of such property.
- (2) Licensed motor vehicles operated at Yellig Park shall be operated only in designated parking lots and driveways, and shall not be operated on walking trails, on ball or soccer fields or other areas not designated or otherwise established for vehicular travel.
- (3) Nothing herein shall be construed to prohibit the use of licensed motor vehicles from driving and parking in designated locations on Town property; the use of off-road vehicles by Town personnel on Town business; the use of such conveyances in authorized parades or other processions; or, the proper use of motorized or nonmotorized wheelchairs, scooters or other conveyances required by the user due to disability or other medical conditions.
- (4) Penalty. The penalty for violation of this Subchapter shall be a municipal fine in the amount described below, if paid to the Clerk-Treasurer of the Town within thirty (30) days of the date of the violation:
- | | |
|-------------------------|---------|
| First Offense: | \$10.00 |
| Second Offense | \$25.00 |
| Each Subsequent Offense | \$30.00 |

If any fine is not paid to the Clerk-Treasurer within thirty (30) days of the violation, the fine for a violation shall be \$50.00 regardless of priority, and such violation shall be referred to the Town attorney for prosecution as an Ordinance violation. If such violation is referred to the Town Attorney, in any such prosecution the violator shall be responsible for and shall pay all court costs and attorneys' fees incurred by the Town, and the Court may award restitution for damages caused by any violation of this Ordinance. All fines received by the Town shall be deposited into the general fund of the Town”

The foregoing shall be in full force and effect upon its adoption and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Santa Claus, Indiana this 8th day of May, 2017.

Kelly Greulich, Clerk-Treasurer