

ORDINANCE NO. 2021-____

**AMENDMENT TO TITLE VII CHAPTER 74 OF THE
TOWN OF FORTVILLE CODE OF ORDINANCES**

**AN ORDINANCE AMENDING AND RESTATING THE
NON-TRADITIONAL VEHICLE REGULATIONS**

RECITALS

A. Pursuant to Indiana law, the Town Council of the Town of Fortville (“Council” and “Town,” respectively) previously adopted certain provisions regulating the operation of non-traditional vehicles in the Town, which are codified in Title VII, Chapter 74 of the Town’s Code of Ordinances (“Code”).

B. Indiana Code § 14-16-1-22 empowers the Council to adopt ordinances regulating certain non-traditional vehicles.

C. The Council desires to amend and restate the non-traditional vehicle regulations to address snowmobiles and other utility task vehicles (“UTVs”).

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Title VII, Chapter 74 of the Code shall be amended and restated in its entirety as follows:

74.01 APPLICATION.

This chapter shall apply to the operation of golf carts, UTVs and snowmobiles on town roadways and within the corporate limits of the Town of Fortville.

74.02 DEFINITIONS.

The following terms shall apply to this chapter as written unless context indicates or requires a difference meaning.

GOLF CART. An electric or gas vehicle that was originally designed and manufactured for operation on a golf course of sporting and recreational purposes and is not capable of exceeding speeds of 34 mph.

UTILITY TASK VEHICLE (UTV). A small four wheel, off road vehicle specifically intended for utility use which are intended to transport persons and cargo, have a non-straddle seat, are designed to travel on four or more wheels, with a minimum seat height of 24 inches above the ground, use a steering wheel and pedals for controls, have a top speed of at least 25. A UTV shall not include a go-kart and the Chief of Police shall have discretion to determine whether a vehicle constitutes a UTV under this

Ordinance.

SNOWMOBILE. Is a motorized vehicle designed for winter travel and recreation on snow. It is designed to be operated on snow and ice and does not require a road or trail, but most are driven on open terrain or trails.

74.03 SPECIFICATIONS.

I. GOLF CARTS. All golf carts shall comply with the following:

(A) Golf carts shall be equipped with headlights, rear view mirror, taillights, turn signals and braking system. Golf carts must include the following:

(1) Reflective slow moving vehicle sign;

(2) Rear flashing light. Between the hours of sunset and sunrise the rear flashing light must be operational.

(B) All golf carts to be operated on town roadways must be registered with the Fortville Police Department for compliance with this chapter. The Fortville Chief of Police is authorized to develop, implement and enforce those policies, procedures and forms necessary to assure compliance with this chapter of golf carts and operators for use on town roadways. The Fortville Chief of Police is specifically authorized to develop those policies and procedures necessary to maximize the safety of persons and property and protect the interests of the town. Inspections remain valid for two years. Golf carts that pass inspection shall display a permit sticker on the right rear fender issued by the town. The cost of inspection will be \$25.00 for a two year permit.

(C) Only golf carts described, equipped and insured as described in this section, shall be allowed to operate with the Fortville town limits.

II. UTILITY TASK VEHICLES (UTVs). All UTVs shall comply with the following:

(A) UTVs shall be equipped with headlights, taillights, braking system and seat belts.

(B) All UTVs to be operated on town roadways must be properly registered pursuant to applicable state law.

(C) All UTVs to be operated on town roadways must be inspected by the Fortville Police Department for compliance with this chapter. The Fortville Chief of Police is authorized to develop, implement and enforce those policies,

procedures and forms necessary to assure compliance with this chapter for use on town roadways. The Fortville Chief of Police is specifically authorized to develop those policies and procedures necessary to maximize the safety of persons and property and protect the interests of the town.

- (D) Must be equipped with a muffler in good working order and in constant operation to prevent excess or unusual noise and smoke.

III. SNOWMOBILES. All snowmobiles shall comply with the following:

- (A) Snowmobiles shall be equipped with headlights, taillights and braking system.
- (B) All Snowmobiles to be operated on town roadways must be properly registered pursuant to applicable state law.

74.04 OPERATION.

I. GOLF CARTS.

- (A) Operators of golf carts within the corporate limits must be at least 16 years of age, possess a valid driver's license and be insured by liability insurance in an amount not less than the minimum the State of Indiana requires for automobiles.
- (B) Operators of golf carts within the corporate limits shall obey all Indiana traffic laws, yield the right of way to all pedestrians and bicycles and are only permitted to operate upon roadways with a speed limit of 30mph or less. Crossing of roadways with speed limits in excess of 30mph is permitted only where normal vehicular traffic would cross.
- (C) Golf carts are not permitted on any town owned or operated sidewalk, trail, walking path or perimeter trail unless posted for golf cart use. Golf carts are not to be used in any Town of Fortville Park, without prior written permission from the Town Manager or Chief of Police. Notwithstanding the foregoing, properly registered golf carts *may be operated on town streets and roads within the parks.*
- (D) This chapter shall not apply to public or private golf courses, construction sites, retail golf cart outlets or operation on private property.
- (E) Golf carts may not be operated on public roadways during the inclement weather such as rain, fog or when there is an accumulation of ice or snow on the ground. A golf cart may only accommodate as many passengers as originally designed.
- (F) Exception. Golf carts, UTVs or any type of vehicle operated, owned or used

by the Town of Fortville/Government entities or employees' of the town for the use of official business are exempt from compliance of the inspection and registration fees.

II. UTILITY TASK VEHICLES (UTVs)

- (A) Operators of UTVs within the corporate limits must be at least 18 years of age, possess a valid driver's license and *proof* they are insured by liability insurance in an amount not less than the minimum the State of Indiana requires for automobiles.
- (B) Operators of UTVs within the corporate limits shall obey all Indiana traffic laws, yield the right of way to all pedestrians and bicycles and are only permitted to operate upon roadways with a speed limit of 30mph or less. Operate at a rate of speed that is reasonable and proper for the existing conditions. Crossing of roadways with speed limits in excess of 30mph is permitted only where normal vehicular traffic would cross.
- (C) UTVs are not permitted on any town owned or operated sidewalk, trail, walking path or perimeter trail unless posted for golf cart or UTV use. UTVs are not to be used in any Town of Fortville Park, without prior written permission from the Town Manager or Chief of Police. Notwithstanding the foregoing, properly registered UTVs may be operated on town streets and roads within the parks.
- (D) This chapter shall not apply to construction sites, retail UTV outlets or operation on private property.
- (E) UTVs may only accommodate as many passengers as originally designed.
- (F) UTVs may not operate within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., except on a person's own property or property under a person's control or as an invited guest.
- (G) UTVs may not operate on any private property without consent of land owner or tenant.
- (H) UTVs may not operate on or across a cemetery or burial ground.
- (I) UTVs may not operate within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area.
- (J) UTVs may not operate on a railroad track or railroad right-of-way, except railroad personnel in performance with their duties.
- (K) UTVs may not operate in or upon any flowing river, stream or creek, except

for the purpose of crossing by the shortest possible route.

III.SNOWMOBILES.

- (A) Operators of snowmobiles within the corporate limits must be at least 18 years of age, possess a valid driver's license and be insured by liability insurance in an amount not less than the minimum the State of Indiana requires for automobiles.
- (B) Operators of snowmobiles within the corporate limits shall obey all Indiana traffic laws, yield the right of way to all pedestrians and bicycles and are only permitted to operate upon roadways with a speed limit of 20mph or less. Crossing of roadways with speed limits in excess of 20mph is permitted only where normal vehicular traffic would cross.
- (C) Snowmobiles are only allowed on roadways within the corporate and town limits of Fortville for access to areas outside the town limits for recreational riding. There is no recreational operation inside the town/corporate limits unless on your own private property or property you have been given permission to use by another property owner.
- (D) Snowmobiles are not permitted on any town owned or operated sidewalk, trail, walking path or perimeter trail unless posted for snowmobile use. Snowmobiles are not to be used in any Town of Fortville Park. Notwithstanding the foregoing, properly registered Snowmobiles may be operated on town streets and roads.
- (E) This chapter shall not apply to retail snowmobile outlets or operation on private property.
- (F) Snowmobiles may only accommodate as many passengers as originally designed.
- (G) Operators of snowmobiles must have a helmet, protective and safety gear on at all times while in operation.

74.05 VIOLATIONS.

- (A) Golf carts, snowmobiles, and UTVs shall be subject to the Town of Fortville's traffic and parking regulations as contained in the Code of Ordinances of the Town of Fortville, Indiana, in addition to all rules and regulations of the State of Indiana as contained within the statutes of said state.
- (B) The following shall constitute a violation of this section, subject to the penalties provided in 11.02 – Penalty Schedule of the Code of Ordinances of

the Town of Fortville, Indiana:

- (1) Operation of a golf cart that is not registered with the Town pursuant to this chapter.
- (2) Operation of a snowmobile or UTV that is not registered by Indiana BMV or as otherwise required by Indiana law.
- (3) Operation of a golf cart by a person younger than 16 years of age
- (4) Operation of a UTV or snowmobile by a person younger than 18 years of age.
- (5) Operation of a golf cart, UTV or snowmobile by a person without a valid Indiana driver's license or a valid driver's license issued by another state or recognized authority.
- (6) Operation of a golf cart, UTV or snowmobile in a reckless manner.
- (7) Operation of a golf cart, UTV or snowmobile without valid insurance.
- (8) Operation of a golf cart, UTV or snowmobile without all required equipment, as provided by this chapter.
- (9) Operations of a golf cart, UTV or snowmobile on Broadway Street (SR 67) and Madison Street (SR 13) except when necessary to cross at an intersection of a town street.
- (10) Operation of a non-traditional vehicle on roads or public right-of-way that have not been authorized for non-traditional vehicle operation.

SECTION 2. Any Chapter, Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

SECTION 3. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 4. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

[Signature Page Follows]

Introduced and filed on the ____ day of _____, 2021.

Duly ordained and passed this ____ day of _____, 2021 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Frederick Fentz, President

Frederick Fentz, President

Robert Holland

Robert Holland

Becky Davis

Becky Davis

Tonya Davis

Tonya Davis

Elizabeth Wyatt

Elizabeth Wyatt

ATTEST:

Melissa Glazier
Clerk-Treasurer