

ORDINANCE NO. CC-2021-2049

**COMMON COUNCIL
OF THE
CITY OF WHITING, INDIANA**

**AN ORDINANCE TO REGULATE THE USE OF GOLF CARTS AND
RECREATIONAL OFF-ROAD VEHICLES ON PUBLIC PROPERTY
IN THE CITY OF WHITING**

WHEREAS pursuant to IC 9-21-8-57, a golf cart or off-road vehicle may not be operated on a highway except in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) and IC 9-21-1-3.3(a) which authorizes the operation of a golf cart or off-road vehicle on the highway; and

WHEREAS considering the current use of golf carts in the City, the Mayor, the Common Council, and the Police Chief are recommending the City adopt an ordinance to regulate the use of golf carts and recreational off-road vehicles on public property.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Whiting, Lake County, Indiana, that the following is hereby adopted to govern the use of golf carts and recreational off-road vehicles in the City of Whiting:

SECTION 1. DEFINITIONS

- A. **Golf cart** is a vehicle with four wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor and has a factory manufactured set of working head lights, taillights, and brake lights.
- B. **Recreational off-road vehicle** is a motorized off-highway vehicle that:
 - a. Is 72 inches or less in width;
 - b. Is designed for travel on a maximum of four non-highway or off-highway tires;
 - c. Is designed for recreational use by one or more individuals;
 - d. Has a non-straddle seat or saddle;
 - e. Has a steering wheel for steering control;
 - f. Is not a lawn mower or a motorized bicycle; and
 - g. Has a factory manufactured set of working head lights, taillights, and brake lights.
- C. **Driver's license** is a valid license to operate a motor vehicle issued by Indiana or any other state.
- D. **Financial responsibility** is liability insurance coverage on a golf cart or recreational off-road vehicle in an amount not less than required by

Indiana law for motor vehicles operated on public highways in the State of Indiana.

SECTION 2. OPERATION OF GOLF CARTS AND RECREATIONAL OFF-ROAD VEHICLES

- A.** The operation of recreational off-road vehicles is strictly prohibited and not permitted anywhere on public property within the City of Whiting.
- B.** The operation of a golf cart within the City of Whiting is strictly prohibited unless the golf cart is operated and equipped in full compliance with this Ordinance.
- C.** This chapter does not apply to municipally owned golf carts used for maintenance, public safety, or special events.

SECTION 3. OPERATOR

- A.** Only valid licensed drivers, sixteen (16) years of age or older, and issued a driver's license from a State Bureau of Motor Vehicles may operate a golf cart on streets, alleys, and public property under the jurisdiction of the City of Whiting.
- B.** The owner of a golf cart may not cause or knowingly permit an individual to operate the golf cart on streets, alleys, and public property under the jurisdiction of the City unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles.

SECTION 4. FINANCIAL RESPONSIBILITY

- A.** The operator of a golf cart must show financial responsibility when operating a golf cart on property under the jurisdiction of the City.
- B.** Written proof of financial responsibility for the operator must be available on the golf cart.

SECTION 5. OCCUPANTS

- A.** The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating was installed and provided.
- B.** The operator and all occupant(s) shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated on public property under the jurisdiction of the City.
- C.** No one under the age of eight (8) is allowed to ride on the back seat of the golf cart unless accompanied by an adult.

SECTION 6. TRAFFIC RULES

- A.** Golf carts shall obey all the rules of the road for vehicles, including traffic signs and markings.
- B.** Golf carts shall display a "slow moving vehicle" sign of the same type required under Indiana law.
- C.** Golf carts shall display a registration permit sticker from the City of Whiting, valid for the current year.

SECTION 7. PLACE(S) OF OPERATION AND STORAGE

- A.** Golf carts are permitted to operate on city streets and alleys except for the following:
 - a.** Indianapolis Boulevard, which is a state highway, except that golf carts may cross the boulevard only at traffic light signaled intersections when it is safe to do so; ***
 - b.** Industrial streets of Standard Avenue, 129th Street and Dickey Road;
- B.** Golf carts are allowed to operate in Whiting Lakefront Park and Whihala Beach the same as a motor vehicle.
- C.** Golf carts are prohibited to be operated on any sidewalk, walking trail, bike path, beach, park path or any other place where the use of vehicles is prohibited.
- D.** Golf carts must be stored on private property on an approved parking surface.
- E.** Golf carts cannot be left parked overnight on any public street and may not be parked in any residential street parking spot at any time.

SECTION 8. REGISTRATION AND ISSUANCE OF STREET USE PERMIT

- A.** No golf cart may operate within the City of Whiting corporate limits without first registering and obtaining a Street Use Permit.
- B.** Since the City will incur administrative costs related to the inspections and printing of the permit decal, the fee for the Street Use Permit shall be Fifty Dollars (\$50.00) for the initial permit.
- C.** The renewal fee shall be Twenty Five (\$25.00) per year.
- D.** All permits must be renewed by April 1 of each year.
- E.** There will be an additional Twenty Five Dollar (\$25.00) late fee for any owner who fails to renew the Street Use Permit by April 1 of the following year.
- F.** Before a permit may be issued, the owner of the golf cart must fill out a permit application form which will be available through the Clerk's Office or the Whiting Police Department.
- G.** The Whiting Police Department will conduct inspections via appointment only to ensure that the requisite equipment is in working order.
- H.** The inspection will only be done to determine if the golf cart complies with this ordinance. It is the responsibility of the owner to keep the golf cart in good working order and in compliance with ordinance and applicable state statutes or be subject to all fines and penalties under the law.
- I.** The inspection will do the following:
 - a.** Verify the VIN number;
 - b.** Determine occupancy based on the number of installed seats;
 - c.** Verify two (2) factory headlights are operational;
 - d.** Verify two (2) factory taillights are operational;

** As Amended by Ordinance No.CC-2021-2050 on 08/03/21

- e. Verify two (2) factory brake lights are operation and visible from a minimum of Five Hundred (500) Feet; and
- f. Verify proof of financial responsibility.
- J. The inspection will not test any mechanical components of the golf carts, such as brakes. The City is not equipped and is not testing for the general mechanical quality of the golf cart and accepts no liability for the maintenance or operation of a golf cart.
- K. Once the police inspection has been satisfactorily completed, and upon payment of the fee, the Clerk's office shall issue a Street Use Permit.
- L. To operate on authorized public property under the jurisdiction of the City, a golf cart must display the Street Use Permit on the rear of the golf cart and must display the slow moving vehicle sign.

SECTION 9. PENALTY

- A. The civil penalty for the first violation notice issued under this Ordinance shall be One Hundred Dollars (\$100.00).
- B. The civil penalty for the second violation notice issued under this Ordinance shall be Two Hundred Fifty Dollars (\$250.00).
- C. Subsequent violations may result in the impoundment of the golf cart and/or revocation of the Street Use Permit.
- D. It shall be the responsibility of the duly authorized city officer/inspector who is issuing the violation notice to determine and designate on the violation notice if this is a first, second or subsequent offense.
- E. The Violations Clerk has the authority to add a late fee of Twenty Five Dollars (\$25.00) for any violation which is not paid within sixty (60) days of issuance.

SECTION 10. ENFORCEMENT

Violation notices issued under this Ordinance may be issued by and sworn member of the Whiting Police Department, the code enforcement officer, any designated parking enforcement officer or any other duly authorized city inspector or designated code enforcement agent or assistant.

BE IT FURTHER ORDAINED by the Common Council of the City of Whiting, Indiana that this Ordinance shall be in full force and effect upon passage by the Common Council, signing by the Mayor, and publication as required by law.