

ORDINANCE NO. 2024-4

AN ORDINANCE REPEALING AND REENACTING TITLE VII, CHAPTER 77 OF THE CITY OF DELPHI CODE OF ORDINANCES ENTITLED "UTILITY TERRAIN VEHICLES AND GOLF CARTS"

WHEREAS, Ordinance 2022-15, "An Ordinance Regulating Use of Utility Terrain Vehicles and Golf Carts on the City of Delphi Streets," was passed by the majority of the Common Council of the City of Delphi, Indiana and approved by the Mayor on November 7, 2022; and

WHEREAS, Ordinance 2022-15 was codified in Title VII of the City of Delphi Code of Ordinances as Chapter 77 entitled "Utility Terrain Vehicles and Golf Carts"; and

WHEREAS, Ordinance 2022-15, codified as Chapter 77, includes a sunset provision, codified as §77.21 entitled "Sunset Provision," which states that Chapter 77 "shall expire within one year of its codification unless action is taken by the Common Council of the City of Delphi to either amend or delete this section"; and

WHEREAS, Chapter 77 has expired as of November 7, 2023; and

WHEREAS, the Common Council of the City of Delphi, Indiana recognizes that there is a continuing public interest in utilizing utility-terrain vehicles and golf carts on public streets in the City of Delphi; and

WHEREAS, the Common Council of the City of Delphi, Indiana desires to permanently reenact Chapter 77 of the City of Delphi Code of Ordinances to address such continuing public interest.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Delphi, Indiana, that:

Section 1: City of Delphi Code of Ordinances Title VII, entitled "Traffic Code", shall be amended by repealing Chapter 77, entitled "Utility Terrain Vehicles and Golf Carts," in its entirety and reenacting Chapter 77, entitled "Utility Terrain Vehicles and Golf Carts," as stated herein.

Section 2: The reenacted Chapter 77 shall exclude a sunset provision thereby making the provisions of reenacted Chapter 77 permanent.

Section 3: The reenacted Chapter 77 shall read as follows per the attached Exhibit A.

Section 4: If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section 5: This ordinance shall be in full force and effect from and after its codification within the book of ordinances of the City of Delphi, Indiana within thirty days (30) after the third and final passing.

Passed and adopted by the majority of the Common Council of the City of Delphi, Indiana, this 5th day of February, 2024.



Kamron Yates, Presiding Officer



Attest: Julie Price, Clerk-Treasurer

Approved / Vetoed by me, the Mayor, this 5th day of February, 2024.



Kamron Yates, Mayor



Attest: Julie Price, Clerk-Treasurer

EXHIBIT A

CHAPTER 77: UTILITY TERRAIN VEHICLES AND GOLF CARTS

Section

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§ 77.00 TITLE.

This Chapter 77 of Title VII of the Code of Ordinances of the City of Delphi, Indiana may be referred to as "Utility Terrain Vehicles and Golf Carts."

§ 77.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Utility Terrain Vehicle. "Utility Terrain Vehicle" ("UTV") means any recreational motor vehicle designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, , and having a wheelbase of one hundred ten (110) inches or less, other than an all-terrain vehicle ("ATV", "quad", motorbike, "mini-bike" "dirt-bike", "four-wheeler", "three-wheeler") or snowmobile. A UTV by this definition must possess an engine with displacement less than one thousand and five hundred (1,500) cubic centimeters and a seat that is either bench or bucket in nature, and not a seat in which is straddled by the operator. A utility type vehicle must have a minimum width of forty-eight (48) inches, a minimum weight of at least eight hundred (800) pounds or a wheelbase of over fifty-five (55) inches. Utility type vehicle does not include golf carts or vehicles specially designed to carry a disabled person. The chief of police shall have the final say on whether a vehicle meets this definition.

Golf Cart. The term “Golf Cart” means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. For the purposes of this chapter, a Golf Cart must also:

- (1) have at least three (3) wheels in contact with the ground;
- (2) have an unladen weight of less than one thousand eight hundred (1,800) pounds;
- (3) be designed to be and is operated at not more than twenty-five (25) miles per hour; and
- (4) transport no more persons than it was designed to transport.

Operator. “Operator” means every person who either (I) drives or is in actual physical control of a UTV or golf cart vehicle on a city street or (II) is exercising control over or steering a vehicle being towed by a motor vehicle. Pursuant to I.C. 14-16-1-20(c), an operator of a UTV must be at least 16 years of age and possess a valid motor vehicle driver's license or permit.

§ 77.02 EQUIPMENT.

Golf Carts shall be equipped with brake lights, taillights, turn signals, rearview mirror, headlamps/headlights. Golf Carts must be equipped with a slow-moving vehicle sign on the rear of the vehicle.

UTVs must be equipped with at least one (1) headlight and one (1) taillight and must have adequate brakes capable of producing deceleration at fourteen (14) feet per second on level ground at a speed of twenty (20) miles per hour (see I.C. § 14-16-1-21).

The Chief of Police, or the Chief’s designee, shall make the determination as to whether a UTV or Golf Cart meets these equipment requirements.

§ 77.03 ENFORCEMENT.

It shall be the duty of the City of Delphi Police Department and the Code Enforcement Officer to enforce the provisions of this chapter.

§ 77.04 ACCESS.

(a) **REQUIRED.** Every person desiring to operate a UTV or Golf Cart on the streets or alleys within the corporate limits of the City of Delphi, Indiana, shall procure and complete an application and receive approval before engaging in such activity.

(b) **APPLICATION.** Every person who desires access with their UTV or golf cart on City of Delphi streets shall complete an application form to be furnished by the City of Delphi Clerk Treasurer’s office. The form shall collect information from the applicant such as:

- (1) Name of the golf cart owner
- (2) Address the applicant resides
- (3) Telephone number
- (4) Cell phone number
- (5) Manufacturer of golf cart or UTV
- (6) Identification number
- (7) Color

- (8) Insurance company name
- (9) Insurance policy number
- (10) Whether application is new or renewal
- (11) Signature(s) of responsibility
- (12) The inspection criterion for City of Delphi law enforcement officers

(c) RESTRICTIONS. Persons who do not possess a automobile operator's license "driver's license" shall not be permitted to utilize UTV or golf carts on City of Delphi streets. Access approvals do not transfer with sale of vehicles and are non-transferable.

(d) Each applicant is required to pay an application fee as described in the fee schedule specified in section 77.05 to schedule a law enforcement officer of the City of Delphi, to inspect their vehicle prior to application approval. If the officer is unable to inspect the vehicle at the scheduled time due to being unable to contact the applicant, or being unable to locate the vehicle, the fee is not to be refunded. Should the application be denied, the fee is also not refunded. If the appointment is rescheduled within 24 hours of the appointment, no additional fees are incurred. Should rescheduling take place within 24 hours of the scheduled appointment, the applicant must further provide the application fee again. The approval of the City of Delphi law enforcement officer is guided by the definitions found in this chapter, but ultimately the decision is to the discretion of the officer.

Upon receiving an application for access, the applicant shall also receive a copy of this ordinance, Chapter 77 as codified. In addition to completing the aforementioned application, each applicant must also complete a liability waiver. Refusal of an applicant to comply with any provision of this section shall result in the automatic denial of that applicant's application.

§ 77.05 FEE.

The operator access fee under the terms of this chapter shall be as follows:

- (a) \$50 dollars annually.
- (b) Subsequent applications for previously approved operators shall be \$25 annually.

The period of access Granted by this chapter shall run from August 15 through August 14 of the following year. Access granted during the term shall expire on August 15 regardless of when such access was granted during the term.

- (c) If the officer is unable to inspect the vehicle at the scheduled time due to being unable to contact the applicant, or being unable to locate the vehicle, the fee is not to be refunded. Should the application be denied, the fee is also not refunded. If the appointment is rescheduled within 24 hours of the appointment, no additional fees are incurred. Should rescheduling take place within 24 hours of the scheduled appointment, the applicant must further provide the application fee again. The approval of the City of Delphi law enforcement officer is guided by the definitions found in this chapter, but ultimately the decision is to the discretion of the officer.

§ 77.06 INSPECTION.

After payment of the fee described in section 77.05, each applicant is required to schedule a law enforcement officer, of the City of Delphi, to inspect their UTV or Golf Cart prior to application approval. If the officer is unable to inspect the vehicle at the scheduled time due to being unable to contact the applicant, or being unable to locate the vehicle, the fee is not to be refunded. Should the

application be denied, the fee is also not refunded. If the appointment is rescheduled within 24 hours of the appointment, no additional fees are incurred. Should rescheduling take place within 24 hours of the scheduled appointment, the applicant must submit an additional application fee. The approval of the City of Delphi law enforcement officer is guided by the definitions found in this chapter, but ultimately the final decision on approval is left to the discretion of the officer.

§ 77.07 DISPLAY OF ACCESS STICKER.

Every individual with a paid, completed, and approved application will be provided a sticker. This sticker shall be applied to the UTV or Golf Cart identified in the application provided by the applicant and shall be prominently displayed as evidence of honoring this ordinance and shall be easily visible by enforcement agents.

§ 77.08 LIABILITY INSURANCE.

An operator of an UTV or golf cart on a city street shall have liability insurance specifically for such UTV or golf cart vehicle operation on city streets in accordance with the minimum insurance required for the operation of other motor vehicles on public highways, in the minimum amount of \$25,000 per person/\$50,000 per accident. In addition, proof of insurance must be provided to the city when registering the UTV or Golf Cart.

§ 77.09 LIABILITY.

The City of Delphi shall allow access to city streets for UTVs and Golf Carts but hereby expressly notifies all individuals operating or passengers upon UTVs or Golf Carts that the City of Delphi is not responsible for any accident or harm to operators, vehicles, or property. Operators and passengers assume full responsibility of their actions while operating UTVs and Golf Carts.

§ 77.10 PERMITTED LOCATIONS AND TIMES.

Operators shall operate UTVs and Golf Carts no earlier than one-half hour (30 minutes) prior to sunrise and no later than one-half hour (30 minutes) after sunset. UTVs and Golf Carts shall not be operated on sidewalks, trails, other public ways. UTVs and Golf Carts shall not be operated on walking trails, on ball or soccer fields or other areas not designated and established for vehicular travel.

Operators shall not operate UTVs or Golf Carts in the following locations or streets:

- (1) East Main Street between its intersections with Washington Street and Union Street;
- (2) West Main Street, except to cross said streets at a ninety-degree (90°) angle to the direction of traffic upon those streets, so long as said path does not connect to other restricted streets or locations;
- (3) South Washington Street between its intersections with West Franklin Street and West Main Street.
- (4) West Franklin Street between its intersections with North Washington Street and South Market Street.
- (5) South Market Street between its intersections with West Franklin Street and West Main Street.
- (6) South Illinois Street between its intersections with Water Street and West Front Street.
- (7) Any streets surrounding the Carroll County Courthouse and the streets within a one block radius around said Courthouse.
- (8) Any state highway, pursuant to statutory Indiana code, except to cross such a highway at a

ninety-degree (90°) angle to the direction of traffic upon such a highway, so long as said path does not connect to other restricted streets or locations.

§ 77.11 PENALTY.

Any person/operator who violates any provision of this chapter shall be deemed guilty of a violation and, upon conviction, may be fined pursuant to the following schedule:

- (1) First offense in one-year period: discretion of the law enforcement officer; verbal warning citation, written warning citation, or \$25 dollar fine.
- (2) Second offense in a one-year period: \$50 dollar fine.
- (3) Third offense in a one-year period: \$100 dollar fine and revocation of access to City of Delphi streets with UTV or golf cart for a period of two years in which the individual may file application again. Should access be revoked, there shall be no refund for application fees paid.
- (4) During any violation of this ordinance, the City of Delphi law enforcement officers may direct UTV or golf cart vehicles to be towed at their discretion.

§ 77.12 STATE LAW REQUIREMENTS.

Nothing in this chapter purports to modify, alter, or change the restrictions on operation established under I.C. § 14-16-1-23. Further, all State of Indiana laws regarding open alcoholic beverage containers, driving while under the influence of alcohol and/or other substances, or operating a vehicle while intoxicated apply to the operation of UTVs and Golf Carts under this chapter. A UTV is identified as an Off-Road Vehicle under state statute, and all such UTVs shall also be registered with the Indiana Bureau of Motor Vehicles pursuant to I.C. § 9-18-2.5-3.

§ 77.13 NUMBER OF OCCUPANTS.

No UTV or golf cart vehicle shall be occupied by more persons than that for which the vehicle was designed. Each occupant shall have and use a separate seat. No part of the body of the operator or an occupant shall extend outside the perimeter of the UTV or Golf Cart while in operation. Children shall not ride on laps of other occupants of a UTV or Golf Cart. Children and infants who would if in an automobile be required to be secured in a booster seat, car seat, or other child safety seats ("Child Safety Seats") are not permitted to be passengers in UTVs or Golf Carts in operation pursuant to this chapter. Whether a child is required to be secured in a Child Safety Seat is determined by State statute, and this chapter shall apply the same standards as applicable State statutes, including any amendments thereto.

§ 77.14 DUTIES IN THE EVENT OF AN ACCIDENT.

Nothing in this chapter modifies, alters or changes the duties under I.C. 14-16-1-24 placed on the operator of an UTV or Golf Cart in the event of an accident.

§ 77.15 REGISTRATION AND CERTIFICATE OF INSURANCE.

Any operator of an UTV or Golf Cart shall carry on his or her person any registration required under I.C. 14-16-1 and the certificate of insurance required by section 77.08 of this chapter.

§ 77.16 DISTURBANCE OF ROADWAY.

No person shall operate a UTV or Golf Cart on city streets in such a manner which causes damage to the street or disturbs the surface of the roadway. Any person violating of this section shall be responsible for all costs of repair of such damage or disturbance.

Operators of UTVs or Golf Carts will drive as close to the righthand edge of the street, alley, or road as possible, and will yield to motor vehicle traffic so as not to impede or block the normal flow of traffic.

§ 77.17 EMERGENCIES.

Any city, county or state law enforcement officer may prohibit operation of UTVs or Golf Carts on a city street or roadway during emergencies.

§ 77.18 IMPOUNDMENT OF UTV OR GOLF CART VEHICLE.

(A) Any UTV or golf cart vehicle operated on the streets in the city by an unlicensed operator or without the equipment required by this chapter of Indiana Law shall be impounded by the enforcing officer. Said UTV or golf cart vehicle shall be held until retrieved by the owner and a properly licensed operator. If the UTV or golf cart vehicle is improperly equipped as required by this chapter or Indiana Law for operation on the streets of the city, then it shall only be released to be hauled away upon a properly licensed vehicle capable of safely hauling the same. The UTV or golf cart vehicle shall not be released from impoundment until:

- (1) It is properly registered as by law required
- (2) The actual charge for the towing of the vehicle to the place of impoundment is paid; an
- (3) Storage fees as currently charged by the authorized operator of a motor vehicle impound lot, provided, that the total storage charges may not exceed the sum of \$1,500.

(B) The city shall not be responsible for any loss or damage sustained by any UTV or Golf Cart vehicle so impounded or stored hereunder. Any UTV or Golf Cart not reclaimed within thirty (30) days from the date of impoundment shall be deemed abandoned and shall be sold as surplus property.

§ 77.19 CODIFICATION.

This chapter shall be codified within the book of ordinances of the City of Delphi, Indiana within thirty days (30) after the third and final passing.

§ 77.20 EXEMPTION.

On Armory Road, within the City of Delphi, Golf Carts and UTVs may be utilized by the Delphi Community School Corporation without the need of a completed and approved application or accompanying fee. Should the Delphi Community School Corporation utilize their UTVs or Golf Carts on any other street or road within the corporate limits of the City of Delphi, an approved application and paid access fee are required.

§ 77.21 CONFLICTING ORDINANCES AND LAWS.

Any UTV or Golf Cart being lawfully operated pursuant to this chapter shall not constitute a violation of any other portion of the Code of Ordinances of the City of Delphi, Indiana that would otherwise prohibit lawful operation under this chapter.

In the event that any provision of this chapter shall be held to conflict with state law, such provision shall be deemed ineffective, and all other provisions of this chapter shall remain in full force and effect.