

ORDINANCE NO. 2024-5

AN ORDINANCE AMENDING TITLE VII, CHAPTER 77 OF THE CITY OF DELPHI CODE OF ORDINANCES ENTITLED "UTILITY TERRAIN VEHICLES AND GOLF CARTS" AND AUTHORIZING AN EXEMPTION FOR THE USE OF UTILITY TERRAIN VEHICLES AND GOLF CARTS BY THE DELPHI POLICE DEPARTMENT

WHEREAS, pursuant to provisions IC 9-21-1-3(a)(14), the City of Delphi, Indiana, with respect to private roads and highways under the City's jurisdiction, and in accordance with IC 9-21-1-2 and within the reasonable exercise of police power, may regulate golf cars and recreational off-road vehicles, such as utility terrain vehicles (UTVs); and

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(a), the City of Delphi may adopt an ordinance with additional traffic regulations concerning the use of golf carts and recreational off-road vehicles on streets and alleys under the jurisdiction of the City as long as the ordinance does not conflict with or duplicate state law; and

WHEREAS, Ordinance 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," was adopted by the City of Delphi on February 5, 2024, thereby permanently enacting regulations for the use of UTVs and golf carts on streets and alleys within the corporate limits of the City of Delphi; and

WHEREAS, the Common Council of the City of Delphi recognizes that the Delphi Police Department has purchased a golf cart to be used by police officers to extend the Department's capabilities to patrol the corporate limits of the City for the benefit of public safety and wellbeing; and

WHEREAS, the Common Council of the City of Delphi desires to amend Chapter 77 of the City of Delphi Code of Ordinances to provide an exemption for the use of golf carts and UTVs by Delphi Police Department police officers to support the Department's efforts to increase patrol capabilities and effectiveness.

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

Section 1: The Delphi Police Department is authorized to be exempt from provisions regarding application and fee requirements as well as provisions regulating the permitted locations and times for operating a UTV or golf cart.

Section 2: City of Delphi Code of Ordinances Chapter 77, entitled "Utility Terrain Vehicles and Golf Carts", § 77.20, shall be amended to include an exemption for the use of golf carts and UTVs by the Delphi Police Department police officers within the corporate limits of the City.

Section 3: The amended § 77.20 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.

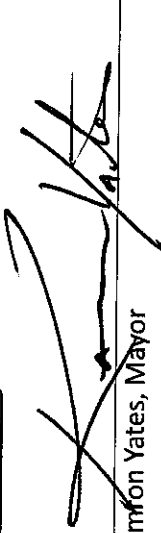
Section 5: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the majority of the Common Council of the City of Delphi, Indiana, this 4th day of March, 2024.


Kamron Yates, Presiding Officer


Attest: Julie Price, Clerk-Treasurer

Approved / Vetoed by me, the Mayor, this 4th day of March, 2024.


Kamron Yates, Mayor

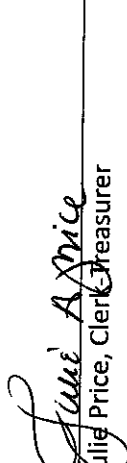

Attest: Julie Price, Clerk-Treasurer

EXHIBIT A

§ 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.

Within the corporate limits of the City of Delphi, Golf Carts and UTVs may be utilized by the Delphi Police Department without the need of a completed and approved application and accompanying fee or payment of annual operator access fees. The Delphi Police Department is exempt from the provisions of § 77.10 regulating the permitted locations and times Golf Carts and UTVs may be operated in order to effectively conduct patrols and respond to calls.