

ORDINANCE NO. 2019-9

ORDINANCE AMENDING REGULATION OF GOLF CART ORDINANCE 2009-8, RESOLUTION 2013-5 AND OFF-ROAD VEHICLES ORDINANCE 2013-7

WHEREAS, the Town Council of the Town of New Richmond, of Montgomery County, Indiana, has found it is now necessary and reasonable to amend a portion of the Regulation of Golf Carts Ordinance and Off-Road Vehicles Ordinance to implement registration fees and fines for any violations of the Ordinances.

THEREFORE, the provisions of all other ordinances/resolutions in conflict with the provisions hereof are of no further force or effect and are hereby repealed. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

NOW, THEREFORE, be it ordained by the Town Council of the Town of New Richmond, Indiana, as follows;

SECTION 1) REQUIREMENT FOR LOCAL REGISTRATION - All registrations fee will be increased to \$10.00 annually starting on January 1, 2020 for all golf carts and off-road vehicles. The registration certificate shall be maintained on or about the golf cart and off-road vehicle at all times that it is in operation and display town registration tag on the front of cart or vehicle. A copy will be on record in the Town Hall, as stated in **Section 11 of Ordinance 2009-8**.

- A. **“Off-Road Vehicle”** – means a motor driven vehicle capable of cross-country travel without the benefit of a road or trail, this includes snowmobile.
- B. **Off -Road Vehicle and Golf Cart Exempt from having a permit are:**
 - a. Any vehicle including an off-road vehicle being used by a state licensed surveyor or engineer in the course of conducting his/her official duties as a surveyor or engineer;
 - b. A vehicle being used for town, military or law enforcement purposes.

SECTION 2) PENALTY - From and after the effective date of this Ordinance, a violation of any provisions of this Ordinance, Ordinance 2009-8 and Ordinance 2013-7 is a violation of the New Richmond Town Code and such violation shall constitute a Class C Infraction. An owner, lessee, operator, or passenger may be cited to appear in a court of competent jurisdiction by issuance of an Indiana Uniform Traffic Ticket. Upon finding by such court that an owner, lessee, operator or passenger of a golf cart and/or off-road vehicle has violated any provisions of this Ordinance, such person shall be subject to a fine not less than Twenty-Five Dollars (\$25.00) and not to exceed Five Hundred Dollars (\$500.00) for each offense, along with all Court costs, or any additions that may hereafter be determined by ordinance or statute. A fine assessed for a violation shall be deposited into the general fund of the town (IC 9-21-1-3.3)

- A. **“Operate”** – to ride in or on; be in actual physical control of the operation of.
- B. **“Operator”** – an individual who operates or is in actual physical control of an off-road vehicle, snowmobile or golf cart.
- C. **“Owner”** – a person other than a lienholder who owns an interest in or title to an off-road vehicle or golf cart; and is entitled to the use or possession thereof (IC 14-16-1-6).

SECTION 3) FINES – First offense a warning.
Second offense Twenty-Five Dollar (\$25.00) fine.
Third offense Fifty Dollar (\$50.00) fine.
Fourth offense Seventy-Five Dollar (\$75.00) fine.
Fifth offense One Hundred Dollar (\$100.00) fine and each offense afterward not to exceed Five Hundred Dollars (\$500.00).

The violator will have 30 days from the date of the ticket to pay the fine to the Town of New Richmond. A five-dollar (\$5.00) penalty will be added after 30 days and each additional 30 days thereafter that the fine is not paid.

SECTION 4) EXCEPTIONS - ORDINANCE 2009-8 SECTION 12) EXCEPTIONS- Golf carts operated in connection with any fair, festival or other special event, with written permission from two (2) Town Council Members, shall be exempt from the requirements of this Ordinance (**Ordinance 2009-8**) when operated within the confines of the activity. The operator of a golf cart must still be a licensed driver; financial responsibility must be in effect with respect to the golf cart and golf cart must have all applicable lighting systems as stated in sections 5 and 9 (**Ordinance 2009-8**). **Written permission must be on them at all times during the event.**

SECTION 5) ENFORCER – Town Marshal or his designee or agent, or a designee or agent of the Town Council of the Town of New Richmond.

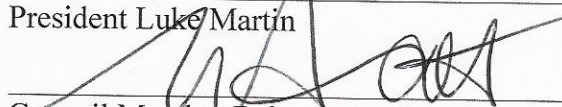
PASSED AND ADOPTED by the Town Council of the Town of New Richmond, Montgomery County, Indiana, this 12th day of November, 2019.

Aye

Nay




President Luke Martin



Council Member Rebecca Scott

Council Member Minnie Howard

ATTEST: 

Clerk-Treasurer Alaahea Foust