

ORDINANCE NO. 2008- 1

AN ORDINANCE REGULATING THE OPERATION OF
GOLF CARTS AND UTILITY VEHICLES
IN THE CORPORATE LIMITS OF THE TOWN OF WESTPORT

IT IS ORDAINED by the Town Council of the Town of Westport, State of Indiana as follows:

Section 1. Purpose of Ordinance. The purpose of this ordinance is to regulate the operation of golf carts and utility vehicles within the Corporate Limits of the Town of Westport.

Section 2. Definitions. As used in this ordinance, the following words shall be defined as follows:

- a. Golf cart: Any motorized vehicle designed for travel primarily on a golf course, steered by wheels.
- b. Alley: Any dedicated public way affording secondary means of access to abutting property.
- c. Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for for purposes of vehicular travel.
- d. Operator: Any person who operates or is in actual physical control of a golf cart or utility vehicle.
- e. Operate: To ride in or on and to control the operation of a golf cart or utility vehicle.
- f. Utility Vehicle: A motor driven utility vehicle, such as a mule, capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to a multi-tract or multi-wheel drive or low pressure tire vehicle. "Utility Vehicle" does not include an off-road vehicle as defined in Indiana Code 14-8-2-185.
- g. Roadway: That portion of a street or highway ordinarily used for vehicular travel.
- h. Right-of-Way: That portion of a street or highway less the roadway and any shoulders.
- i. Unqualified Operator: Any person operating a golf cart or utility vehicle who does not possess a valid driver's license and who does not carry proof of liability insurance, and must be eighteen (18) years old.

Section 3. Operations. Within the Town of Westport, no golf cart or utility vehicle shall be operated:

- a. that is not equipped with operating headlights and taillights, if operated after dark;
- b. that is not insured for liability coverage;
- c. except for golf carts, that does not display a Department of Natural Resources sticker indicating registration through the Department of Natural Resources;
- d. except in a single file, with the flow of traffic, and at the far right hand side of the alley, street or highway being traveled;
- e. in a careless or reckless manner or in any way that endangers any person or any property;
- f. at a rate of speed greater than the posted speed limits and in no event greater than thirty (30) miles per hour;
- g. by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said golf cart or utility vehicle may be impaired thereby;
- h. by anyone transporting thereon a firearm, unless the same be securely encased; and
- i. by an unqualified operator, as that term is defined in this ordinance.

Section 4. Street Crossings. All golf carts and utility vehicles shall come to a complete stop before proceeding, at right angles, across any public sidewalk, alley, street, highway or intersection. All golf carts and utility vehicles shall yield the right-of-way to car, truck and pedestrian traffic. Towing of sleds, toboggans or other such devices occupied by people is prohibited.

Section 5. Duty to Stop. Upon request or signal of a police officer, a golf cart or utility vehicle operator shall immediately stop his golf cart or utility vehicle in a safe place and outside of the flow of traffic. If the police officer directs that the golf cart or utility vehicle be removed from the streets, the operator shall take such vehicle home and park it.

Section 6. Responsibility. The operator of a golf cart or utility vehicle involved in any accident resulting in any property damage, personal injury or death shall report such accident to the local police immediately.

Section 7. Parental Responsibility. Any parent or guardian who knowingly permits or allows any minor to operate a golf cart or utility vehicle in violation of any provision of this ordinance shall be in violation of this ordinance.

Section 8. Impoundment of Golf Carts or Utility Vehicles. A law enforcement officer may impound any golf cart or utility vehicle used or operated in violation of any provision of this Ordinance for a period not to exceed thirty (30) days, and the owner or operator of the golf cart or utility vehicle shall be responsible to pay for all costs involved in the storage and/or removal of the impounded golf cart or utility vehicle. If the operator of the impounded golf cart or utility vehicle is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter or personal contact as soon as practical, but within twenty-four (24) hours. The golf cart or utility vehicle used by any unqualified operator may be impounded by order of the Town Marshall or any police officer of the Town of Westport Police Department for a period not to exceed thirty (30) days and, in addition, the unqualified operator shall also be subject to the same penalties set forth herein.

Section 9. Penalty-Civil Infraction. Except as otherwise provided herein, a person engaged in activity that violates this ordinance, or a responsible person referred to in Section 7, shall be guilty of a civil infraction, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00;

Third offense within one year \$500.00.

For purposes of computing the one (1) year period, time shall run from the date of the first ticket issued.

Section 10. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, a distinct and independent provision, and such holdings shall not affect the validity of any remaining portion.

Section 11. Notice to be Published. The Town Clerk-Treasurer shall publish this ordinance in the manner required by law.

SO ORDAINED this 11 day of February, 2008.

WESTPORT TOWN COUNCIL

Bryan S. Gatewood

Boyd Holcomb

Darlene Tobias

ATTEST:

Barbara Hayden
Clerk-Treasurer

Westport Town Council
March 9, 2009
Town Hall

All members were present at the monthly Westport Town Council meeting.

Bills were signed & approved.

Sign Cemetery deeds for: Melvin R. Brown, Glenn D & or Doris F Smith.

A short discussion was held about Ordinance 2008-1, The Operation of Golf Carts & Utility vehicles in the corporate limits of the Town of Westport. Boyd made motion to remove Section 12, to eliminate only being a good Ordinance for one year. Darlene seconded the motion, motion passed.


Boyd made motion to sign contract with Mid Western Engineering contract. Contract # is ME 1 #200859-00, for sewer planning grant, Darlene seconded motion. Motion passed


Steve Hodgson said that the shed on Cann St. had all the doors open and kids were going into the shed.

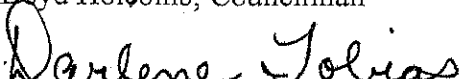
Barb Winchester brought pictures of the place next to her daycare at 307 E Main St. letters will be sent to home owners about clean up.

Boyd made motion to adjourn and Darlene seconded, motion passed.


Bryan Gatewood, President


Barbara Hayden, Clerk Treasurer


Boyd Holcomb, Councilman


Darlene Tobias, Councilwoman

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Section 11. Notice to be Published. The Town Clerk-Treasurer shall publish this ordinance in the manner required by law.

Section 12. When Effective. This ordinance shall be in full force and effect from March 1, 2008 through March 1, 20089 following its adoption and publication as required by law.

SO ORDAINED this 11 day of February, 2008.

WESTPORT TOWN COUNCIL

Bryan S. Gatewood

Beard Holcomb

Darlene Tobias

ATTEST:

Barbara Hayler
Clerk-Treasurer