

**TOWN OF NEW WHITELAND, INDIANA**

**ORDINANCE NO. 2022- 07**

**AN ORDINANCE REGULATING THE OPERATION  
OF GOLF CARTS AND OFF ROAD VEHICLES ON HIGHWAYS  
UNDER THE JURISDICTION OF THE TOWN OF NEW WHITELAND**

**WHEREAS**, pursuant to Indiana Code Sections 9-21-1-3(a)(14) and 9-21-1-3.3, a town may regulate or prohibit the operation of golf carts and off-road vehicles and may adopt by ordinance traffic regulations concerning the use of golf carts or off-road vehicles, or both, on highways under the town's jurisdiction;

**WHEREAS**, pursuant to Indiana Code Section 9-13-2-69.7, a "golf cart" is defined as 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

**WHEREAS**, "off road vehicle" as defined by Indiana Code Section IC 14-8-2-185, means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

The term includes the following:

- (1) A multiwheel drive or low pressure tire vehicle.
- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) An all-terrain vehicle (as defined in section 5.7 of this chapter).
- (5) A recreational off-highway vehicle (as defined in section 233.5 of this chapter).
- (6) Other means of transportation deriving motive power from a source other than muscle or wind.

The term does not include the following:

- (1) A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2)).
- (4) A snowmobile (as defined by section 261 of this chapter).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart vehicle.
- (9) An electric bicycle (as defined in IC 9-13-2-49.2).

**WHEREAS**, the term "off road vehicle" includes "recreational off-road vehicle," which is defined in Indiana Code Section 14-8-2-233.5 as a motorized, off-highway vehicle that:

- (1) is sixty-five (65) inches or less in width;
- (2) has a dry weight of two thousand (2,000) pounds or less;
- (3) is designed for travel on at least four (4) non highway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

**WHEREAS**, the New Whiteland Town Council, having given the matter careful consideration, has decided, with few exceptions as expressly set forth in this ordinance, to prohibit the operation of off road vehicles and golf carts on the highways under its jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW WHITELAND, INDIANA, THAT:**

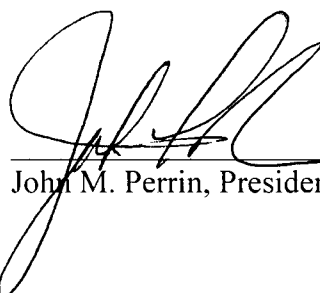
1. Except as specifically permitted herein or by applicable Indiana state statute, golf carts and off road vehicles may not be operated on public streets and highways, sidewalks, or public ways within the Town of New Whiteland.
2. Agents, representatives, and employees of the Town or the Clark Pleasant Community School Corporation ("CPCSC") may operate golf carts and off road vehicles on public streets and highways within the Town of New Whiteland in strict compliance with the following:
  - a. Golf carts and off road vehicles may be operated only in the ordinary course of business of the Town or CPCSC or for Town or CPCSC sponsored events.
  - b. Golf carts and off road vehicles may be operated only by licensed drivers.
  - c. Golf carts and off road vehicles may be operated only during daylight hours, unless equipped with working headlights and taillights.
  - d. The number of passengers, in addition to the driver, of a golf cart or off road vehicle shall be limited by and to the original factory seating available. All passengers and drivers must be seated at all times. No passenger shall ride on the lap of any other passenger. And in no event shall the number of passengers, plus the driver, of a golf cart or off road vehicle, at any time, exceed a total of four (4).
  - e. Drivers of golf carts and off road vehicles shall operate them, at all times, in strict compliance with all other local traffic rules and regulations that apply to all other motor vehicles operated on the streets of New Whiteland.

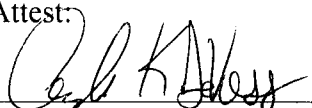
For purposes of this Ordinance, agents and representatives of the Town or CPCSC shall include authorized third parties, their agents and employees, with whom the Town or CPCSC has a contract or relationship to promote or advance the interests of the Town, CPCSC, and/or their separate or common stakeholders.

3. Any person who violates this Ordinance shall be subject to a fine, for each separate violation, in the amount of Three Hundred and 00/100 Dollars (\$300.00).

Introduced and adopted, by affirmative vote of the Town Council of the Town of New Whiteland, at its regular meeting on the 25th day of May, 2022.

Adopted on second and final reading, by affirmative vote of the Town Council of the Town of New Whiteland, at its regular meeting on the 6th day of July, 2022.

  
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John M. Perrin, President of the Town

Attest:  
  
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Clerk Treasurer