

1 **COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**
2 **Ordinance No. 2021- 11 (as amended)**

3
4 **AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HOBART**
5 **CONCERNING GOLF CARTS AND AUTHORIZING THE USE OF**
6 **GOLF CARTS AND RECREATIONAL OFF-ROAD VEHICLES ON THE STREETS**
7 **AND ALLEYS OF THE CITY OF HOBART, INDIANA UNDER**
8 **SPECIFIED CONDITIONS**

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10 WHEREAS pursuant to provisions of I. C. 9-21-1-3(a)(14), the City of Hobart, in
11 accordance with I. C. 9-21-1-2, and within the reasonable exercise of police power, may regulate
12 golf carts and recreational off-road vehicles; and

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

17 WHEREAS, pursuant to the provisions of I. C. 9-21-1-3.3(b), all fines assessed for a
18 violation of the golf cart and recreational off-road vehicle ordinance shall be deposited into the
19 general fund of the City; and,

20 WHEREAS, the Common Council of the City of Hobart has determined that a need
21 exists for the regulation of golf carts and recreational off-road vehicles on the streets and alleys
22 under the jurisdiction of the City and that an ordinance should be adopted as authorized under
23 Indiana law.

24 WHEREAS, the Council, through this Ordinance, desires to enact such rules regarding
25 golf cart and recreational off-road vehicle use to promote their safe use when used in areas in the
26 City, including the streets and alleys of the City of Hobart, and those areas outside of the owner's
27 private property;

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29 THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart as
30 follows:

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32 **SECTION ONE:** The Municipal Code of the City of Hobart ("Code") is
33 hereby amended by striking out the sections in Title VII entitled "TRAFFIC
34 CODES," Chapter 70 entitled "OFF ROAD VEHICLES" under § 70.35
35 DEFINITIONS and § 70.36 SNOWMOBILES OFF-ROAD VEHICLES;
36 REGULATIONS, and "OFF-ROAD VEHICLES" under MOTORIZED GOLF
37 CARTS § 70.40 which shall now be entitled "MOTORIZED GOLF CARTS AND
38 OFF-ROAD VEHICLES" and inserting the following new language in lieu thereof
39 to read as follows:

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41 **~~OFF-ROAD VEHICLES SNOWMOBILES AND MOTORIZED BICYCLES~~**
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§ 70.35 DEFINITIONS.

For the purpose of this sub-chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MOTORIZED BICYCLE. A bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or battery-powered motor, or by both, and when powered by an internal combustion engine, having a rating of no more than 1-1/2 brake horsepower, and a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission and a maximum design speed of not more than 25 mph.

~~**OFF-ROAD VEHICLE.** Any motor driven vehicle capable of cross-country travel, without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It does not include a farm vehicle or other vehicle used in performance of its common function, or a registered aircraft.~~

OPERATE. To ride in or on, to drive, to use, to put into action, cause to function or to be in actual physical control of a vehicle.

OPERATOR. Any person who operates a vehicle.

OWNER. A person holding the legal title of a vehicle.

PEDESTRIAN. Any person afoot.

SNOWMOBILE. An off-road vehicle designed for travel primarily on snow or ice.
(Prior Code, § 10-56) (Ord. 91-12, § 1)

§ 70.36 SNOWMOBILES, MOTORIZED BICYCLES ~~OFF-ROAD VEHICLES;~~ REGULATIONS.

(A) It is unlawful for any person to operate a snowmobile or ~~off-road vehicle~~ motorized bicycle under the following circumstances:

- (1) On private property of another without the express written permission to do so by the owner or occupant of the property;
- (2) On public school grounds, park property, playgrounds, streets and alleys under the jurisdiction of the city, and recreational areas without express written permission or express provision to do so by the proper public authority;
- (3) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the reasonable peace and quiet of other persons;

89 (4) In a careless, reckless or negligent manner so as to endanger the safety of
90 any person or the property of any other person; and/or

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92 (5) While under the influence of intoxicating liquor, fermented malt beverages
93 or controlled substances or drugs.

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95 (B) All snowmobiles and ~~off-road vehicles~~ motorized bicycles operated within the city
96 shall have the following equipment, as a minimum:

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98 (1) Mufflers which are properly attached and which reduce the noise of
99 operation of the vehicle to the minimum noise necessary for operation;

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101 (2) Adequate brakes in good working condition;

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103 (3) A safety or "deadman" throttle in operating condition; and/or

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105 (4) All lights, if equipped with such, shall be maintained in good working order
106 at all times.

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108 (C) It is unlawful for the owner or operator of a snowmobile or ~~off-road vehicle~~
109 motorized bicycle to leave or allow the vehicle to be or remain unattended while the motor is
110 running or the keys are left in the ignition.

111 (Prior Code, § 10-57) (Ord. 91-12, § 2) Penalty, see § 70.99

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114 **MOTORIZED GOLF CARTS AND OFF-ROAD RECREATIONAL VEHICLES**

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116 **§70.40. DEFINITIONS**

117
118 For the purpose of this sub-chapter the following definitions shall apply unless the
119 context clearly indicates or requires a different meaning:

120 **GOLF CART.** A vehicle with four wheels originally designed for operation on a golf
121 course and powered by a battery or internal combustion motor and has a factory manufactured
122 set of working head lights, tail lights and brake lights.

123 **DRIVER'S LICENSE.** A valid license to operate a motor vehicle issued by Indiana or
124 any other state.

125 **FINANCIAL RESPONSIBILITY.** Liability insurance coverage on a golf cart or
126 recreational off-road vehicle in an amount not less than required by Indiana law for motor
127 vehicles operated on public highways in the State of Indiana.

128 **RECREATIONAL OFF-ROAD VEHICLE.** A motorized off-highway vehicle that:

- 130 1. Is 72" or less in width;
- 131 2. Is designed for travel on a maximum of four non-highway or off-highway tires;
- 132 3. Is designed for recreational use by one or more individuals;
- 133 4. Has a non-straddle seat or saddle;
- 134 5. Has a steering wheel for steering control;
- 135 6. Is not a lawn mower or a motorized bicycle;
- 136 7. Has a factory manufactured set of working head lights, tail lights and brake lights.

137 **§ 70.41 OPERATION OF GOLF CART AND RECREATIONAL OFF-**
138 **ROAD VEHICLE.**

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140 The operation of a golf cart or recreational off-road vehicle on streets and alleys under
141 the jurisdiction of the City of Hobart is strictly prohibited unless the golf cart or recreational off-
142 road vehicle is operated and equipped in full compliance with this chapter.

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144 **§ 70.42 OPERATOR.**

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146 Only valid licensed drivers, sixteen (16) years of age or older, and issued a driver's
147 license from a State Bureau of Motor Vehicles may operate a golf cart or recreational off-road
148 vehicle on streets and alleys under the jurisdiction of the city. The owner of a golf cart or
149 recreational off-road vehicle may not cause or knowingly permit an individual to operate the golf
150 cart or recreational off-road vehicle on streets and alleys under the jurisdiction of the City unless
151 the individual holds a valid driver's license from a State Bureau of Motor Vehicles.

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153 **§ 70.43 FINANCIAL RESPONSIBILITY.**

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155 The operator of a golf cart or recreational off-road vehicle must show financial
156 responsibility when operating a golf cart or recreational off-road vehicle on streets and alleys
157 under the jurisdiction of the City. Written proof of financial responsibility for the operator must
158 be available on the golf cart or recreational off-road vehicle.

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160 **§ 70.44 PLACE OF OPERATION.**

161
162 Golf carts and recreational off-road vehicles may only be operated on City streets which
163 have a posted speed limit of thirty (30) miles per hour or less.

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165 **§ 70.45 OCCUPANTS.**

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167 The number of occupants in a golf cart or recreational off-road vehicle shall be limited to
168 the number of persons for whom factory seating is installed and provided on the golf cart or
169 recreational off-road vehicle. The operator and all occupants shall be seated in the golf cart or
170 recreational off-road vehicle and no part of the body of the operator or occupant shall extend
171 outside the perimeter of the golf cart or recreational off-road vehicle while the golf cart or
172 recreational off-road vehicle is being operated on streets and alleys under the jurisdiction of the
173 City.

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175 § 70.46 TRAFFIC RULES.

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177 Golf carts and recreational off-road vehicles shall obey all of the rules of the road,
178 including traffic signs and markings, and shall display a “slow moving vehicle” sign of the same
179 type required under Indiana Law, as well as a permit sticker from the City of Hobart, valid for
180 the current year.

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182 § 70.47 STREET USE PERMIT.

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184 Golf carts and recreational off-road vehicles operating on streets and alleys within
185 the jurisdiction of the City of Hobart shall acquire a permit issued by the City of Hobart Police
186 Department on or before April 1 annually. Permits issued in the 2021 calendar year shall be
187 applied for no later than July 1, 2021 and valid until April 1, 2023 after which permits shall be
188 valid for a period of one year commencing April 1, 2023.

189
190 The City incurs administrative costs in providing materials for permits and for approved
191 stickers to be placed upon the golf carts and recreational off-road vehicles, and inspection of the
192 vehicles. Therefore, an Administration/Inspection fee of Twenty-Five dollars (\$25.00) is to be
193 paid through the City of Hobart Police Department. Permit tags will be issued by the Hobart
194 Police Department after a satisfactory inspection of the golf cart or recreational off-road vehicle
195 has been completed.

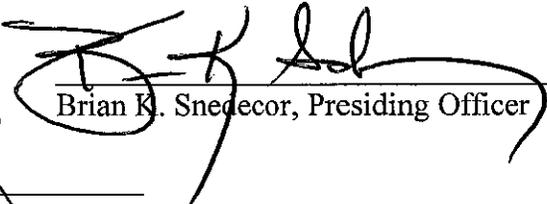
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197 § 70.48 PENALTY.

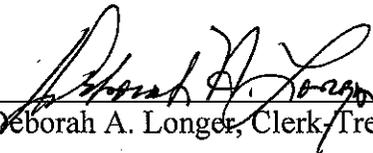
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199 Any person violating any provision of this title for which no specific penalty is
200 prescribed shall be subject to the General Penalty provisions of the Hobart Municipal Code §
201 10.99.

202
203 SECTION TWO: This ordinance shall become effective _____ 2021
204 following its adoption in the manner required by law, and upon publication thereof
205 pursuant to I.C. §36- 3-4-6-14(b) in two newspapers of general circulation published within
206 the City pursuant to I.C. §5-3-1-4 (a).

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208 SECTION THREE: All ordinances or portions thereof in effect prior to the
209 effective date and in conflict with the provisions of this ordinance are hereby repealed.

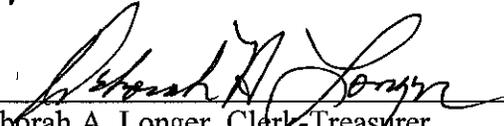
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211 ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of
212 Hobart, Indiana on this 19th day of MAY, 2021.

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216 Brian K. Snedecor, Presiding Officer

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218 ATTEST: 
219 Deborah A. Longer, Clerk/Treasurer
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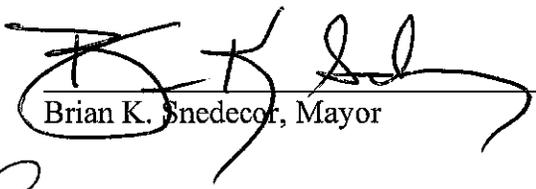
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PRESENTED by me to the Mayor of the City of Hobart on the 19th day of
MAY, 2021 at the hour of 7:00 p.m.

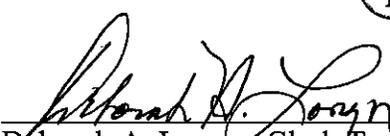


Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City
of Hobart on this 19th day of MAY, 2021.



Brian K. Snedecor, Mayor

ATTEST: 

Deborah A. Longer, Clerk/Treasurer