

ORDINANCE NO. 2021-2

ORDINANCE RESTRICTING THE USE OF OFF-ROAD VEHICLES AND GOLF CARTS WITHIN THE TOWN OF FARMERSBURG, INDIANA

BE IT ORDAINED by the Town Council of the civil Town of Farmersburg, Indiana, that:

WHEREAS, the Town Council of the Town of Farmersburg in Sullivan County, Indiana hereby adopts an ordinance to restrict the use of off-road vehicles in the Town of Farmersburg.

NOW THEREFORE, by the powers vested in the Town Council of the Town of Farmersburg in Sullivan County, Indiana, it is hereby ORDERED and ORDAINED that:

SECTION I: DEFINITION: As used herein, the term "off-road vehicle" (ORV) shall refer to all vehicles that:

- A. are not licensed by the Bureau of Motor Vehicles;
- B. contain an electric or gasoline engine/motor;
- C. have two (2) or more wheels;
- D. specifically includes: all-terrain vehicles (ATV's), UTV's, side-by-sides and dirt bikes;
- E. specifically excludes: wheelchairs and other modes of conveyance under the American Disabilities Act.

SECTION II: BY ORDER OF THE TOWN COUNCIL, all ORV's and golf carts that are to be operated on the streets and alleyways within corporate boundaries of the Town of Farmersburg must have a headlight and rear facing red light, pursuant to Indiana Statute IC 14-16-1-23. Golf Carts must possess an orange "Slow Moving Vehicle" sign affixed to the rear or possess flashing orange caution lights.

SECTION III: BE IT FURTHER ORDERED that no person under the age of 16 who does not possess a valid Indiana Driver's License shall operate on ORV or golf cart on the streets and alleyways of the Town of Farmersburg. Operation of an ORV or golf cart on private property for anyone under the age of 16 years of age must be supervised by the property owner and/or legal parent or guardian or designee thereof.

SECTION IV: BE IT FURTHER ORDAINED that any person who violates this ordinance shall be subject to a twenty-five-dollar (\$25.00) fine for the first offense, fifty dollars (\$50.00) for the second offense in a twelve (12) month period, and seventy-five dollars (\$75.00) for all subsequent offenses within a twelve (12) month period. The payment of a violation shall be made at Town Hall within ten (10) business days of the offense.

SECTION V: BE IT FURTHER ORDAINED that all children under the age of eighteen (18) years are required to wear a helmet on or in any ORV on public or private property, pursuant to Indiana Code 9-18.1-14-11. Failure to wear a helmet shall result in a twenty-five-dollar (\$25.00) fine issued to the owner of the ORV or to the property owner. The Penalty provision providing for payment shall be increased by twenty-five dollars (\$25.00) for each subsequent offense or be subject to state citation of the same law.

SECTION VI: BE IT FURTHER ORDAINED that any and all golf carts that are driven upon the streets and alleyways in the Town of Farmersburg must be registered through the Town of Farmersburg. A yearly permit must be purchased and obtained from the Clerk or Deputy Clerk at Town Hall. The permit must be affixed to the front windshield or front of the golf cart as to notify the officers of the Farmersburg

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Police Department of registration. A permit per each golf cart will be fifteen dollars (\$15.00), paid yearly to the Town of Farmersburg. ORV's are to be registered through the Bureau of Motor Vehicles, as required by Indiana Statue. All funds collected will be placed into the Roads and Street fund.

SECTION VII: BE IT FURTHER ORDAINED that any citizen who is considered disabled and can provide documentation by the Bureau of Motor Vehicles stating "Handicapped" will be exempt from permit fee. The golf cart of such owner will still be registered with Town Hall and an appropriate box on the application will be selected as "Disabled". It is the responsibility of the Clerk or Deputy Clerk accepting such application to verify the documents provided.

SECTION VIII: In the event that such payment is not made within the prescribed time period, the Defendant shall be imposed upon an additional one-hundred-dollar (\$100.00) fee to the Town of Farmersburg. All proceedings shall be then filed in the appropriate Sullivan County court of jurisdiction by the Town Attorney. The Defendant shall be liable for all appropriate court cost and fees. The Town of Farmersburg may also place a lien on the owner's property taxes for total amount accrued in citations in lieu of filing this into court at the behest of the Clerk-Treasurer.

THIS ORDINANCE supersedes and replaces all prior ordinances which may be in conflict.

THIS ORDINANCE shall be effective upon the passage and publication as required by law and a copy of said ordinance shall be kept in the office of the Town Hall of Farmersburg, Sullivan County, Indiana.



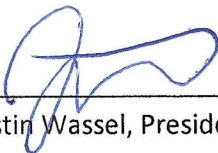
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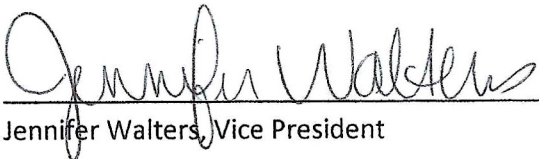
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Confirmed as passed and in place by the Town Council of the Town of Farmersburg on

MAY 9, 2024.

Town of Farmersburg, Indiana
Council Members

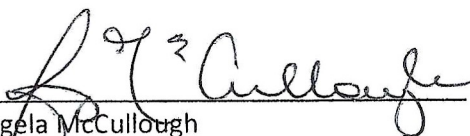

Justin Wassel, President


Jennifer Walters, Vice President


Jennifer Harrelson, Member


Courtney Strain, Member

ATTEST:


Angela McCullough
Clerk/Treasurer





