

TOWN OF ALBANY

ORDINANCE NO: 2024 - 12

AN ORDINANCE TO AMEND THE REQUIREMENTS FOR THE OPERATION OF OFF-ROAD VEHICLES AND GOLF CARTS IN THE TOWN OF ALBANY, INDIANA

WHEREAS, the Town of Albany adopted Ordinance 2002-018 regulating the operation of Golf Carts in the Town of Albany, Indiana and said ordinance was codified in the Albany Town Code under section §95.01; and

WHEREAS, the Town of Albany adopted Ordinance 2010-05 regulating the operation of Off-Road Vehicles on the streets and alleys in the Town of Albany, Indiana and codified in the Albany Town Code under §§71.41 through 71.43; and

WHEREAS, the Town Council has determined that the ordinances that regulate golf carts and off-road vehicles needs to be amended to require that said vehicles are operated safely to protect the public in the Town; and

WHEREAS, the Town Council, Town of Albany, Indiana hereby determines that amendments to the Town Ordinances are needed to require that said vehicles are properly registered with the Town Marshal.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF ALBANY, INDIANA:

GOLF CARTS

Section 1. Add a new section 95.02 entitled "Registration of Golf Carts".

Section 2. Add new subsections to section 95.02 as follows:

A. Operation of Golf Cart. All golf carts shall be operated under the following requirements:

i. The Operator must be at least 18 years of age and have a valid identification card, operator's license, chauffeur's license or public passenger chauffeurs license issued by the Indiana Bureau of Motor Vehicles.

ii. The operator shall allow the Town Marshall or a representative of the office of the Town Marshall to inspect golf cart to ensure that it functions properly and has the required safety equipment.

iii. The operator of the golf cart shall provide the Town Marshal or their representative with proof of insurance that covers the operation of the golf cart.

iv. Pay a registration fee, annually each January, of Twenty Dollars (\$20.00) for each golf cart operated.

B. Registration Fee and Proof of Registration.

i. Upon satisfactory completion of the inspection of the golf cart by the Town Marshal or their representative, the Town Marshal shall issue a three (3) digit identification number to the operator.

ii. The registration number shall be affixed to the golf cart by the operator on the rear of the golf cart and in a location that is readily visible to law enforcement.

iii. The operator of the golf cart shall be responsible for obtaining and renewing the registration on all golf carts that operate in the Town of Albany, Indiana.

Section 3. Add a new section 95.03 "Revocation or Suspension of Golf Cart Registration" with the following language:

§ 95.03 REVOCATION OR SUSPENSION OF GOLF CART REGISTRATION.

A. The Town Marshal or their representative may revoke or suspend the registration of the operator's golf cart operation privileges in the Town of Albany for the following reasons:

- i. Unsafe operation of the Golf Cart.
- ii. Issuance of more than three (3) citations issued by the Albany Police Department for violation of the Town Ordinances of the operation of the golf cart.
- iii. The condition of the golf cart is such that it is unsafe to operate on the streets and alleys in the Town of Albany, Indiana.
- iv. If any of the safety features are inoperable.
- v. The suspension, revocation of the operator's driving privileges by the State of Indiana.
- vi. The failure to main proper insurance on the golf cart.
- vii. Any suspension of the operator's privileges to operate a golf cart in the Town of Albany may be for a period of time to correct any issue with the vehicle or address any other concern of the Town Marshal.

B. Appeal of Revocation

- i. Any person who has had their privileges suspended or revoked by the Town Marshal may appeal said suspension or revocation to the Town Council within ten (10) days, in writing and delivered to the Clerk Treasurer either in person or via regular first-class mail.
- ii. The Town Council for the Town of Albany shall schedule a meeting/hearing on the appeal at the next Town Council meeting. If the person appealing the suspension or revocation shall fail to appear at the Town Council meeting, then the appeal shall automatically be denied.
- iii. A decision of the Town Council to uphold the suspension or revocation of the person's golf cart operating privileges may be appealed to the Circuit Court of Delaware County within fifteen (15) days of the decision of the Town Council.

OFF ROAD VEHICLES

Section 4. Amend §71.41 as follows:

- A. Add a new subsection B: Each off-road vehicle shall be equipped with two headlights and two taillights; a slow-moving vehicle sign on the rear and a rear-view mirror.
- B. Repeal current §71.40, subsection B and replace with a new subsection C: Registration:
 - i. The Operator must be at least 18 years of age and have a valid identification card, operator's license, chauffeur's license or public passenger chauffeurs license issued by the Indiana Bureau of Motor Vehicles.
 - ii. The operator shall allow the Town Marshall or a representative of the office of the Town Marshall to inspect the off-road vehicle to ensure that it functions properly and has the required safety equipment.
 - iii. The operator of the golf cart shall provide the Town Marshal or their representative with proof of insurance that covers the operation of the golf cart.
 - iv. Pay a registration fee, annually each January, of Twenty Dollars (\$20.00) for each golf cart operated.
- C. Repeal current §71.41, subsection C and replace with a new subsection D. Registration Fee and Proof of Registration.
 - i. Upon satisfactory completion of the inspection of the off-road vehicle by the Town Marshal or their representative, the Town Marshal shall issue a three (3) digit identification number to the operator.
 - ii. The registration number shall be affixed to the off-road vehicle by the operator on the rear of the off-road vehicle and in a location that is readily visible to law enforcement.
 - iii. The operator of the off-road vehicle shall be responsible for obtaining and renewing the registration on all off-road vehicles that operate in the Town of Albany, Indiana.
- D. Change the designation of current §71.41, subsections (D), (E), (F) and (G) to new subsection designations of (E), (F), (G) and (H) respectively.

Section 5. Repeal §71.43 and replace with:

§71.43 REVOCATION OR SUSPENSION OF OFF-ROAD VEHICLE REGISTRATION.

- C. The Town Marshal or their representative may revoke or suspend the registration of the operator's off-road vehicle operation privileges in the Town of Albany for the following reasons:
 - viii. Unsafe operation of the off-road vehicle.


- ix. Issuance of more than three (3) citations issued by the Albany Police Department for violation of the Town Ordinances of the operation of the off-road vehicle.
- x. The condition of the off-road vehicle is such that it is unsafe to operate on the streets and alleys in the Town of Albany, Indiana.
- xi. If any of the safety features are inoperable.
- xii. The suspension, revocation of the operator's driving privileges by the State of Indiana.
- xiii. The failure to main proper insurance on the off-road vehicle.
- xiv. Any suspension of the operator's privileges to operate an off-road vehicle the Town of Albany may be for a period of time to correct any issue with the vehicle or address any other concern of the Town Marshal.

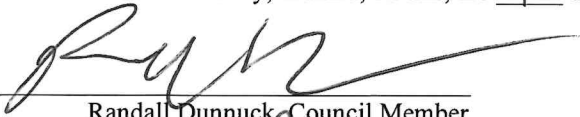
D. Appeal of Revocation

- iv. Any person who has had their privileges suspended or revoked by the Town Marshal may appeal said suspension or revocation to the Town Council within ten (10) days, in writing and delivered to the Clerk Treasurer either in person or via regular first-class mail.
- v. The Town Council for the Town of Albany shall schedule a meeting/hearing on the appeal at the next Town Council meeting. If the person appealing the suspension or revocation shall fail to appear at the Town Council meeting, then the appeal shall automatically be denied.
- vi. A decision of the Town Council to uphold the suspension or revocation of the person's off-road vehicle operating privileges may be appealed to the Circuit Court of Delaware County within fifteen (15) days of the decision of the Town Council.

Section 6. This ordinance shall be effective ten (10) days after publication.

DULY PASSED AND ADOPTED by the Town Council for the Town of Albany, Indiana, on this, the 9th day of December, 2024.



 Steve Hall, Council Member


 Randall Dunnuck, Council Member


 Spender Reed, Council Member


 Jeff Davis, Council Member


 John Blankenbaker, Council Member

ATTEST: 
 Joyce Hamilton, Clerk-Treasurer
 Town of Albany, Indiana