

ORDINANCE NO. 2019-2

AN ORDINANCE AMENDING WAKARUSA TOWN CODE TITLE VII: TRAFFIC CODE ADDING CHAPTER 75. GOLF CARTS

WHEREAS, prior ordinances were passed and adopted by the Wakarusa Town Council regarding the traffic code, which are set forth in Title VII: Traffic Code of the Wakarusa Town Code; and

WHEREAS, the Town of Wakarusa finds that it is necessary and prudent to amend Title VII because the regulation of traffic and parking concerns and affects public health and safety.

BE IT THEREFORE ORDAINED by the Wakarusa Town Council that:

Title VII: Traffic Code of the Wakarusa Town Code be amended to add the following the following Chapter 75. Golf Carts:

CHAPTER 75: GOLF CARTS

Section

- 75.01 Definitions
- 75.02 Use of Golf Carts
- 75.03 Place of Operations
- 75.04 Operator
- 75.05 Financial Responsibility
- 75.06 General Regulations
- 75.07 Regulation
- 75.08 Violations

§ 75.01 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply.

(A) ***Driver's License.*** A valid and current license to operate a motor vehicle issued by the State of Indiana or any other state.

(B) ***Financial Responsibility.*** Liability insurance coverage on and for the ownership, maintenance and use of a golf cart and for the operator of the golf cart in amounts and coverage not less than required by Indiana law for motor vehicles operated in the State of Indiana as provided by Indiana Code 9-25-2-3, as amended.

(C) ***Golf Cart.*** A four 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.

(D) **Operator.** An individual operating a golf cart.

(E) **Pedestrian Areas.** Any pedestrian walkway, multi-use path or area, jogging path, bicycle path, greenway, trail, lawn, yard or park.

(F) **Permit Year.** May 1 of a year to April 30 of the next year.

(G) **Sidewalk.** Any area intended for use by pedestrians between the curb lines or lateral lines of a street and the adjacent property lines.

(H) **Street.** The entire width within the boundary lines of every street, alley or way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel.

§ 75.02 USE OF GOLF CARTS.

(A) The use of a golf cart with the Town is permitted upon the strict and continued full satisfaction and compliance with the terms and requirements of this Chapter.

(B) In addition to complying with this Chapter, all golf carts must be operated in compliance with all applicable traffic laws, whether federal, state or local, including, but not limited to, all traffic signs. An operator may be ticketed in the same manner and with the same liability as motor vehicle operators.

(C) The use of golf carts in connection with a parade, festival or other special event approved by the Town, with such approval including approval for the use of golf carts in connection with such parade, festival or other special event, is not prohibited or regulated by this Chapter; provided that such approval for the use of golf carts shall only be valid for a period not to exceed the actual days of the parade, festival or other special event.

§ 75.03 PLACE OF OPERATION.

Golf carts may only be operated on Town streets which have a posted speed limit of thirty-five (35) miles per hour or less; provided, however, that golf carts may cross a street with a posted speed limit greater than thirty-five (35) miles per hour but not more than forty-five (45) miles per hour. Without limiting the foregoing, golf carts may not be operated on (i) Town sidewalks or any pedestrian areas within the Town except to cross at intersections in a perpendicular path to such sidewalk or pedestrian path or (ii) State Roads or numbered County roads within the Town.

§ 75.04 OPERATOR.

An operator of a golf cart shall hold a valid, current driver's license at all times while operating a golf cart.

§ 75.05 FINANCIAL RESPONSIBILITY.

The operator of a golf cart must satisfy financial responsibility when operating a golf cart. Written proof of financial responsibility must be available for review in the golf cart or carried by the operator at all times when operating the golf cart within the Town. Any operator, upon request by a law enforcement officer, must provide written proof of financial responsibility.

§ 75.06 GENERAL REGULATIONS.

(A) All golf carts shall have all the following minimum safety equipment installed on or affixed to the golf cart at all times while the golf cart is in operation: (i) two operating headlights (one on each side of the front of the golf cart), (ii) two operating tail lights with brake lights (one on each side of the back of the golf cart), (iii) operating turn signals (one on each side of the front and back of the golf cart), (iv) a rearview mirror, (v) a slow-moving vehicle sign that complies with Indiana Code 9-21-9-2, as amended, (vi) brakes that comply with Indiana Code 9-19-3-1, as amended, and (vii) seat belts installed for each designated seating position.

(B) The maximum occupancy of a golf cart shall be limited to the number of persons for whom the factory seating is installed, provided, however, that such maximum occupancy shall not exceed one (1) person per bucket seat and three (3) persons per bench seat. The operator and all occupants of the golf cart must be seated in the golf cart, and no part of the body of the operator or any occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion. None of the operator or any occupant of the golf cart shall stand or ride on the back of the golf cart or in any place designated for golf clubs or cargo on the golf cart. The operator and all occupants of a golf cart must wear seat belts at all times the golf cart is in motion.

(C) Golf carts shall not be operated before the sunrise nor after sunset and shall not be operated during inclement weather or when visibility is impaired by the weather, smoke, fog or other conditions, unless the golf cart, in addition to subsection A of this Section 71.06 is equipped with an operating amber flashing lamp complying with Indiana Code 9-21-9-4.

(D) Golf carts shall be operated in the far right of the travelled portion of the street and shall yield the right-of-way to overtaking vehicles as soon as possible to do so safely.

(E) Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. Golf carts shall not be stopped or parked in areas where parking is not allowed or in any place that may impede the flow vehicular or pedestrian traffic. Golf carts shall not be stopped or parked on sidewalks or in pedestrian areas.

§ 75.07 REGISTRATION.

(A) No golf cart shall be operated on the streets of the Town unless the owner of such golf cart shall have obtained a valid and current golf cart permit from the Town. All golf cart permits shall be valid for no longer than one (1) permit year and expire annually on April 30, regardless of the date upon which such permit issued. Applications for a golf cart permit shall be made to the Police Department on an application form approved by the Town Council from time to time. The fee for such permit shall be \$25.00.

(B) As additional conditions to the issuance of the golf cart permit, the golf cart shall pass an inspection by the Police Department ensuring that the golf cart complies with the terms and requirements of this Chapter, and at the time of such inspection, the owner of such golf cart shall provide written proof of financial responsibility. The owner shall be responsible for scheduling the inspection with the Town Police Department at the time or after the owner submits the golf cart application.

(C) Upon issuance of the golf cart permit, the golf cart owner will be issued a registration form and decal with the registration year. The registration form shall be kept in the golf cart. Any operator, upon request by a law enforcement officer, must provide the current registration form. The decal shall be placed on the left rear of the golf cart so as to be visible at all times from the rear of the golf cart.

(D) Golf cart owners holding expiring golf cart permits must submit a new application, have their golf cart pass an inspection as required by this Section 75.07, provide proof of financial responsibility and otherwise be in compliance with this Chapter in order to obtain a new permit for the next permit year. Golf cart permits for the next permit year shall not be issued earlier than April 1 of the current permit year. Golf cart permits for the current permit year may be issued at any time during the current permit year.

§ 75.08 VIOLATIONS.

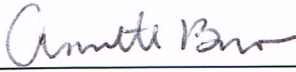
(A) An individual who violates this Chapter, whether as an operator of a golf cart or a passenger in a golf cart, shall on the first offense be fined an amount of \$50.00. An individual who violates this Chapter a second time within the same permit year shall be fined an amount of \$100.00. An individual who violates this Chapter a third time within the same permit year shall be fined an amount of \$200.00 and their golf cart permit shall be revoked if such individual is a golf cart owner. An individual who violates this Chapter, more than three times within the same permit year shall be fined an amount of \$250.00 for each additional violation. An individual who violates this Chapter by operating a golf cart when permanently prohibited from operating a golf cart pursuant to subsection (B) or subsection (C) of this Section 75.08 shall be fined an amount of \$250.00 for each such violation regardless of the number of previous violations in the current permit year.

(B) If a golf cart owner receives a total of three violations of this Chapter during any permit year, receipt of such a violation shall include both the owner individually as

the operator of any golf cart and any other individual operating such owner's golf cart, then such golf cart owner's golf cart permit shall be revoked. If a golf cart owner's permit is revoked pursuant to this subsection (B), then such golf cart owner shall not be eligible to apply for or to obtain any golf cart permit or operate a golf cart in the Town until the expiration of the next full permit year. If a golf cart owner's permit is revoked for the second time pursuant to this subsection (B), then such golf cart owner shall be permanently prohibited from apply for or obtaining any golf cart permit and shall be permanently prohibited from operating a golf cart in the Town.

(C) If any individual, as the operator of any golf cart, receives a total of three violations of this Chapter during any permit year, then such individual shall be prohibited from operating any golf cart in the Town until the expiration of the next full permit year. If any individual, as the operator of any golf cart, receives a total of three violations of this Chapter during any permit year for a second time, then such individual shall be permanently prohibited from operating any golf cart in the Town.

IN WITNESS WHEREOF, the above stated Ordinance has been duly adopted and ordained this 5th day of February 2019.



Annette Brown - Member



Phil Klotz - Member



Alex Cook - Member




Matt Moyer - Member



Carl Gilbert - Member

ATTEST:



Fred Avery, Clerk-Treasurer