

ORDINANCE NO. 091420

**ORDINANCE GOVERNING THE USE OF GOLF CARTS
IN THE TOWN OF INGALLS, INDIANA**

WHEREAS, Indiana Code § 9-21-1-3 authorizes municipalities like the Town of Ingalls, Madison County, Indiana ("Ingalls"), within its reasonable exercise of police power to regulate or prohibit the operation of low speed vehicles and golf carts on its public roadways; and

WHEREAS, some residents of Ingalls have expressed a desire to operate golf carts on certain highways within Ingalls' jurisdiction; and

WHEREAS, Ingalls desires to accommodate its residents' desire for reasonable alternative modes of local transportation while balancing public safety concerns regarding the use of golf carts on Ingalls' roadways; and

WHEREAS, upon review by the Town Council of the Town of Ingalls, Indiana, it has been determined that golf carts may be reasonably operated on some public roadways, located within designate residential areas without presenting an imminent danger to golf carts operators, pedestrians or drivers; and

WHEREAS, Ingalls now desires to authorize the operation of golf carts on some public roadways within Ingalls' corporate boundaries.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Ingalls, Indiana, as follows:

SECTION I
DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

A. "Roadway" shall mean a road or alleyway included in Ingalls' road inventory and for which Ingalls has primary responsibility for maintenance and oversight.

B. "Golf Cart" shall mean, pursuant to Indiana Code § 9-13-2-69.7, 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.

C. "Proof of Financial Responsibility" shall mean, pursuant to Indiana Code § 9-25-2-3, proof of ability to respond to damages for liability that arises out of the ownership, maintenance, or use of a Golf Cart in the following amounts:

1. Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of any one (1) person;

2. Subject to the limit in subdivision (1), Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and
3. Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property in any one (1) accident.

D. "Current driving license" shall mean, pursuant to Indiana Code § 9-13-2-41, every class and kind of license or permit that evidences the privilege to operate a motor vehicle upon the highways of Indiana. The term includes a privilege granted by the license.

E. "OEM - Original Equipment Manufacturer" for the purpose of this Ordinance shall have the meaning of a Golf Cart that has not been modified with aftermarket equipment or altered from its originally engineered design.

F. "INDOT" is the acronym for Indiana Department of Transportation.

SECTION II **OPERATION OF GOLF CARTS**

The operation of a Golf Cart on a public roadway within the corporate limits of Ingalls, Madison County, Indiana, is strictly prohibited unless the Golf Cart is operated in full compliance with this Ordinance.

SECTION III **DESIGNATED ROADWAYS**

To protect the safety of the residents of Ingalls, Indiana, Golf Carts shall only be operated on public streets and alleys within the Town's incorporated limits and may, pursuant to Indiana Code § 9-21-3-3, be allowed to cross a highway in the state highway system at right angles in order to travel from one public street or alley within Ingalls, Indiana, to another but only when said operation can be done safely.

SECTION IV **PROHIBITION AGAINST OPERATION - TIME OF OPERATION**

Golf Carts shall only be operated on Designated Roadways from sunrise to sunset.

SECTION V **PUBLIC WAYS - PLACE OF OPERATION**

Golf Carts shall not be operated, in Ingalls, on any of the following:

- A. Sidewalks;
- B. Non-Designated Roadways; and

C. Multi-Use Pathways.

SECTION VI
REGISTRATION OF GOLF CARTS

A. At least ten (10) days prior to first operating a Golf Cart, any owner of a Golf Cart desiring to operate the same on the public streets, highways and all alleyways within the Town of Ingalls, Indiana, must register the Golf Cart with the Ingalls Police Department, which is charged with the responsibility for inspecting and registering Golf Carts. The Ingalls Police Department shall also maintain records of the registration for Golf Carts, which shall include but not be limited to, the name of the owner(s), address of the owner(s), contact information for the owner(s), the name of insurance company, insurance policy number, and insurance agent name and contact information, and other information deemed necessary by the Ingalls Police Department to maintain a complete registry of such vehicles.

B. Before registration of a Golf Cart, the Ingalls Police Department shall inspect a Golf Cart to ensure that it is equipped with the following and it shall be the registrant's continuing obligation to maintain said Golf Cart in a good working order and adjustment, so as to ensure that the vehicle is in a safe mechanical condition that does not endanger the person who drives the vehicle, another occupant of the vehicle or a person upon the public streets, highways and alleyways of the Town of Ingalls, Indiana. Said equipment shall include the following:

1. At least one (1) tail lamp, located in the center of the rear of the Golf Cart, that emits a red light plainly visible from a distance of five hundred (500) feet to the rear, located, as measured from the center of the tail lamp, not less than twenty (20) inches and not more than seventy-two (72) inches to the level ground upon which the vehicle stands when the vehicle is without a load;
2. On four-wheeled Golf Carts, at least two (2) red reflectors carried on the rear, either as a part of the tail lamps or separately, mounted at a height measured from the center of the reflector of not less than twenty (20) inches and not more than sixty (60) inches to the level ground upon which the vehicle stands when the vehicle is without a load. The reflectors must be of a size and characteristic and mounted so as to be visible at night from all distances within one hundred (100) feet to six hundred (600) feet from the vehicle when directly in front of lawful upper beams of head lamps from approaching vehicles.
3. At least one (1) red reflector carried on the rear of a two-wheeled vehicle located at the center of said vehicle at a height measured from the center of the reflector of not less than twenty (20) inches and not more than sixty (60) inches to the level ground upon which the vehicle stands when the vehicle is without a load. The reflector must be of a size and characteristic and mounted so as to be visible at night from all distances within one hundred (100) feet to six hundred (600) feet from the vehicle when directly in front

of lawful upper beams of head lamps from approaching vehicles.

4. One safety belt for each passenger, which belt shall meet the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49CFR571.208), which each occupant shall maintain properly fastened about the occupant's body at all times when the vehicle is in motion;
5. A slow moving vehicle emblem, consisting of a design in compliance with Indiana Code 9-21-9-5, which shall be mounted as near as practicable to the center of mass of the vehicle at an approximate height of not less than three (3) feet and not more than five (5) feet from the level ground upon which the vehicle stands when the vehicle is without a load. The emblem shall be mounted, so as to be entirely visible from the rear, day or night. Such an emblem shall be required on all Golf Carts that operate or may not be driven at a speed of greater than twenty-five (25) miles per hour.

C. Upon registration of the Golf Cart and the payment of the sum of Ten Dollars (\$10.00) from the person(s) registering said vehicle, the owner(s) of said vehicle shall receive a registration sticker which is valid for one (1) calendar year from the date of registration and that must be displayed at all times during operation on public streets, highways and alleyways within the Town of Ingalls, Indiana, in a visible location on the rear of said vehicle. If a registration sticker is not available at the time of registration, the owner(s) will receive written proof of registration to be carried during the operation of said vehicle on public streets, highways and alleyways of the Town of Ingalls, Indiana, until the registration sticker is issued. Any and all renewals of the Golf Cart registration for a vehicle described above shall be renewed at least ten (10) days prior to its expiration. If said registration renewal and inspection is conducted within ten (10) days prior to the annual renewal date, the cost of said renewed registration and inspection shall be Ten Dollars (\$10.00); however, if said registration and inspection is allowed to expire, any further registration or inspection of said vehicle shall be at the charge of Twenty Dollars (\$20.00).

D. The registration of a Golf Cart may not be transferred to another person.

E. The Ingalls Police Department shall not register any Golf Cart that is not in compliance with this section.

SECTION VII **TRAFFIC RULES**

Any Golf Cart being operated on a Designated Roadway, in compliance with the provisions of this Ordinance, shall comply with all traffic rules and regulations enacted by the State of Indiana and the Ordinances of the Town of Ingalls, Indiana, which govern the operation of motor vehicles.

SECTION VIII **REQUIREMENT - POSSESSION OF PROOF OF INSURANCE**

Each Golf Cart operated on Designated Roadways within Ingalls shall maintain current

insurance as specified on Section I (C) of this Ordinance. The Proof of Insurance must be carried in or on the Golf Cart at all times it is being operated on Designated Roadways.

SECTION IX
IMPOUNDING GOLF CARTS - NON-COMPLIANCE

Notwithstanding any law to the contrary, a law enforcement officer authorized to enforce motor vehicle laws who discovers a Golf Cart that is in violation of Section VI, VII, IX, XI, and/or XII of this Ordinance shall take the Golf Cart into the Officer's custody; and may cause the vehicle to be taken to and stored in a suitable place, at the owner's expense, until such time as the owner can take possession and transport the Golf Cart without violating the provisions of this Ordinance.

SECTION X
PENALTIES

Ingalls Police Department shall issue a uniform ordinance violation citation to any person or persons violating a provision of this Ordinance. Violators of this Ordinance are subject to the following schedule of fines:

- A. Moving violations shall be subject to a fine not to exceed Fifty Dollars (\$50.00) for each offense, along with Court costs in the amount that now exists or may hereafter be determined by ordinance, statute or the Court of jurisdiction.
- B. Equipment (non-moving) violations shall be subject to a fine not to exceed Twenty-Five Dollars (\$25.00) for each offense, along with Court costs in the amount that now exists or may hereafter be determined by ordinance, statute or the Court of jurisdiction.

All fines prescribed by this Ordinance for a violation or violations shall be paid to the Town Ordinance Violations Bureau, which shall render to the person making payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town.

Should any violation or violations be referred to the Ingalls Town Attorney for enforcement, the violator shall be responsible for all attorney's fees and Court costs associated with such enforcement action in addition to any fine set forth herein.

SECTION XI
SEVERABILITY OF PROVISIONS

If any part of this Ordinance is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provision of this Ordinance.

SECTION XII
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and due

publication.

SECTION XIII
INTRODUCTION-PASSAGE

Introduced and filed on the 14 day of September, 2020. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 4 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 14 day of September, 2020 by the Town Council of the Town of Ingalls, Madison County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN OF INGALLS, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:



Scot Lawyer

Scot Lawyer



Georgia Parker

Georgia Parker


Teresa Egerton

Teresa Egerton



Melanie Johnson

Melanie Johnson



Will McWain

Will McWain

ATTEST:



Kip Golden, Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.