

**AN ORDINANCE REGULATING GOLF CARTS
FOR THE TOWN OF FRANCESVILLE, INDIANA**

Ordinance No. 3 of 2018

WHEREAS, the Town Council of the Town of Francesville, Indiana (the “**Town Council**”), pursuant to Ind. Code § 9-21-1-3.3, finds that the operation of motorized carts, more commonly referred to as “golf carts” on privately-owned roads, highways, and other public rights-of-way under this jurisdiction of the Town of Francesville, Indiana (the “**Town**”) should be regulated; and

WHEREAS, any ordinance adopted under the purview of Ind. Code § 9-21-1-3.3 may not conflict with or duplicate another state law, nor may it conflict with any driver’s licensing requirement of another provision of the Indiana Code; and

WHEREAS, in addition to the regulation of golf carts, as that term is defined in this Ordinance, the Town Council is also desirous of permitted Side by Sides to operate on Town-owned streets, subject to the restrictions set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Winamac, Indiana, that the following Ordinance Regulating Golf Carts for the Town of Winamac, Indiana, is adopted as follows:

Section I.
Definitions

1. “**Golf Cart**” shall mean a vehicle with four (4) wheels, originally designed for operation on a golf course and powered by a battery or internal combustion motor.
2. “**Side by Side**” shall mean a multipurpose off-highway utility vehicle with four (4) or more wheels, a steering wheel, non-straddle seating, foot controls for throttle and braking, occupant restraints, and ROPS rollover protective structures.
3. “**Driver’s License**” shall mean a valid license to operate a motor vehicle issued by the State of Indiana, or any other state.
4. “**Financial Responsibility**” shall mean liability insurance on the golf cart or side by side in an amount not less than the minimum required by Indiana law for motor vehicles operated on public highways in the State of Indiana.
5. “**Operate**” shall mean to exercise control over the function or movement of a golf cart or side by side.
6. “**Approved Helmets**” shall mean those that meet U.S. Department of Transportation standards.

Section II.

Registration and Regulation

1. **Compliance with Ordinance.** The operation of a golf care/side by side within the Town is strictly prohibited, unless the golf cart/side by side is operated and equipped in full compliance with this Ordinance. Any person who operates a golf cart/side by side in violation of the regulations set forth in this Ordinance, shall be subject to a penalty as set forth herein.

2. **Registration/Transfer Fee.**

- (a) **Golf Cart.** A registration fee of Twenty-Five Dollars (\$25.00) for each golf cart registered shall be payable at the time of registration, and the registration shall be effective for a period of one (1) year. The registration fee shall be paid by May 1st of each year, in order to utilize a golf cart for the current year in which the registration is paid. All registration fees for golf carts are to be deposited in the Town's Rainy Day Fund.
- (b) **Side by Sides.** A registration fee of Fifty Dollars (\$50.00) for each side by side registered shall be payable at the time of registration, and the registration shall be effective for a period of one (1) year. The registration fee shall be paid by May 1st of each year, in order to utilize a side by side for the current year in which the registration is paid. All registration fees for side by sides are to be deposited in the Town's Rainy Day Fund.

3. **Decals Issued Upon Registration.** Prior to operation on private roads, highways, and other public-right-of-way, within the jurisdiction of the Town, a golf cart/side by side shall be registered by its owner with the Town Marshall. Upon such registration the Town Marshall, or other Town designee, shall issue two numerical identification decals to the owner and shall maintain a record of each identification number, along with the name and address of the registered owner. The identification decals shall be affixed to the front and rear fender areas of the golf cart/side by side so as to be fully visible when the golf cart/side by side is in operation. Registration and Decals are non-transferrable.

- (a) The Town Council, in its sole and absolute discretion, may issue a single use, temporary, or a dealer multi-use registration, which may be subject to any restrictions or time and areas of operation.
- (b) In addition to all of those requirements as set forth in this Ordinance, each owners/operator of any side by side registered pursuant to this Ordinance must also have their side by side or UTVs registered with the State of Indiana, as required pursuant to Ind. Code § 14-16 et seq., or as otherwise required pursuant to state or federal law.

3. **Proof of Financial Responsibility.** The owner of every golf cart/side by side operated on private roads, highways and other public rights-of-way shall furnish proof of financial responsibility, as that term is defined by Ind. Code § 9-25-2-3. Written proof of financial responsibility must be carried by the operator at all times.

4. **Operational Regulations.**

- (a) Golf carts/side by sides shall be maintained in proper working condition, with all equipment in good working order.
- (b) Golf carts/side by sides shall be identified with a slow moving vehicle sign, as allowed pursuant to Indiana Code § 9-21-9-0.5, and equipped with two (2) operating headlights, two (2) operating taillights, working brake lights, and turn signals on front and rear, all of which is visible from a distance of five hundred (500) feet and which will allow the licensed operator to operate on non-prohibited private roads, highways, and other public rights-of-way, under the jurisdiction of the Town, posted with a speed limit of thirty (30) miles an hour or less at a speed no greater than thirty (30) miles per hour.
- (c) Only persons possessing a valid driver's license issued by the State of Indiana, another state of the United States of America or an international agency shall be permitted to operate a golf cart/side by side on private roads, highways, and other public rights-of-way, under the jurisdiction of the Town.
- (d) Golf carts/side by sides shall not be operated on the Town's sidewalks or other walking trails. Neither shall be operated on any State Road or Highway, except to cross perpendicular at all exits.
- (e) Owners/operators of side by sides who permit any child under the age of eighteen (18) years of age to ride their side by side on public or private property without wearing an approved helmet may be charged with a Class C Infraction, which carries a maximum penalty of Five Hundred Dollars (\$500.00). This penalty runs in addition to any other penalty prescribed under this Ordinance.
- (f) The number of occupants on a golf cart/side by side shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart/side by side. The operator and occupants shall be seated in the golf cart/side by side and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart/side by sides while the vehicle is being operated. Side by side operator and occupants shall be restrained with factory restraints.
- (g) Operators of all golf carts/side by sides must yield to overtaking traffic.
- (h) The operator of a golf cart/side by side, shall comply with all traffic laws and rules adopted by the State of Indiana, and all ordinances of the Town.

Section III.

Penalties.

1. **Violations.** It shall be the policy of the Francesville Town Marshall, or any other law enforcement agency with applicable jurisdiction, to issue a uniform traffic citation to any person the officer has probable cause to believe has violated a provision of the Indiana Code, or any Town ordinance, while operating a golf cart/side by side, irrespective of if the offending person is a juvenile or any other person.

- (a) Any unregistered golf cart/side by side is in violation of this Ordinance shall be issued an Indiana Uniform Traffic Citation, and may be towed, at the owner's expense.

2. **Penalties.** Any owner and/or operator of any golf cart/side by side found to be in violation of this Ordinance, shall be issued the following fine(s):

- (a) First Offense. A Twenty-Five Dollars (\$25.00) fine shall be issued.
- (b) Second Offense (within one year). A Fifty Dollar (\$50.00) fine shall be issued.
- (c) Third Offense (within one year). A One Hundred Dollars (\$100.00) fine shall be issued, and the owner's registration to operate a Golf Cart shall be revoked for a period of one (1) year from the date of the Third Offense.
- (d) Any fine assessed under this Section shall be deposited in the Town's General Fund.

3. **Exemptions.** An exemption may be issued for a limited time, location, and purpose, by the Town Council, as occasions and conditions so require. Such occasions include, but are not limited to, parade participations and festivals.

Section IV.

Miscellaneous Provisions

1. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.

2. **Severability.** If any part of this Ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

Section IV.

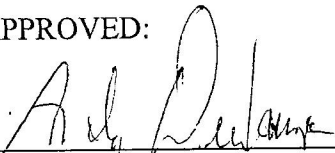
Effective Date

1. **Effective Date.** This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.


PASSED AND ADOPTED BY THE TOWN COUNCIL OF TOWN OF FRANCESVILLE, , INDIANA,
THIS 19TH DAY OF NOVEMBER, 2018.

THE FRANCESVILLE, INDIANA TOWN COUNCIL

APPROVED:



Andy Durham, President



Pamela Antrim, Council Member



Kyle Trent, Council Member

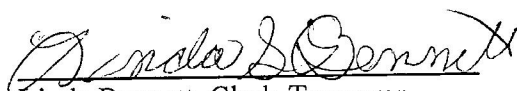
OPPOSED:

Andy Durham, President

Pamela Antrim, Council Member

Kyle Trent, Council Member

ATTEST:



Linda Bennett, Clerk-Treasurer
Town of Francesville