

ORDINANCE NUMBER # 2012 -1 AMENDED

Town of Millersburg, Indiana

GOLF CART / UTILITY CART

USE AND REGULATIONS OF GOLF/UTILITY CARTS ON TOWN STREETS

Whereas, the State of Indiana has by House Enrolled Act No. 1483 added a new section, Indiana Code 9-13-2-69.7, a definition of "Golf/Utility Cart" which vehicles may be allowed to operate on Town streets and cross State Highways, provide the Town has adopted an appropriate ordinance which does not violate State law; and,

WHEREAS, the Town does wish to provide for limited use of golf/utility carts in the Town of Millersburg, Indiana.

NOW, THEREFORE, BE IT RESOLVED, ESTABLISHED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG, INDIANA AS FOLLOWS:

DEFINITIONS: (Section #1)

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Golf/Utility Cart" shall have the definition provided in Indiana Code 9-12-2-69-7, As it now exists, that term means: "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". No self-assembled or changes will be made to the Golf/Utility Cart to prevent it from staying within definition stated above. Three Wheel ATV, Go Carts, Mini-Bikes, Four Wheel ATV, Gators or anything similar will be not allowed on the Town Streets and do not meet the qualification for this ordinance.
- (b) **Exceptions are Utility vehicles owned/operated by Clinton Township Fire Department and the Millersburg Marshal's Office while in performance of their duty.**
- (c) "Driver's License, State ID card, or Learner Permit" A valid current license/State ID/Learner Permit card to operate a motor vehicle issued by Indiana or any other state.
- (d) "Financial Responsibility" Liability insurance coverage on a golf/utility cart in an amount not less than required by Indiana Law for motor vehicles operated on public highways in the State of Indiana.

OPERATION OF GOLF CART/UTILITY CART: (Section #2)

The operation of a golf/utility cart on Town streets within the Town of Millersburg is strictly prohibited unless the golf/utility cart is operated and equipped in full compliance with this Ordinance.

OPERATOR: (Section #3)

Only persons (15) years of age, or older and holding a valid, current driver's license, Learner Permit, or Indiana State ID may operate a golf/utility cart. A driver will not allow a child to drive or press any pedals used to drive the golf/utility cart while on the streets or in any public park.

FINANCIAL RESPONSIBILITY PROOF: (Section #4)

The operator of a golf/utility cart must show financial responsibility when operating a golf/utility cart. Written proof of financial responsibility must be available either on the golf/utility cart or carried by the operator at all times. The owner must show written financial proof of insurance at time golf/utility cart is inspected by the Town Marshal. The Town Marshal has the right to not issue an inspection sticker to any Golf/utility Cart until the Town Marshal is satisfied that the insurance meets the standard of insurance required by the Town of Millersburg.

Indiana Code 9-25-2-3 Proof of financial responsibility

"Proof" of financial responsibility means proof of ability to respond in damages for each motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:

- (1) Twenty-five thousand dollars (\$25,000.) because of bodily injury to or death of any one person.
- (2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident.
- (3) Ten thousand dollars because of injury to or destruction of property in any one accident.

TIME OF OPERATION and LIGHTING EQUIPMENT: Section #5

Golf/Utility Carts will be allowed to operate at any time of day or night with the following stipulations. The golf/utility cart will be equipped with two headlights (one on each side of the front of the cart), and two operating tail lights with brake lights (one on each side of the rear of the cart). All lights will be visible 500 feet to the front (headlights) and rear (taillights). Headlight will be aimed in a manner as to not blind or interfere with oncoming vehicles and set to Indiana Traffic Code standards. If light bars are used instead of headlights the light bar must be installed on the front bumper, not on top of the cart or above the windshield. The golf/utility cart has the option of having a flashing amber light visible from all sides, with visibility of 500 feet. A standard size slow moving sign is required. **Taillights, headlights, will be in use and on, at any time the vehicle is in motion and or on the Town streets (Unless parked in a proper parking space).** Brake lights will be on anytime the vehicle is stopping. Headlight will be white in color and Taillights will be red in color, and brake light will be red in color (Optional amber side marker lights may be displayed on golf/utility cart). **Turn signals** are required and

may be either red or amber in color on the rear and amber on the front. Turn signals will be used anytime cart is on the street and making a left or right turn. Turn signals will be placed on the front and rear of the cart, close to each side of the front and rear of the cart. No other color of lights, marker lights or ground type lights will be used on the cart or displayed while the golf/utility cart is on Town streets or parking area unless given special permission by the Town Marshal. No other flashing lights will be allowed other than the flashing amber light on top of golf/utility cart and turn signals and brake lights when engaged to stop.

Rear view mirror shall be placed in a manner that the driver can visibly see to the rear of the golf/utility cart to observe traffic coming up to the rear of the cart.

Slow Moving Vehicle Sign: Section #6 Under Indiana Code 9-21-9-0.5 / 9-21-1-3 / 9-21-1-3.3

Golf/utility cart will be required to have a full size-slow moving sign affixed to the rear of the golf/utility cart as close to center as possible and not less than two (2) feet from ground level and not above five (5) feet.

Occupants: Section #7

The number of occupants in a golf/utility cart shall be limited to the number of persons for whom factory seating is installed and provided on the cart. The operator and all occupants shall be seated in the golf/utility cart and no part of the body of the operator or occupants shall extend outside the perimeter of the golf/utility cart while the golf/utility cart is being operated.

- A) No person shall have a golf/utility cart in motion while having a child or animal sitting on their lap.
- B) Children are required to be sitting the same as an adult. Smaller children will be required to be secured in a child seat as required by Indiana code 9-19-11-2 (age 8 and below).

Traffic Rules: Section #8

The operator of the golf/utility cart will comply with all traffic rules and regulations adopted by the State of Indiana and the Town of Millersburg which govern the operation of motors vehicles.

Speed Limit: Section #9

No golf/utility cart shall be operated at a speed in excess of twenty (20) miles per hour irrespective of posted speed limit. In the event any posted speed limit is less than twenty (20) miles per hour, the posted speed limit shall be the maximum.

Safety Equipment Required: Section: #10

- a) Brakes as specified in Indiana Code 9-19-3-1
- b) Turn Signal Lamps front and rear must be clearly visible from front or back of the cart. (Amber or Red to the rear) (Amber to the Front)
- c) Rear View mirror
- d) Flashing Amber Light (optional)
- e) Tail Lights.
- f) Headlights
- g) Slow Moving Standard size sign on rear.

PARKING and Place of Operation: Section #11

Parking of golf/utility cart shall be in designated area for parking golf/utility cart or motor vehicle. NO PARKING ON SIDEWALKS, ALLEYS, OR LAWNS, or area not used for motor vehicles. No person shall operate a golf/utility cart on any bicycle path, running path, or sidewalk.

No golf/utility cart will be driven along the easement or on Benton St./State Road 13 at any time. No golf/utility cart will be driven in the grass along easement without having written permission from property owners to do so, and have it on them at all times to show police officers. Permission slip must have owners name address telephone number and an explanation of what type permission the operator of the golf/utility cart owner has on their property and their signature and date.

Crossing State Road 13: Section #12

Golf/Utility Carts will ONLY cross Benton St./State Road 13 at designated location and will only travel straight across and not at any angle. Crossings will only be done where golf/utility cart crossing signage is displayed.

Designated crossings are as follows:

- (1) Elm Street, crossing East into alley or from alley next to Farmers State Bank West onto Elm Street.
- (2) Washington Street Crossing East to West or West to East.
- (3) Person wishing to go to the gas station cannot travel along easement but must go down alley or streets, and not down Benton St./S.R. 13.

Registration and Inspection Fee: Section #13

A valid, current registration / Inspection sticker must be affix to golf/utility cart at all times while operating on Town Streets.

- a) An annual golf/utility cart inspection and registration shall occur by appointment with the Town Marshal's Office. The annual fee will be Fifty Dollars (\$50.00), slow moving emblem

(triangle sign) and paid to the Town Marshal at the time of the registration / inspection. Monies will be placed in the Town of Millersburg Police Department Law Enforcement Education Fund.

- b) The Town Marshal will inspect all golf/utility carts to determine if they meet the standards of the Town Ordinance and State of Indiana.
- c) The Town Marshal will also at the time of the inspection check the insurance paperwork for proper financial responsibility, and determine if it is current and valid.
- d) THE ANNUAL INSPECTION STICKER MUST BE DISPLAYED ON THE FRONT OF THE GOLF/UTILITY CART IN A VISIBLE LOCATION.
- e) Inspection stickers will be valid from January 1st to December 31st no matter when inspection sticker is applied during that year.
- f) Current inspection stickers can only be removed by the authority of the Town Marshal's Office and cannot be transferred from one Golf/Utility Cart to another.

A temporary registration sticker may be obtained for a period of ten days beginning on and including the day of issuance for a fee of Ten Dollars (\$10.00), provided the applicant for said temporary permit meets the same requirement for the golf/utility cart as the annual registration.

Registration stickers are not transferable if the Golf/Utility cart is sold. The new owner must register the newly acquired Golf/Utility cart if using it town.

The Town of Millersburg Town Council as a whole, and or the Town Marshal may waive a registration for certain events or Holidays that may come up during the year. The Town Marshal will still have the right to remove any golf cart/utility from use if he determines the golf/utility cart or occupant is a safety hazard.

Handicapped Parking Section #14

Golf/utility Carts parked in a handicapped parking space must have a handicapped sticker displayed. Failure to display will be subject to ticketing under Indiana Code 5-16-9-5 and will be fined no less than two hundred dollars (\$200.00).

Noise Restrictions: Section #15

- (a) No golf/utility cart will emit sound from an electronic source to include radios, and or any other device that can be heard further than fifty feet from the golf/utility cart, to include bass noise coming from a speaker.
- (b) No golf/utility cart will emit noise from the engine or any other components that is not muffled as to not be heard further than fifty feet from the golf/utility cart.
- (c) No loud speakers will be used on a golf/utility cart without permission from the Town Council as a whole and or the Town Marshal.
- (d) No person in the golf/utility cart either as the driver or passenger will make excessive noise that would disturb the public. A police officer can enforce this violation without a complaint from the public in order to be proactive.

Weather: Section #16

No golf/utility cart will be allowed to drive on the Town Streets if there is fog, rain, or if streets are wet or snow covered or visibility in any manor would hinder the golf/utility cart from being seen by other traffic. Streets must be dry.

Alcohol Section #17

No person will consume alcoholic beverage and drive a golf/utility cart on Town Streets or right of way.

No person will have an open container in the golf/utility cart, whether it is the driver or a passenger.

No person will have alcohol visible and must be transported in a closed container not assessable to the driver of the golf/utility cart.

Fines and Fees: Section #18

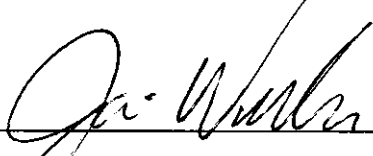
A person, who violates this ordinance in part or any section as a whole, shall be fined an amount of Fifty Dollars (\$50.00). A person who violates this ordinance a second time within a calendar year of the first offense shall be fined the sum of One Hundred dollars (100.00). For each violation over two times in a One Year period, the person will be fined a sum of Two hundred Fifty dollars (250.00) and lose his permit to drive a golf cart in the Town of Millersburg. Fine and Fees are payable to the Town of Millersburg Clerk Treasurers Office, and funds will be placed in the Police Department LECE Account.

Ordinance 2022 – 3-5, shall be in full force and effect from and after its passage and any publication which may be required by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG INDIANA,

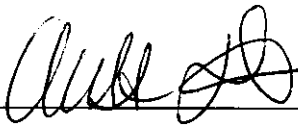
ON THE 23 DAY OF March 2022

Town Council of the Town of Millersburg, Indiana



Council President Jim Winkler

Council Dean Smith



Councilman Austin Turner

ATTEST:



Mackenzie Taylor, Clerk – Treasurer

On this 23 day of March, 2022

My Notary Commission Number is: 12-31-2023
Expires

Expires: _____.

Effective Date: March 23, 2022 6:00 p.m.