

AN ORDINANCE REGULATING GOLF CARTS FOR THE TOWN OF WINAMAC, INDIANA

Ordinance No. 11 of 2017

WHEREAS, the Town Council of the Town of Winamac (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 Winamac (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.

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. **“Motorized Cart” or “cart”** shall mean an electric or gasoline powered motor vehicle, commonly called a "golf cart", having no less than four wheels, an unladen weight of no more than one thousand five hundred (1,500) pounds, and as further defined in Indiana Code § 9-13-2-69.7.

Section II.

Registration and Regulation

1. **Registration/Transfer Fee.** A registration fee of Twenty-Five Dollars (\$25.00) for each 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 January 31st of each year, in order to utilize a golf cart for the current year in which the registration is paid. All registration fees for motorized carts are to be deposited in the Winamac Police Department's Continuing Education Fund.

2. **Decals Issued Upon Registration.** Prior to operation on private roads, highways, and other public-right-of-way, within the jurisdiction of the Town, a motorized cart shall be registered by its owner with the Winamac Police Department. Upon such registration the Winamac Police Department 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 cart so as to be fully visible when the cart is in operation. Registration and Decals are non-transferrable.

3. **Proof of Financial Responsibility.** The owner of every motorized cart 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) Motorized carts shall be maintained in proper working condition, with all equipment in good working order.
- (b) Motorized carts shall be identified with a slow moving vehicle sign, as prescribed by Indiana Code § 9-21-9-2, and equipped with headlights, taillights, brake lights, and turn signals, 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-five (35) 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 motorized cart on private roads, highways, and other public rights-of-way, under the jurisdiction of the Town.
- (d) No children under Forty-Eight (48) pounds, that would require a child safety restraint seat, are permitted to ride on a motorized cart.
- (e) Motorized carts shall not be operated on the Town's sidewalks or the greenway trails.
- (f) Motorized carts shall not be operated on any of the following listed streets within the Town's corporate limits:
 - i. U.S. Highway 35;
 - ii. State Road 14;
 - iii. State Road 119.
- (g) Crossing of U.S. Highway 35, State Road 14, and State Road 119 by motorized carts shall be permitted only at designated crossings.
- (h) Operators of all motorized carts must yield to overtaking traffic.

Section III.

Penalties.

1. **Violations.** It shall be the policy of the Winamac Police Department 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 motorized cart, irrespective of if the offending person is a juvenile or any other person.

- (a) Any unregistered motorized cart 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 motorized cart found to be in violation of this Ordinance, shall be issued the following fine(s):

- (a) First Offense. A Fifty Dollar (\$50.00) fine shall be issued.
- (b) Second Offense (within one year). A One Hundred Dollar (\$100.00) shall be issued.
- (c) Third Offense (within one year). A Five Hundred Dollars (\$500.00) 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.

3. **Duration.** Unless otherwise provided by applicable Indiana law, the provisions set forth in this Ordinance shall become and will remain in full force and effect on the first day of January, 2018, and shall continue until such time as it is either modified or repealed by the Town Council.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WINAMAC, INDIANA,
THIS 13th DAY OF NOVEMBER, 2017.

THE WINAMAC, INDIANA TOWN COUNCIL

Tom J. Murray, President

Dan Vanaman, Council Member

Alvin R. Parish, Council Member

Judy Heater, Council Member

James Watkins, Council Member

ATTEST:

Melanie A. Berger, Clerk-Treasurer