

ORDINANCE 2014- ____

AN ORDINANCE ESTABLISHING A GOLF CART/UV ORDINANCE

WHEREAS, the Town Council for the Town of Hope, Indiana (“Town Council”) desires for the use of golf carts and utility vehicles by residents to be permitted in the Town under certain circumstances; and

WHEREAS, the Town Council desires to adopt measures for said use under certain circumstances; and

WHEREAS, the Town Council desires to adopt enforcement measures and penalties to encourage compliance with this ordinance.

NOW, THEREFORE, BE IT ORDANIED by the Town Council of the Town of Hope, Indiana, as follows:

Golf Cart and Utility Vehicle Ordinance for the Town of Hope, Indiana

Section 1. Purpose

The purpose of this ordinance shall be to establish a golf cart/UV ordinance within the Town of Hope to ensure the safety and the welfare of residents operating a golf cart/UV within the Town of Hope.

Section 2. Definition

For the purpose of this section, the following words and phrases shall have the following meanings.

1. Golf Cart/UV: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.
2. Driver’s License: A valid license issued to operate a motor vehicle issued by Indiana or any other state.
3. Financial Responsibility: Liability insurance coverage on a golf cart/UV in an amount not less than required by Indiana law for a motor vehicle operated on public highways in the State of Indiana.

Section 3. Manner of Operation-General Requirements

1. No person shall operate a golf cart or utility vehicle with a bench seat and steering wheel in the Town of Hope except as hereinafter provided.

Section 4. Observance of traffic regulations mandatory

1. All applicable Indiana State Laws regarding motor vehicles shall be adhered to, including the possession and use of alcoholic beverages and illegal drugs.

2. The operator of the golf cart/UV shall comply with all traffic rules and regulations adopted by the State of Indiana and the Town of Hope which governs the operations of motor vehicles.

Section 5. Permit Required

1. No golf cart/UV shall be operated in the Town of Hope unless a permit from the Hope Town Marshal or his/her appointee has been issued to the resident owner of said golf cart/UV. The permit received from the Town of Hope must be with the golf cart/UV whenever it is operated in the Town. The permit is good for one calendar year within which it is issued and shall be renewed annually.

The fee for said permit will be \$25.00 for initial inspection and permit and then the fee will be \$10.00 for each calendar year thereafter that the golf cart is registered. Prior to any initial or renewal permit being issued the golf cart/UV shall be inspected by the Hope Town Marshal or his/her appointee to make sure said golf cart/UV complies with the requirements set forth by the Town of Hope and the State of Indiana. There shall be no permit issued if in the previous year the applicant was cited and convicted of any violations set forth by the Town of Hope or the State of Indiana.

2. Lost or Stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Town Marshal will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application or a receipt of a permit/sticker the Town Marshal may direct the applicant to re-apply and also resubmit any and all fees necessary before a replacement permit/sticker may be issued.

3. Any person who operates a golf cart/UV in the Town of Hope and fails to receive and properly display a Town of Hope permit/sticker will be subject to all applicable Indiana State laws in addition to being in violation of this ordinance.

4. Golf Cart/UV owners must complete the attached registration form, waiver of liability form and provide a copy of the proof of liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the Town Marshals Department.

Section 6. Proof of Liability Insurance

1. As part of the permit process, the resident owner of the golf cart/UV must provide proof of liability insurance before a permit will be issued. The proof of insurance must be with the golf cart whenever said golf cart/UV is in operation. Proof of insurance liability must be provided annually in order to renew the golf cart/UV permit.

Section 7. Standard Equipment Regulations

All golf carts/UVs shall be equipped with the following:

1. Brakes that are in good working condition.
2. DOT approved slow moving vehicle sign on the back of the golf cart/UV.
3. Golf cart/UV shall be equipped with a rear view mirror.
4. Golf carts/UVs shall be equipped with a manufacturer's serial number plate.
5. Golf cart/UV shall have front and rear reflectors.
6. Golf carts/UV shall have working head lights, tail lights and brake lights which are visible from a distance of 500 feet.
7. Any other equipment that may be defined by the State of Indiana and/or the Town of Hope.

Section 8. Times of Operation

Golf carts may be operated during the following times:

1. Golf carts/UVs are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of 500 feet.

Section 9. Operation Regulations

The following regulations apply to the operation of a golf cart/UV within the Town of Hope:

1. Golf carts/UVs will adhere to all traffic flow patterns and will operate on the right side of the roadway.
2. Operators of golf carts/UVs will adhere to all rules of the road applicable to motorized vehicles as set forth by the Indiana Bureau of Motor. A golf cart/UV may be operated by persons who are:
 - a) At least sixteen (16) years of age and possess a valid driver's license.
 - b) If the operator is over the age of sixteen (16) years old and qualifies for a handicapped parking space they may operate a golf cart/UV on public streets upon the submission of a certificate signed by a licensed physician that the driver is able and capable to operate a motorized golf cart/UV on the roadways designated. The operator must have the certificate and handicap parking tag in their possession while operating a motorized golf cart/UV.

c) Underage Operators are defined as follows: A person under the age of (16) sixteen years old may not legally drive a golf cart on any Town streets, roadways or alleys.

3. All riders in the golf cart must remain seated at all times.

4. The number of occupants in a golf cart/UV shall be limited to the number of adult persons for whom individual seating is installed and provided on the golf cart/UV. The operator and all occupants shall be seated in the golf cart/UV and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart/UV while the vehicle is in motion.

5. Children in golf carts/UVs must be accompanied by an adult driver and must follow all requirements of this subsection except the capacity limits as long as all children are seated and no part of the body of the child extends beyond the sides of the cart.

Section 10. Sidewalks and Adjacent Areas

1. No golf cart/UV shall be operated upon the public sidewalk nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line referred to as the “parking” except for the purposes of crossing the same to a public street upon which operation is authorized by this chapter.

2. Two (2) golf carts/UVs may use one parking space provided they both park within the parking space lines.

Section 11. Unlawful Careless Operations

1. No person(s) shall operate a golf cart/UV in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

Section 12. Towing

1. No item shall be towed by a golf cart/UV. The only exception to this will be for Town Parades, Festivals and Special Events.

Section 13. Trespassing on Private Property

1. Golf carts/UVs shall not be operated on private property without the permission and written consent of the property owner.

Section 14. Exceptions

1. All Town Employees are exempt from the above rules and regulations when using a golf cart/UV for Town business.

2. Exceptions will be made to the rules and regulations at the discretion of the Town Marshall during Town Parades, Festivals and/or Special Events.

Section 15. Street upon which golf carts/UVs may be operated

1. Golf carts/UVs may be operated on all of the Town streets. Golf carts/UVs are prohibited on the following streets except to cross said street:

a) State Road 9

b) Exception to this will be as follows: During Town Parades, Festivals and Special Events.

Section 16. Penalty

1. Any act constituting a violation of this ordinance or a failure to comply with any of its requirements shall subject the offender, upon conviction to a fine not to exceed \$250.00. Each day that any of the provisions of this ordinance is violated shall constitute a separate offense and the subject will be charged an additional (\$25.00) twenty-five dollars per day plus (\$20.00) twenty dollars for court cost. Fees will be made payable to the Town of Hope and paid to the Town Clerk.

2. Any underage operator found to be using or operating a golf cart in violation of this ordinance to the Bartholomew County Juvenile Court.

Section 17. Severability:

1. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 18. Town Liability:

1. The Town of Hope, Hope Town Council, Town of Hope Clerk/Treasurer, Hope Police Department and all Hope Town Employees will assume no liability after issuing of said golf cart/UV permit. The Town of Hope cannot be held responsible for any operator actions while operating the golf cart/UV on Town streets, roadways and/or alleys. The Town of Hope cannot be held responsible for any deaths, injuries or any other damage that may occur from operator error or malfunction of the golf cart/UV on any street, roadway or alley in the Town of Hope.

Section 19. Effective Date:

1. This ordinance shall be in full force and effect thirty (30) days after publication of this ordinance or summary thereof in the official newspaper of the Town as provided by law.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

Passed and adopted this _____ day of _____, 2014.

TOWN COUNCIL OF THE
TOWN OF HOPE, INDIANA

Attest:

Diane Burton, Clerk-Treasurer
Town of Hope

**APPLICATION AND PERMIT TO OPERATE A GOLF CART/UV ON TOWN
STREETS**

OWNER:

ADDRESS:

Vehicle Make/Model/Year:

VIN or Serial Number of Vehicle:

INSPECTION:

Item	Compliance:	Passed/Yes	Failed/No
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Brakes

Head Lights

Tail Lights

Brake Lights

Slow Moving Vehicle Sign

Safety Flag (min height 5 ft. from street surface).

Rearview Mirror

Owner received copy of Town Ordinance.

PROOF OF LIABILITY INSURANCE: **Attach Copy to Sheet.**

PERMIT ISSUED: _____ PERMIT NUMBER: _____

OFFICER SIGNATURE: _____

OFFICER'S BADGE NUMBER: _____

DATE OF INSPECTION/APPROVAL: _____