

ORDINANCE NO. 10-2018

AN ORDINANCE TO AUTHORIZE AND REGULATE THE USE OF MOTORIZED GOLF CARTS IN THE TOWN OF DANVILLE, INDIANA

WHEREAS, the State of Indiana, by its adoption of IC 9-21-1-3.3, authorizes a city or town to adopt an ordinance regulating the use and operation of golf carts on the roads within its jurisdiction; and

WHEREAS, some residents of the Town of Danville have expressed a desire to operate golf carts on the roadways within town limits; and

WHEREAS, the Danville Town Council desires to accommodate its residents' desire for alternative modes of local transportation while balancing public safety concerns regarding the use of golf carts on Danville's public street system;

NOW, THEREFORE BE IT ORDAINED BY THE DANVILLE TOWN COUNCIL THAT:

SECTION 1. DEFINITIONS. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. "GOLF CART." Shall mean a vehicle with four wheels substantially similar to a vehicle originally and specifically designed and intended to transport one (1) or more individuals for the purpose of playing the game of golf on a golf course. The golf cart may be powered by a battery or internal combustion engine.
- B. "OPERATOR." Shall mean a person(s) holding a valid operator's license issued by the State of Indiana or another state.
- C. "FINANCIAL RESPONSIBILITY." Shall mean liability coverage applicable to the golf cart and compliant with all Indiana laws applicable to a motor vehicle operated on the public highways of the State of Indiana.
- D. "ROADWAYS." Shall mean a road or street included in the Town of Danville's road inventory system and for which the Town of Danville has primary responsibility for maintenance and oversight.
- E. "STATE HIGHWAY." Shall mean any street under the control of and maintained by the State of Indiana.

SECTION 2. INTENT. It is the intent of this ordinance to allow for the use of golf carts on the local streets within the Town of Danville. To ensure public safety and welfare, the operation of golf carts must comply with certain vehicle regulations; must be prohibited on certain streets; and must comply with certain safety regulations tailored to protect the operator and passenger.

SECTION 3. MINIMUM SAFETY EQUIPMENT.

- A. All golf carts operated on city streets shall have the following minimum safety equipment:
 - 1) Headlights, tail lights, and turn signals; and
 - 2) A side view mirror; and
 - 3) A slow-moving vehicle sign that conforms to the provisions of IC 9-21-9-2, affixed to the rear of golf cart.
- B. All of the minimum safety equipment described in division (A) shall be functional, and in use at all times while the golf cart is in operation on town streets.

- C. Other devices such as seatbelts, flashing yellow lights, safety flags and the like are not required, but may be added at the golf cart owner's discretion.

SECTION 4. GENERAL REGULATIONS.

- A. Speed Limits.
- 1) Golf carts shall only be operated on a town street having a posted speed limit of 40 mph or less.
 - 2) Golf carts may, however, cross a street that has a posted speed limit in excess of 40 mph, but no greater than 45 mph, when crossed at signalized intersections in a path perpendicular to the street or highway.
- B. Golf carts may not be operated on US 36 or SR 39 except to cross at intersections as specified in subsection (2) above.
- C. Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path, jogging path, greenway, or trail, except to cross at intersections in a path perpendicular to the path or walkway.
- D. The maximum occupancy of a golf cart traveling on town streets shall be one person per bucket seat and three persons per bench seat. All persons attached to, or riding on, a golf cart must be seated in one of the manufacturer-designed seats, and may not be standing or riding on the back or in any place designed for cargo or sporting equipment.
- E. Only persons holding a valid operator's license may operate a golf cart on town streets.
- F. Golf carts must be operated in compliance with all applicable local and state traffic laws, and the operator may be ticketed in the same manner as motor vehicle operators.
- G. Golf cart operators shall stay in the far right of the traveled portion of the road and yield the right-of-way to an overtaking vehicle as soon as possible to do so safely.
- H. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed, or in any place that may impede the flow of traffic, pedestrian walkways, or a passageway, is prohibited.
- I. Golf carts shall not be operated on town streets during inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions.
- J. Exemptions. Golf carts operated by the persons or entities described below, in the manner described below, or on the following property, are not subject to the provisions of this chapter.
- 1) The operation of golf carts at golf courses, private clubs, or on private property with the consent of the owner; or traveling to a golf course, private club, or private property.
 - 2) The operation of golf carts within gated or limited access communities, unless the streets of the community are dedicated for public use and maintained by the town.
 - 3) The use of a golf cart in connection with a parade, festival, or other special event approved by the town.
 - 4) The use of golf carts or similar utility vehicles by the town staff for official business.

SECTION 5. DISCLAIMER: ASSUMPTION OF RISK AND INSURANCE.


- A. Assumption of Risk. Any person who owns, operates, or rides upon a golf cart on a public street does so at his or her own risk and peril, and assumes all liability resulting from such activity.
- B. Insurance. Upon request by a law enforcement officer, any operator shall provide proof of financial responsibility for the operation of the golf cart on town streets. This "PROOF OF FINANCIAL RESPONSIBILITY" shall mean, pursuant to IC 9-25-2-3, proof of ability to respond in damages for liability that arises out of ownership, maintenance, or use of a golf cart in amounts equal to, or greater than, those specified in Indiana Code or by the Indiana State Department of Insurance for motor vehicle coverage.

SECTION 6. PENALTY.


- A. Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a penalty as follows:
 - 1) In the amount of \$50 for the first offense;
 - 2) In the amount of \$150 for the second offense during a rolling 12-month period of time; and
 - 3) In the amount of \$300 for the third and each subsequent offense within a rolling 12-month period.
- B. A second or subsequent offense occurring more than 12 months since the last offense shall be considered a first offense. The penalties listed in this section do not include court costs and fees that may be imposed by prosecution of violations in addition to the penalty.
- C. If a police officer employed by the Danville Metropolitan Police Department finds cause to issue a notice for a violation of this chapter, the officer has discretion to issue the notice/citation to the golf cart operator, or in instances where the operator is an unlicensed juvenile, to the parent(s) of that operator.

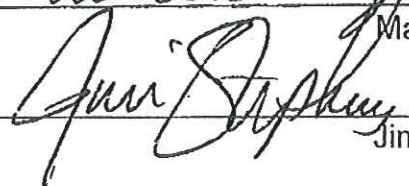
So ordained this 20th day of August, 2018 by the Danville Town Council.

TOWN OF DANVILLE


Mike Neilson

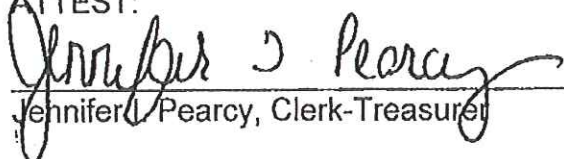

Tom Pado


Marcia Lynch


Jim Stephens

Dennis Wynn

ATTEST:


Jennifer L. Percy, Clerk-Treasurer