

TOWN ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE WALKERTON TOWN COUNCIL AMENDING WALKERTON MUNICIPAL CODE, CHAPTER 74 ON TRAFFIC REGULATIONS TO AUTHORIZE AND REGULATE THE USE OF MOTORIZED GOLF CARTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF WALKERTON, INDIANA

WHEREAS, there have been requests for the use of motorized golf carts within the Town of Walkerton, Indiana; and

WHEREAS, the State of Indiana has recently enacted legislation that clarifies the status of golf carts on public streets and highways and allows cities and towns to authorize their operation; and

WHEREAS, the Town Council of the Town of Walkerton, Indiana, believes that in order to preserve the safety of its citizens it is necessary to adopt reasonable regulations for the use of golf carts operated on the streets, roads, highways, and alleys within the Town to the extent permitted by State law;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WALKERTON, INDIANA, TO WIT:

Chapter 74 of the Code of Ordinances, Town of Walkerton, Indiana, is hereby amended by adding the following provisions:

Ordinance 74.43. – MOTORIZED GOLF CART REGULATIONS

Purpose:

This Ordinance is adopted in the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads, and the Town of Walkerton does not advocate or endorse the use and operation of such on the Town streets. All persons operating golf carts must be observant of, and attentive to, the safety of themselves and others, including, but not limited to, passengers, other motorists, bicyclists, and pedestrians.

All persons who choose to operate a golf cart or ride as a passenger within the Town of Walkerton do so at their own peril, and the Town of Walkerton assumes no liability for the operation of golf carts within the Town of Walkerton.

This Ordinance does not authorize any other vehicle, including, but not limited to, ATVs, go-carts, lawn mowers, off-terrain vehicles, or motorized wheelchairs, to operate on the streets, roads, highways, and alleys of the Town of Walkerton. This Ordinance only allows the operation of golf carts on streets, roads, highways, and alleys under the jurisdiction of the Town of Walkerton, Indiana.

Definitions:

(a) Golf Cart. "Golf Cart" means a four-wheeled motor vehicle, that is not capable of exceeding speeds of twenty-five (25) miles per hour in ordinary operation, and was originally specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a course specifically used for golf or as modified by adding a second bench seat.

(b) Authorized Streets. "Authorized Streets" means all such streets, roads, highways, and alleys within the corporate limits of the Town of Walkerton that are under the Town's jurisdiction and which have been authorized for golf cart travel. The designation of authorized streets is subject to amendment from time to time by the Walkerton Town Council. State and federal highways and county roads are not authorized streets under this article.

(c) Driver's License. "Driver's License" shall mean a license valid for the operation of a motor vehicle on public roads and highways in the State of Indiana, which such is issued by the State of Indiana or another State.

(d) Financial Responsibility. "Financial Responsibility" shall mean liability coverage applicable to the golf cart compliant with the provisions of this Ordinance. The financial responsibility obligation is greater than required by Indiana law applicable to motor vehicles operated on the public highways of the State of Indiana.

(e) Walkerton Golf Cart Permit (WGCP). "Walkerton Golf Cart Permit" shall mean and refer to the permit required for any Golf Cart operating on the streets of the Town of Walkerton pursuant to this Ordinance.

Permitted Use; Time of Operation; Rule of Operation:

(a) Manner of Operation, In General. No person shall operate a golf cart within the Town of Walkerton except as hereinafter provided.

(b) Registration Required. No person may operate a Golf Cart on any street, road, highway, or alley within the Town of Walkerton without first registering

the Golf Cart as described in the Golf Cart Registration and Rules Section which follows.

(c) **Negligent or Reckless Operation Prohibited.** No person shall operate a Golf Cart in a negligent or reckless manner so as to endanger the operator or person or property of another or to cause injury or damage thereto.

(d) **Towing.** No person shall use a Golf Cart vehicle to tow any other item, vehicle, or thing whatsoever; with the exception however, that this prohibition is not intended to apply to official participants in parades, festivals, or similar special events.

(e) **Under Age Operation Prohibited.** Operation of Golf Cart on any public street, road, highway, or alley by any individual who is not properly licensed to operate a motor vehicle in the State of Indiana is prohibited.

(f) **Time of Operation.** No person may operate a Golf Cart on any street, road, highway, or alley in the Town of Walkerton between sunset and sunrise, unless the vehicle has a night time WGCP. No Golf Cart may be operated in the Town of Walkerton after Eleven O'clock P.M. (11:00 p.m.)

(g) **Operation Prohibited When Visibility is Impaired.** No person may operate a Golf Cart on a street, road, highway, or alley in the Town of Walkerton during any weather event or similar event where visibility is impaired by fog, heavy rain, smoke, or when there is insufficient light making it impossible to see a person or vehicle on the roadway at a distance of three hundred (300) feet or more.

(h) **Compliance with Rules of the Road.** All Golf Carts shall operate cautiously and courteously, and shall comply with all rules of the road as set forth by the Indiana Bureau of Motor Vehicles or as otherwise set forth in Indiana law, including traffic patterns and operating the vehicle of the right side of the road.

(i) **Yielding Right-of-way.** Golf Carts shall yield the right-of-way to faster moving vehicles, and shall not obstruct traffic flow, by pulling off to the right side of the roadway if needed to permit faster moving vehicles to pass.

(j) **Maximum Occupancy, Passenger Conduct.** The number of persons traveling in a Golf Cart on a Walkerton street, road, highway, or alley shall not exceed the amount of seating available in the vehicle. No object or person's body part shall project from the vehicle when the vehicle is in motion. All children shall be properly supervised by an adult. No person shall stand while the Golf Cart is in motion.

(k) **Parking.** Golf Carts shall comply with the provisions of Walkerton Code 75 pertaining to parking of motor vehicles. Golf Carts may, however, share

a parking space with one other Golf Cart so long as there is no encroachment on another parking space.

Required Equipment:

The following minimum requirements apply to each Golf Cart operated on the Walkerton streets, roads, highways, and alleys and no WGCP may be issued to a vehicle that is not in compliance with these minimum requirements.

1. Brakes in good working condition.
2. INDOT approved Slow Moving Vehicle sign affixed to the vehicle in accordance with Indiana law (to the rear of the vehicle).
3. Golf Carts must be equipped with:
 - a. A rear view mirror; and,
 - b. A manufacturer's serial number; and,
 - c. Front and rear reflectors; and,
 - d. Working rear brake lights visible from a minimum distance of five hundred (500) feet; and,
 - e. Any additional equipment required by the Town of Walkerton or State of Indiana by regulation or rule.

If the Golf Cart is to be driven at night, Golf Cart must be equipped with two (2) operating headlights, with one (1) on each side of the Golf Cart, and two (2) operating tail lights with brake lights, with one (1) on each side of the vehicle, both of which must be visible from a distance of five hundred (500) feet.

License Required:

Golf Carts may only be operated by persons who hold a valid motor vehicle operator's license which is issued by the State of Indiana or another state.

Golf Cart Registration; Insurance:

(a) Registration Required. In order to operate a Golf Cart on any Walkerton street, road, highway, or alley, registration of the Golf Cart is required and placement of a Walkerton Golf Cart Permit ("WGCP") must be affixed to the front driver's side area of the Golf Cart. The WGCP must be affixed to the Golf Cart whenever it is operated on streets, roads, highways, or alleys of Walkerton. Vehicle authorized for night time operation will have a different colored sticker

when the WGCP is issued that must be affixed to the front driver's side of the vehicle. The WGCP shall be valid for one (1) calendar year.

(b) Annual Fee. The annual fee for each Golf Cart permit shall be fixed at Twenty-five Dollars (\$25.00) for a day time only WGCP, which shall be due at the time of registration, or Thirty Dollars (\$30.00) for a day and night time WGCP, which shall be due at the time of registration.

(c) Inspection. Prior to each WGCP issuance, the Walkerton Police Department or his/her appointee shall complete an inspection of the Golf Cart to ensure the Golf Cart complies with all requirements of the Town of Walkerton and State of Indiana and a written report of inspection shall be completed by the Walkerton Police Department.

(d) Registration and Inspection Location. Registration and Inspection of Golf Carts shall occur, by appointment, at the Walkerton Police Department, 300 Illinois Street, Walkerton, Indiana 46574.

(e) Disqualification. No WGCP shall be issued to any person who was cited and convicted of WGCP violation within the previous twelve (12) months.

(f) Operation without a WGCP. No person shall operate a Golf Cart on any Walkerton street, road, highway, or alley without a GGCP. Any person who operates a Golf Cart on a Walkerton street, road, highway, or alley without a WGCP will be in violation of this Ordinance and subject to the penalties set forth below, and all subject to also subject to all Indiana State Laws.

(g) Application Form and Procedures. To initiate an application for WGCP, Golf Cart owners must complete the "Application to Operate Golf Cart" and provide Proof of Liability Insurance. Applicants will also arrange with the Town of Walkerton Police Department for an inspection of the Golf Cart. Completed forms and documentation of insurance shall be maintained by the Town of Walkerton Police Department.

(h) Insurance and Proof of Insurance. No person shall operate a Golf Cart on the streets, roads, highways, or alleys of the Town of Walkerton if financial responsibility is not in effect with respect to the Golf Cart. A person who operates a Golf Cart on the streets, roads, highways, and alleys of Walkerton shall, at all times, maintain insurance for the operation of said Golf Cart in the following amounts:

1. One Hundred Thousand Dollars (\$100,000.00) for bodily injury to or the death of one (1) individual.

2. Five Hundred Thousand Dollars (\$500,000.00) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

3. Twenty-five Thousand Dollars (\$25,000.00) for damage to or the destruction of property in one (1) accident.

(i) Proof of Insurance. No WGCP may be issued to any applicant without valid proof of liability insurance as approved by the Town of Walkerton Police Department. Proof of insurance must be kept on the Golf Cart along with the WGCP.

(j) Uniqueness. A WGCP is unique to a single, specific Golf Cart and may not be used to act as a WGCP for any other vehicle other than the Golf Cart for which the WGCP was issued.

(k) Any Golf Cart Permits issued by another entity will still be required to be registered by the Town of Walkerton. The operator and passengers of the Golf Cart shall still be subject to the rules and regulations as outlined in this Ordinance.

Designation of Roadway:

Traffic Rules and Regulations. Operators of Golf Carts shall follow and remain compliant with all applicable Indiana State Laws, which govern the use of public roads, including laws that prohibit or regulate the use or possession of alcoholic beverages, controlled substances, and illegal drugs. Operators shall further comply with all laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs.

Operation on Public Sidewalk Prohibited. No Golf Cart shall be operated on a public sidewalk, nor operated on that portion of the road located between the curb line and the sidewalk or property line referred to as the parking area except for the purposes of crossing the same to a public street upon which operation is authorized under this Ordinance. Further, no Golf Carts shall be operated on any walking path or Park in the Town of Walkerton.

Removal of Debris:

Anyone removing wrecked or damaged Golf Cart from a street or highway must also remove any glass or foreign material from the Golf Cart.

Enforcement of Fines:

Any act or omission constituting a violation of this Ordinance, which shall include failure to comply with or to maintain compliance with any requirements herein delineated, constitutes a violation of this Ordinance. A person convicted of a violation of this Ordinance shall be subject to a fine of Two Hundred Dollars (\$200.00) per violation.

Each day any violation of this Ordinance occurs will constitute a separate violation of this Ordinance, and the violator shall be fined an additional fine of Twenty-five Dollars (\$25.00) per day. All fines and fees shall be payable to the Town of Walkerton and paid to the Walkerton Town Court.

Exemptions:

Town Government Activities. Employees, Agents, and Officials of Town of Walkerton Government, if and while engaged in Town government business, are exempt from the application of this Ordinance.

Parades, Festivals, and Special Events. Subject to the discretion of the Walkerton Town Council of Walkerton, temporary exceptions to the rules set forth in this Ordinance may be granted to official participants in parades, festivals, or other special events.

Implementation:

(a) Liability. The intent of this Ordinance shall not be construed as a representation, opinion, claim, warrant, or guarantee that operating any particular Golf Cart on any Walkerton street, road, highway, or alley is safe, advisable, or that any person is competent to so operate such a Golf Cart. The Town of Walkerton, the Town Council, the Town of Walkerton Chief of Police, and any Town of Walkerton Employees assume no liability after issuing a WGCP. The Town of Walkerton expressly disclaims any liability for personal injury, death, property damage, and other losses caused or alleged to be caused or incurred by any person due to, or alleged to be due to, the operation of a Golf Cart on a Walkerton street, road, highway, or alley.

The provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

This Ordinance shall become effective and be in full force and effect after its passage and approval by the Walkerton Town Council and upon its publication as provided by law.

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect from and after its passage and signing by the Walkerton Town Council.

PASSED AND ADOPTED by the Walkerton Town Council of the Town of Walkerton, Indiana, this _____ day of _____, 2018.

Walkerton Town Council
Town of Walkerton, St. Joseph County, Indiana

Karol Jackson, President

Kathryn Tiede Chrapliwy

Roberta Kickbush

Jeffrey Fansler

Gene Reese

ATTEST:

Terri Buckmaster, Clerk-Treasurer