

ORDINANCE 2011- 2

AN ORDINANCE REGULATING THE OPERATIONS OF GOLF CARTS ON TOWN
STREETS IN THE TOWN OF FORT BRANCH

WHEREAS, The Town Council of the Town of Fort Branch, Indiana desires to authorize and regulate the use of golf carts on the Town of Fort Branch Streets:

WHEREFORE BE IT ORDAINED by the Town Council of the Town of Fort Branch as follows:

Section 1: Definition of Golf Cart "Golf Cart" means a 4-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing golf on a golf course.

Section 2: PERMITTED OPERATION

Golf Carts may be operated in the Town of Fort Branch streets, but only if such golf carts are registered with the Town, equipped and operated in full compliance with this Ordinance and permitted.

Section 3: REGISTRATION.

The owner or lessee of a golf cart intending to operate on the streets in the Town of Fort Branch must register the golf cart annually with the Town of Fort Branch and pay an annual registration fee of \$50.00 to the Clerk/Treasurer of the Town of Fort Branch. The fee will be deposited into the Police Department's Continuing Education Fund (C.E.F). The registration shall be valid until March 31st of the following year. The registration may be renewed each year on or before March 31st. At the time of registration or renewal registration, the Fort Branch Marshal or his Deputy Marshals shall perform an inspection to verify the golf cart is insured and equipped as required in Sections 5 & 6. After inspection by the Town Marshal or his Deputy Marshals and payment of the registration fee payable to Clerk/Treasurer, The Fort Branch Police Department shall issue a certification of registration ("permit") which must be in the golf cart or in the possession of the person operating the golf cart as operated on the streets in the Town of Fort Branch. The Fort Branch Police Department shall also issue a registration decal which must be clearly displayed on the rear left corner of the golf cart.

Section 4: OPERATORS

Only persons 18 years and older and holding a **valid** motor vehicle driver's license may operate a golf cart within the Town of Fort Branch. Violation of this section shall be subject to having the golf cart impounded.

Section 5: FINANCIAL RESPONSIBILITY OF THE OWNER, LESSEE, AND OPERATOR.

A golf cart operating on the streets of the Town of Fort Branch shall be insured by liability insurance coverage in an amount not less than that provided by Indiana statutes for motor vehicles operated on public thoroughfares in the State of Indiana. Proof of such liability coverage must be available on the golf cart or carried by the operator at all times that the golf cart is operated on the streets of the Town of Fort Branch. Proof of liability coverage must be presented to the officers of the Fort Branch Police Department upon request. Proof of insurance needs to be provided at the time the permit is requested.

Section 6: EQUIPMENT

All golf carts operating on the streets of the Town of Fort Branch shall be equipped with brakes, brake lights, a rear view mirror, and side reflectors (one on each side located to provide high visibility). A slow moving placard shall be prominently displayed on the rear of the golf cart. Additionally, all golf carts must have an orange pennant or flag or at least (12) inches but not more than (24) inches long affixed to a staff or pole measured at least (4) feet but not more than (10) feet in height. The pole or staff shall be measured from the top to the driver's seat. All golf carts which are operated during inclement weather and between sunset and sunrise must have two operating headlights (one on each side of the golf cart) and taillights (one on each side of the golf cart) visible from a distance of 500 feet, and turn signals on both front and rear). All gas powered golf carts must be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke, Seatbelts are recommended but not required for golf carts, with the exception of anyone under the age of 18 will be required to wear seat belts.

Section 7: Permissible Streets

Golf carts may be operated on the streets within the Town of Fort Branch which have a speed limit of 30 miles per hour or less except on the following Streets:

- A. Coalmine Road. (county road 800 S) from Redbank Road (county road 85W) to U.S. Highway 41 to the east and from U.S. Highway to the Town limit to the east.
- B. Locust Street from U.S Highway 41 to Railroad St.
- C. South Main Street from Coalmine Road to Strain St
- D. North Main Street from Strain St to State Road 68.
- E. Golf carts may not be operated on U.S. Highway 41 and State Road 168 (Park Street).

The restricted mentioned Streets in Section 7B, 7C, and 7D may be crossed at intersections.

Section 8: RESTRICTED AREAS:

Golf carts may not be operated on:

- A. On any sidewalk
- B. On any unpaved surfaces of public property where motor vehicles are not allowed or
- C. On a private property without the permission of the owner.

Section 9: NUMBER AND SEATING OF OCCUPANTS

Occupants of a golf cart in operation of the Town of Fort Branch shall be limited to the number of persons for whom seating is installed on the golf cart. Occupants of the golf cart, including the operator, shall be seated in the cart in the designated seated area and no part of the body of the operator or occupant shall extend outside the perimeter of the cart while in operation, except for the operator using hand signals as required by Section 11.

Section 10: TRAFFIC RULES

All golf carts and the operation thereof shall be subject to all traffic rules in addition to the requirements set forth herein, as required by Indiana Statutes governing the operation of motor vehicles.

Section 11: HAND SIGNALS

All operators of golf carts must use proper hand signals for turning or lane changes if the golf cart is not equipped with turn signals.

Section 12: RESTRICTION ON OPERATION

A golf cart which is not equipped with two operating headlights, two taillights and turn signals, may not be operated on any Town street between sunset and sunrise. This restriction shall be noted on the permit.

Section 13: RESPONSIBILITY OF OWNER OR LESSEE

The Owner or Lessee of a golf cart who applies for a permit to operate the golf cart within the Town of Fort Branch, as herein provided, shall agree to be responsible, jointly and severally, with any person who is permitted to operate the golf cart, for any injury or damages the operator causes by reason of the operation of the golf cart if such operator is liable for such damages.

Section 14: PENALTY

- A. Any person who violated this Ordinance shall be subject to a penalty of \$100.00 for the first violation in a 12 month period for each violation.
- B. Any person who violated this Ordinance a second time in any 12 month period shall be subject to a penalty of \$200.00 for each violation and the possibility of revocation of their permit to operate a golf cart within the Town of Fort Branch.

- C. Any person who violated this Ordinance a third time in any 12 month period shall be subject to a penalty of \$250.00 and revocation of their permit to operate a golf cart within the Town of Fort Branch.
- D. In addition, the permit as herein provided may be subject to suspension or revocation at the time of any violation. In the event that 3 or more offenses constituting violations of this Ordinance occur in a 12 month period, the permit to operate the golf cart shall be revoked and may not be re-issued for a period of 12 months.
- E. If the person found responsible for the violation to this Ordinance is a minor, the custodial parent or parents or the guardian of the minor shall be responsible for the actions of such minor and shall be liable for payment of the fine or fines imposed hereunder and the permit of the owner/lessee shall be revoked.
- F. All fines and penalties shall be payable to the Town of Fort Branch Clerk/Treasurer. The Clerk/Treasurer of the Town of Fort Branch is hereby authorized to accept the payment of the monetary penalties and place them into the Police Department's Continuing Education Fund.

Section 15: VIOLATION OF THE ORDINANCE

All persons who do not admit a violation of this Ordinance and pay the appropriate penalty shall be referred to the Town Attorney for the filing of a claim against the violator in the appropriate Court in Gibson County, Indiana.

Section 16: COMPLIANCE

It shall be the responsibility of the owner or lessee of the golf cart to comply with the provisions of Sections 3, 4, 5, 6 and 12 of this Ordinance. The failure to comply with those requirements shall constitute a violation of this Ordinance by the owner or lessee of the golf cart. It shall be the responsibility of the operator of the golf cart to comply with the provisions of Sections 7, 8, 9, 10, 11 and 12 of this Ordinance (including specifically the responsibility and actions of all occupants). The failure to comply with the requirements set forth in Sections 7, 8, 9, 10, 11 and 12 shall constitute a violation of the Ordinance by the operator.

Section 17: ENFORCEMENT

All Law Enforcement Officers in the Town of Fort Branch shall have the power and it shall be their duty to enforce the provisions of the Ordinance unless otherwise prevented by State Statutes regarding the enforcement of State Laws.

Section 18: SEVERABILITY

In the event any provisions of this Ordinance shall be deemed invalid or unenforceable, the remainder of the Ordinance shall continue in full force and effect until repealed or modified by the Fort Branch Town Council or otherwise determined by a court of competent jurisdiction.

Section 19: **EXPIRATION DATE**

Unless extended by formal action the Fort Branch Town Council shall expire and be of no further force and effect from and after March 31, 2012.

Section 20: **EFFECTIVE DATE**

This Ordinance shall be come effective upon passage by the Town Council of the Town of Fort Branch, attested by the Clerk /Treasurer and published as required by Indiana Code 5-3-1-2. Carts may be registered on after April 1, 2011.

Passed and Adopted by the Town Council of the Town of Fort Branch, Gibson County, Indiana on the 9th day of March 2011.


Fort Branch Town Council

Tom Wallace
Tom Wallace (President)

Larry Holder (Council Member)

Adam Bledsoe
Adam Bledsoe (Council Member)

Attested TC:


Stacy Elpers
Stacy Elpers Clerk Treasurer