

ORDINANCE NO. 2021- 12
AMENDMENT TO ORDINANCE 2011-2 REGULATING THE
OPERATION 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, Indiana streets;

WHEREAS, the Town Council desires to amend the previous Ordinance 2011-2; 2012-3; 2012-8 and 2016-4;

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

SECTION 1: DEFINITION OF GOLF CART

“GOLD 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 on the Town of Fort Branch streets, but only if such golf carts are registered with the Town, equipped, permitted and operated in full compliance with this Ordinance.

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 \$ 25.00 to the Clerk-Treasurer of the Town of Fort Branch. The fee will be deposited into the Town's General Fund. 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 any 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 and 6. After inspection by the Town Marshal or his Deputy Marshals and payment of the registration fee, payable to the 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 when 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 left rear of the golf cart.

SECTION 4: OPERATORS

Only persons holding a valid motor vehicles driver's license may operate a golf cart within the Town of Fort Branch. All person's operating a golf cart in the Town of Fort Branch

must follow all Indiana operating license laws. 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 Fort Branch shall be insured by liability insurance coverage in the 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 Fort Branch Police upon request. Proof of insurance needs to be provided at the time the permit is requested.

SECTION 6: EQUIPMENT

All golf carts operating 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 of at least twelve (12) inches but not more than twenty-four (24) inches long affixed to a staff or pole at least four (4) feet but not more than ten (10) feet in height. The pole or staff shall be measured from the top of the driver's seat. All golf carts which are operated during inclement weather and between sunrise and sunset must have two (2) operating headlights (one on each side of the golf cart) and two (2) taillights (one on each side of the golf cart) visible from a distance of five hundred (500) feet and turn signals on both front and rear. All gas-powered 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, except for anyone under the age of eighteen (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 Brach which have a speed limit of 30 miles per hour or less except on the following streets:

(a) U.S. Highway 41 and State Road 168 (Park Street), however these roadways may be crossed at intersections when safe to do so.

(b) South Red Bank Road

SECTION 8: RESTRICTED AREAS

Golf Carts may not be operated on:

(a) on any sidewalks

(b) on any unpaved surfaced of public property where motor vehicles are not allowed,

or

- (c) on private property without the permission of the owner.

SECTION 9: NUMBER AND SEATING OF OCCUPANTS

Occupants of a golf cart in operation in 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 golf cart in the designated seating area and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while in operation, except for the operator using hand signals as required by Section 11.

SECTION 10: TRAFFICE 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, taillights and turn signals, may not operate on any Town street between the sunset and sunrise. This restriction shall be noted on the permit. In addition, all golf carts are prohibited from pulling any trailer or other vehicle.

SECTION 13: RESPONSIBILITY OF OWNER OR LESSEE

The owner or lessee of a golf cart who applied 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 violates this Ordinance shall be subject to a penalty of One Hundred Dollars (\$100.00) for violation in a 12-month period for each violation.
- (b) Any person who violates this Ordinance a second time in any 12-month period shall be subject to a penalty of Two Hundred Dollars (\$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 Two Hundred Fifty Dollars (\$250.00) and revocation of their permit to operate a golf cart in 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 three (3) or more offenses constituting

violations of this Ordinance occur in a twelve (12) month period, the permit to operate the golf cart shall be revoked and may not be re-issued for a period of twelve (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 to 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 monetary penalties and place them into the General Fund of the Town of Fort Branch.

SECTION 15: VIOLATION OF THE ORDINANCE

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

SECTION 16: GOLF CART SPEED LIMIT

Whereas, the general golf cart is manufactured to go no faster than twenty-five (25) miles per hour and most are designed for speeds between ten (10) and twenty (20) miles per hour; whereas it is a safety concern for the operator and/or passengers on golf carts that have been modified to operate at speeds greater than twenty-five (25) miles per hour; whereas be it ordained by the Town Council of the Town of Fort Branch that no golf cart operating on the streets in the Town of Fort Branch will be allowed to travel at a speed greater than twenty -- five (25) miles per hour or the streets posted speed limit whichever is lower.

SECTION 17: 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, 12 and 16 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, 12 and 16 shall constitute a violation of the Ordinance by the operator.

SECTION 18: 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 prevented by State Statutes regarding the enforcement of State Laws.

SECTION 19: 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 other jurisdiction.

SECTION 20: 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 the 15th day of September, 2021.

SECTION 21: EFFECTIVE DATE

This Ordinance shall become effective upon passage by the Town Council of Fort Branch, Indiana, attested by the Clerk-Treasurer and published as required by Indiana code 5-3-1-2. Carts may registered on and after the 15th day of September, 2021.



FORT BRANCH, INDIANA TOWN COUNCIL

Sandra Birch
SANDRA BIRCH, PRESIDENT

Scotty DeLong
SCOTTY DELONG, MEMBER

Robert A Reinhard
ROBERT REINHART, MEMBER

ATTEST:
Stacy H. Elpers
STACY ELPERS, CLERK-TREASURER
TOWN OF FORT BRANCH, INDIANA