

**INC. TOWN OF NORTH JUDSON
ORDINANCE NUMBER 2012-04**

**An Ordinance of the Town of North Judson Authorizing and
Regulating the use of Motorized Golf Carts within the
Corporate limits of the Town of North Judson**

Whereas, the Town Council of the Town of North Judson, Indiana, pursuant to Indiana Code § 9-21 et seq., finds that the operation of motorized carts commonly referred to as "golf carts" on private roads, highways, and other public rights-of-way should be regulated.

Whereas, there has been an increase in the use of motorized golf carts within the town of North Judson; and

Whereas, the State of Indiana has 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 North Judson, 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, alleys and walkways within the town to the extent permitted by State law;

Now, Therefore, the Town Council of the Town of North Judson, Indiana, Ordains and Enacts the Following:

1) Purpose.

This ordinance is adopted in the interest of public safety. A golf cart is not designed or manufactured to be used on public streets and roads, and the Town of North Judson in no way advocates or endorses their operation on its streets. All persons operating golf carts must be observant of, and attentive to, the safety of themselves and others, including passengers, other motorists, bicyclists and pedestrians. All persons who operate or ride in golf carts on streets within the Town of North Judson do so at their own peril. The Town of North Judson assumes no liability for the operation of golf carts within the Town of North Judson based on this Ordinance. This ordinance is not intended to authorize any other vehicle, such as but not limited to ATVs, go-carts, lawn mowers or off-terrain vehicles beyond what is permitted by state law.

2) Definitions.

a. "Motorized cart" or "cart", in the context of this Ordinance, is an electric or gasoline powered

motor vehicle, commonly called a "golf cart", designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

3) Registration.

a. Prior to operation on roads, highways, and other public-right-of-way within the corporate limits of the Town of North Judson a motorized cart shall be inspected by the North Judson Police Department for basic road worthy status and registered by its owner with the North Judson Clerk-Treasurer. Written proof of financial responsibility is required at registration. A decal will be issued upon registration and shall be affixed to the right rear fender area as to be fully visible when the cart is in operation.

b. Registration/Transfer Fee. A registration fee of Twenty-five Dollars (\$25.00) for each cart registered shall be payable at the time of registration, and will be in effective for a period of one (1) calendar year. All registration fees for motorized carts are to be deposited in the North Judson Police Department's Continuing Education Fund.

c. Proof of Financial Responsibility. The owner of every motorized cart operated on private roads, highways and other public rights-of-way shall maintain the state required minimum amount of financial responsibility for the operation of said golf cart and shall furnish proof of financial responsibility as defined in Indiana Code § 9-25-2-3 in the following amounts: Twenty Five Thousand Dollars (\$25,000) bodily injury or death of one (1) individual; Fifty Thousand Dollars (\$50,000) for bodily injury two (2) or more individuals in any one (1) accident and Ten Thousand Dollars (\$10,000) for the damage to or destruction of property in one (1) accident. Written proof of financial responsibility must be carried by the operator at all times.

4) Operational regulations.

a. Motorized carts shall be maintained in proper working condition with all equipment in working order.

b. Golf carts are permitted to be driven **only** between the hours of sunrise to sunset.

c. Motorized carts shall be identified with **a slow moving vehicle sign** as prescribed by Indiana Code (Section) 9-21-9.

d. Only persons possessing a valid driver's license issued by the State of Indiana, another state of the United States of America or an international agency shall be permitted to operate a motorized cart on private roads, highways, and other public rights-of-way.

e. The number of passengers allowed in a golf cart, for the purpose of this ordinance, is limited to the manufacturers' designed seating capacity. (i.e. two (2) passengers per bench seat)

f. Children less than 48 lbs. must be in a child safety restraint seat and secured to the cart seat.

g. Motorized carts shall not be operated on the Town's sidewalks, greenway trails or within any of the town parks.

h. Motorized carts shall not be operated on either State Road 10 or State Road 39 within the Town's corporate limits.

i. The direct crossing of State Road 39 and State Road 10 by motorized carts shall be permitted.

j. The operator of all motorized carts must yield to overtaking traffic.

5) Penalties.

a. It shall be the policy of the North Judson Police Department to issue a uniform traffic citation to any person the officer has probable cause to believe has violated a provision of Indiana Codes or the North Judson Town Ordinance while operating a motorized cart.

b. It shall be the policy of the Town of North Judson that an unregistered motorized cart is in violation of the Indiana Code requiring a municipal ordinance approving the use of the motorized cart and the cart will be towed and the operator issued an Indiana Uniform Traffic Citation pursuant to Indiana Code§ (Section) 9-21-1-3.3 (a).

c. It shall be the policy of the North Judson Police Department that any motorized cart found operating in violation of this ordinance shall be subject to the following fines;

i. First offense – Fifty Dollars (\$50.00)

ii. Second offense within one (1) year- One Hundred Dollars (\$100.00)

iii. Third offense within one (1) year- Two Hundred Dollars (\$200.00) and revocation of registration and cart impoundment (seized by towing company). Registration revocation will be in effect for minimum one (1) year duration.

d. A fine assessed for a violation of this ordinance and/or a traffic ordinance associated with this ordinance will be deposited in the Town's General Fund.

6) Exemptions. An exemption may be issued for a limited time, location, and purpose by the Town Council as occasions and conditions so require, such as on a date and location certain, for a limited time, for the purpose of parade participation or festivals.

7) Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.

8) Severability of Provisions. In any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

9) Duration and Effective Date. Unless otherwise provided by applicable Indiana law, the provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance.

Adopted by the Town Council of the Town of North Judson, Indiana this 15th day of October, 2012.

The effective date of this ordinance will be November 24, 2012 (thirty days after publication date).

Wendy Hoppe, Council President

Tim Cummins, Council Member

Jane Ellen Felchuk, Council Member

ATTEST:

Donna M. Henry,
Clerk-Treasurer