

TOWN OF LAFONTAINE

ORDINANCE NO. 8, 2017

AN ORDINANCE GOVERNING THE USE OF GOLF CARTS  
IN THE TOWN OF LaFontaine, INDIANA

WHEREAS, Ind. Code §§ 9-21-1-3 and 3.3, authorize municipalities like the Town of LaFontaine, Wabash County, Indiana ("the Town"), within its reasonable exercise of police power, to regulate or prohibit the operation of low speed vehicles and golf carts on its public highways;

WHEREAS, some Town residents have expressed a desire to operate golf carts on certain streets within the Town's jurisdiction;

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

WHEREAS, the Town has determined that golf carts may be safely operated on some public streets under certain circumstances without presenting an imminent danger to golf cart operators, pedestrians, or drivers; and

WHEREAS, the Town now desires to authorize the operation of golf carts on some public streets within the Town's corporate boundaries.

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of LaFontaine, Indiana, as follows:

**Section 1. Definitions.** For purposes of this ordinance, the following definitions shall apply:

- a. "Streets" shall mean any roads and streets located within the Town's corporate boundaries and for which LaFontaine has primary responsibility for maintenance and oversight, but specifically excluding Indiana State Roads 15 and 218;
- b. "Golf Carts" shall mean any four (4) wheeled motor vehicles 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.
- c. "Proof of Financial Responsibility" shall mean, pursuant to Ind. Code § 9-25-2-3, proof of ability to respond in damages for liability that arises out of the ownership, maintenance, or use of a Golf Cart pursuant to Indiana Code § 9-25-2-3, as may be amended from time to time, which at the time of the passage of this ordinance, requires operators of Golf Carts to maintain coverage in the following amounts:
  - i. Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person;
  - ii. Subject to the limit in subdivision (i), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and
  - iii. Twenty-five thousand dollars (\$25,000) because of injury to or destruction of property in any one (1) accident.

**Section 2. Application.** This ordinance applies to Streets and other public ways. Nothing herein shall be construed to apply to or limit the use of golf carts on (a) golf courses; (b) private property or (c) the Town's use of golf carts on Town municipal property for official purposes.

**Section 3. Registration Required.** Prior to operation of a Golf Cart as provided herein, each and every Golf Cart must be registered by its owner with the Town at Town Hall. Upon such registration at Town Hall, the Clerk-Treasurer shall issue a numerical identification decal and registration card to the owner. The Clerk-Treasurer shall maintain a record of the identification number and name and address of each registered owner. Identification decals shall be affixed to the rear fender area of the Golf Cart so as to be fully visible when the Golf Cart is in operation. Registration is valid for one (1) year. A registration fee of twenty-five dollars (\$25.00) shall be required, which includes the cost of the decal and registration card.

**Section 4. Limitations on Use.**

- a. **Places of Operation.** To protect the safety of the Town's residents, Golf Carts shall only be operated on those Streets, and the portions thereof, with posted speed limits of thirty (30) miles per hour or less.
- b. **Times of Operation.** Golf Carts shall only be operated from sunrise to sunset unless such Golf Cart is equipped with headlights, taillights, brake lights, seatbelts, turn signals, and rearview mirror. Furthermore, Golf Carts shall not be operated on such occasions that visibility is reduced or impaired by weather, smoke, fog, or other conditions such that the operator is unable to clearly see for a distance of at least five hundred (500) feet.
- c. **Number of Passengers.** The number of persons occupying a Golf Cart may not exceed the number of seats on the Golf Cart. If a Golf Cart has a bench seat, no more than two (2) persons may ride on one bench seat. If an operator of a Golf Cart permits additional persons on a Golf Cart that exceed the number of persons allowed by this ordinance, the operator shall be subject to penalties as provided herein.
- d. **Operating on Sidewalks Prohibited.** Golf Carts shall not be operated on the Town's sidewalks.
- e. **Driver's License or Identification Card Required.** An individual who operates a Golf Cart must either:
  - i. hold a valid driver's license; or
  - ii. be at least sixteen (16) years and one hundred eighty (180) days of age and hold either (i) an identification card issued under IC 9-24-16 or (ii) a photo exempt identification card issued under IC 9-24-16.5.
- f. **Denial of Registration Based on Certain Prior Criminal Convictions.** The Town shall deny the registration of any individual who has been convicted of Operating While Intoxicated, or substantially similar offense, in Indiana or any other jurisdiction within the five (5) years prior to the date of registration. If the Town becomes aware of such a disqualifying conviction after issuing a registration, the



registration shall be revoked immediately and the individual shall be provided notice of the revocation.

- g. **Towing Prohibited.** No item shall be towed by a Golf Cart. The only exception to this rule is in the event of Town parades, festivals, or other special events where written permission has been provided by the Town.

**Section 5. Crossings.** Notwithstanding any other provision herein, the operator of a Golf Cart may cross a Street, at a right angle, even if such Street has a posted speed limit in excess of thirty (30) miles per hour.

**Section 6. Compliance with State Law.** Unless otherwise specifically provided herein, the operator of a Golf Cart shall comply with all other motor vehicle laws and traffic regulations imposed by the State of Indiana.

**Section 7. Slow Moving Vehicle Emblem.** All Golf Carts being operated on Town Streets must display a triangular slow moving vehicle emblem. The emblem must be displayed pursuant to Indiana Code 9-21-9-2 and meet the requirements for design, materials, and mounting pursuant to Indiana Code 9-21-9-5.

**Section 8. Indemnification of Town.** The Town and its employees assume no liability by registering Golf Carts. Owners and operators, by registering a Golf Cart, agree to indemnify and hold the Town harmless against any injuries, damage, or liability that may result from the use or operation of the Golf Cart.

**Section 9. Proof of Financial Responsibility Required.** Proof of motor vehicle insurance coverage with limits that meet or exceed the minimum coverages provided under Indiana law must be available on the Golf Cart or carried by the operator at all times the Golf Cart is operated in the Town. *See Section 1.c. herein; Indiana Code 9-25-2-3.*

**Section 10. Penalties.** Individuals found to be in violation of this ordinance shall be cited with a violation and receive a fine, which shall be processed by and paid to the Clerk-Treasurer of the Town and deposited into the general fund of the Town, as follows:

- a. First Offense: Fifty Dollars (\$50.00);
- b. Second Offense within one (1) year: One Hundred Dollars (\$100.00); and
- c. Third Offense and each additional offense within one (1) year: Two Hundred Fifty Dollars (\$250.00).

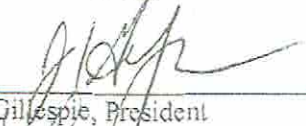
**Section 11. Revocation of Registration.** In addition to any other penalties provided herein, the Town, at its sole discretion, shall have the ability to revoke an operator's registration and permit for violation of this ordinance.

**Section 12. Severability of Provisions.** If any part of this ordinance is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.


Section 13. Effective Date. This ordinance shall become effective January 1, 2018.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

TOWN COUNCIL

 12-11-17  
Jay Gillespie, President

 12-11-17  
Lori Brane

 12-11-2017  
Janet I. Robbins-Pattee

ATTEST:

  
Cindy Erb, LaFontaine Clerk-Treasurer