

CITY OF GREENSBURG ORDINANCE NO. 2021-10
AMENDING ORDINANCE NO. 2019-40

**AN ORDINANCE REGULATING GOLF CART USAGE ON GREENSBURG
ROADWAYS**

WHEREAS, pursuant to provisions of IC 9-21-1-3(a)(14), the City of Greensburg, with respect to private roads and highways under the City's jurisdiction, and in accordance with IC 9-21-1-2 and within the reasonable exercise of police power, may regulate golf carts; and

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(a) the City of Greensburg may adopt an ordinance with additional traffic regulations concerning the use of golf carts on streets and alleys under the jurisdiction of the City as long as the ordinance does not conflict with or duplicate state law; and,

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(b) and (c), all fines assessed for a violation of the golf cart and recreational off road vehicle ordinance shall be deposited into the general fund of the City and violations of the ordinance shall constitute a Class C infraction; and,

WHEREAS, the Common council of the City of Greensburg has determined that a need exists for the regulation of golf carts on the streets and alleys and highways under the jurisdiction of the City and that an ordinance should be adopted as authorized under Indiana law.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENSBURG, INDIANA, that Chapter 78 of the Greensburg City Code entitled Traffic and Vehicles shall be and hereby is amended to add Article VI set forth as follows:

Sec. 1 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Golf Cart" -A vehicle with four wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor and an unladen weight of no more than one thousand five hundred (1,500) pounds, as that term is defined in Indiana Code § 9-13-2-69.7. Lawn mowers are specifically excluded from the definition of "Golf Cart" for purposes of this Ordinance.

i. PERSONAL TRANSPORTATION CART – equipped with headlights, taillights, brake lights, seatbelts, turn signals, slow moving sign and rearview mirror allowing the licensed owner to operate on non-prohibited roads, highways, and other public rights-of-way posted with a speed limit of thirty (30) miles an hour or less.

(b) "Driver's License"- A valid license to operate a motor vehicle issued by Indiana or any other state.

(c) "Financial Responsibility"- Liability insurance coverage on a golf cart or recreational off road vehicle in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

Sec. 2. OPERATION OF GOLF CART.

The operation of a golf cart within the City of Greensburg is strictly prohibited unless the golf cart is operated and equipped in full compliance with this chapter.

Sec. 3. OPERATOR.

Only valid licensed drivers, sixteen (16) years of age or older, and issued a driver's license from a State Bureau of Motor Vehicles may operate a golf cart or recreational off road vehicle in the City of Greensburg.

Sec. 4. FINANCIAL RESPONSIBILITY.

The operator of a golf cart must show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either on the golf cart or on the person of the driver. Golf cart owners must have proof of valid insurance covering his or her vehicle in an amount greater than or equal to the Indiana state automotive insurance minimums as set forth in IC 9-25-4-5 when operated on city streets.

Sec. 5. TIME OF OPERATION.

Golf carts are not permitted on city streets from midnight to 6:00 a.m.

Sec. 6. PLACE OF OPERATION.

Golf carts may be operated on city streets which have a posted speed limit of thirty (30) miles per hour or less. Golf carts shall not be operated on city sidewalks or upon any state highways located within the City of Greensburg, specifically State Road 3, U.S. 421 or US 46. Golf carts are permitted to cross state highways, specifically State Road 3, US 421, or US 46 at formal, paved intersections.

Sec. 7. OCCUPANTS.

The number of occupants in a golf cart shall be limited to the number of persons for whom factory and / or after-market seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated. No one under the age of eight (8) years is allowed to ride on the back seat of the golf cart unless accompanied by an adult. No children under 48 lbs. that require a child safety restraint seat are permitted to ride on a golf cart without proper restraint as if the golf cart were an automobile.

Sec. 8. TRAFFIC RULES.

Golf carts shall obey all of the rules of the road and shall display a "slow moving vehicle"

sign of the same type required under Indiana Law, as well as a registered sticker from the City of Greensburg, valid for the current year.

Sec. 9. REGISTRATION.

- a. Decals Issued Upon Registration: Prior to operation on private roads, highways, and other public-right-of-way, a golf cart must be registered annually with the city by the Greensburg Police Department. To register, each operator must present a Serial Number, the make and model number of their golf cart, proof of address and contact phone number, and proof of insurance and pay a processing fee in the sum of \$35. This processing fee shall be paid annually. Processing fee shall be paid to the Greensburg Clerk-Treasurer's office. Each vehicle will be visibly inspected for compliance with all Indiana laws and ordinances. Inspections shall occur at the Greensburg Police Department at a date and time to be determined by the Greensburg Chief of Police and posted at the Greensburg police station. Upon registration and inspection, the operator will be provided with a license plate specific to that vehicle. The license plate provided by the Greensburg Police Department shall always be displayed prominently on the rear of the vehicle while on city streets. All funds received from registration and issuance of license plate shall be deposited into the General Fund for the City of Greensburg and allocated to recoup costs of the golf cart license registration process and other public safety projects.
- b. Registration/Transfer Fee: A registration fee of Thirty-Five Dollars (\$35.00) for each golf cart shall be payable at the time of registration, and the registration shall be effective for a period of one (1) years.

Sec. 10. OTHER.

The Board of Works for the City Of Greensburg may exempt from the provisions of this Ordinance the use of golf carts or recreational off road vehicles in favor of public safety personnel and/or the use of golf carts during special events. All special events participants should be identified as such and each individual must provide proof of insurance and a valid driver's license before being allowed to operate a golf cart or recreational off road vehicle during any special event.

Sec. 11. PENALTY.

- a. It shall be the policy of the Greensburg 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 Greensburg City Ordinance while operating a golf cart, whether the offending person is a juvenile or any other person.
- b. It shall be the policy of the City of Greensburg that an unregistered golf cart is in violation of the Indiana Code requiring a municipal ordinance

approving the use of the golf 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 Greensburg Police Department that any golf cart found operating in violation of this ordinance shall be subject to the following fines;
 - i. First offense - \$50.00
 - ii. Second offense within one (1) year - \$100.00
 - iii. Third offense within one (1) year - \$500.00 and revocation of registration and cart impoundment (seized by wrecker).
Registration revocation will be in effect for minimum one (1) year duration.
 - iv. If the owner or operator of a golf cart shall receive in excess of three unpaid violations of this ordinance the golf cart may be towed away or immobilized by employees of the city or any other person or firm that the city may appoint or hire. The owner or operator of the vehicle can obtain possession of the vehicle by paying the penalty, as assessed pursuant to § 72.99, for each violation that had been given to such owner or operator, plus an amount equal to the cost of towing away such golf cart in the event the golf cart is towed away.
 - v. Any conviction for criminal trespass involving a golf cart, as defined by IC 14-8-2-185, subsequent to _____, shall result in an automatic lifetime suspension from the operation of a golf cart on city streets.
- d. A fine assessed for a violation of a traffic ordinance associated with this ordinance will be paid to the Clerk-Treasurer's Office , or may be contested in a court of law.
- e. Court costs, as set by the state schedule, and applicable attorney's fees shall apply to all cases contested in court.

Sec. 12. REPEAL OF CONFLICTING ORDINANCE. 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.

Sec. 13. 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.

Sec. 14. DURATIONAND 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 by signature of the executive in the manner prescribed by Indiana

Code (section) 36-4-6-15, 16.

ADOPTED AND PASSED by the Common Council of the City of Greensburg, Indiana,

This ____ day of _____, 2021.

NAYS

Council Members

YAYS

Council Members

Presented by me to the Mayor of the City of Greensburg, Indiana on this 7th
day of June, 2021.

Betsy Wiley
Betsy Wiley, Interim Clerk-Treasurer

Approved and signed by me, the Mayor of the City of Greensburg this
7th day of June, 2021 at the hour of 7:00 pm.

Joshua L. Marsh
Joshua Marsh, Mayor