

ORDINANCE NO. 3682

**AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF
GOLF CARTS IN THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA**

WHEREAS, the State of Indiana, by its adoption of I.C. 9-21-1-3.3 authorizes cities and towns to adopt ordinances regulating and concerning the use of golf carts on roads within their jurisdiction; and,

WHEREAS, the Common Council of the City of New Castle has determined it's in the best interests of the citizens of the City of New Castle to adopt such an ordinance in order to better protect the public health, safety and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL of the City of New Castle:

SECTION I, DEFINITIONS:

(a) "Golf Cart". A four wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. Said vehicles may be powered by a battery or internal combustion motor and shall have an unloaded weight of not more than one thousand five hundred (1500) pounds.

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

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

(d) "Operate or Operation". Shall mean to exercise any control over the function or movement of a golf cart.

(e) "Roadways". Shall mean the entire width between the boundary lines of every public way maintained when any part of the way is open to use of the public for the purpose of vehicular traffic within the corporate limits of the City of New Castle. The term includes, but is not necessarily limited to, streets, alleys, roads, highways and thoroughfares.

(f) "State Highway". Shall mean any street under the control of and maintained by the State of Indiana.

SECTION II, REGISTRATION:

(a) The New Castle Police Department is charged with the responsibility for inspecting and registering golf carts. The New Castle Police Department shall also maintain records of the registration of golf carts.

(b) Before registration of a golf cart, the New Castle Police Department shall inspect the golf cart to insure that it is equipped with each of the following:

- (1) Brakes capable of deceleration at the rate of 14 feet per second;
- (2) A horn in good working order and capable of emitting a sound audible under normal conditions for a distance of not less than 200 feet;
- (3) At least two headlamps on the front of the golf cart, located at a height not less than 24 inches and not more than 54 inches above the roadway;

- (4) At least one tail lamp that emits a red light plainly visible from a distance of 500 feet to the rear, located not less than 20 inches or more than 72 inches from the roadway;
- (5) Two red reflectors carried on the rear either as part of the tail lamps or separately, mounted at a height not less than 20 inches and not more than 60 inches and visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps;
- (6) Not more than two spot lamps no more than two fog lamps;
- (7) Stop Lamps displaying a red or amber light, activated upon application of the foot brake, and visible from a distance of at least 100 feet to the rear of the vehicle;
- (8) A muffler (if not an electric-powered golf cart) free from exhaust gas leaks, that is in good working order and in constant operation to prevent excessive noise;
- (9) A rearview mirror that reflects to the driver a view of the road for a distance of at least 200 hundred feet to the rear of the golf cart;
- (10) Rubber tires that are free from cracks and/or long term wear;
- (11) Four seatbelts, two on the front seat and two on the rear seat, professionally installed and anchored to the vehicle;
- (12) A flashing red or amber light (strobe light) mounted on the top or back of the vehicle, and signage properly identifying the vehicle as a "slow moving vehicle";
- (13) A windshield; and,
- (14) A vehicle identification number.

(c) Before issuing the registration, the operator of a golf cart must be able to show the New Castle Police Department proof of financial responsibility when operating a golf cart. Written proof of financial responsibility must be carried in the golf cart or on the person of the operator of the golf cart at all times the golf cart is being operating.

(d) Before issuing a registration, the owner/operator must display to the New Castle Police Department a valid driver's license to operate motor vehicles upon the roadways of the City of New Castle, Indiana.

(e) The New Castle Police Department shall not register any golf cart that does not meet each of the above referenced enumerated items.

(f) Expiration of the Registration. The registration is only valid for a period of twelve (12) months. Upon expiration of the twelve (12) month period, the vehicle again must be presented to the New Castle Police Department for inspection and registration.

SECTION III, REGISTRATION AND REGISTRATION STICKER:

(a) The New Castle Police Department shall charge a fee for the inspection and registration of golf carts of \$50.00.

(b) Upon registration of the golf cart, the owner of said golf cart shall receive a registration sticker from the New Castle Police Department that must be displayed at all times during the operation on

the City streets in a visible location on the rear of the golf cart. If a registration sticker is not available at the time of registration, the owner will receive written proof of registration to be carried during the operation of said vehicle on the City streets until the registration sticker is issued.

(c) The registration of golf carts may not be transferred to another person nor to another golf cart.

SECTION IV INSURANCE:

If during the period of registration, the operator/owner allows the insurance which provides for the financial responsibility of the vehicle to lapse or should it be terminated by the insurance carrier, the registration shall no longer be valid and the operator must cease use of the vehicle on the streets of the City of New Castle, Indiana.

SECTION V OPERATION:

(a) Only licensed drivers shall be allowed to operate golf carts in the City of New Castle, Indiana.

(b) Golf carts shall be operated only during daylight hours. Beginning April 1 through October 31, golf carts shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. local time. From November 1 through March 31, golf carts shall only be operated between the hours of 9:00 a.m. and 6:00 p.m. local time.

(c) All golf carts shall obey all of the rules of the road, state laws and local ordinances. All golf carts shall display a slow moving vehicle sign attached to the rear of the cart as well as a valid registration sticker from the City of New Castle. Proof of insurance shall be kept on the person or in the golf cart vehicle at all times.

(d) There shall be no golf cart traffic permitted on any state highway located within the City of New Castle, specifically Indiana State Road 3, Indiana State Road 103, and Indiana State Road 38. However golf carts may cross these state highways at right angles only. Golf cart traffic shall be prohibited on the following City streets:

Indiana Avenue west of Main Street

Riley Road west of East Fair Oaks

In addition, no golf carts shall be allowed to travel on City sidewalks or in any area specifically designated for pedestrians or bicycles.

(e) A golf cart may not under any circumstances be operated on walking paths, grass right-of-ways, private property (unless the owner of the private property consents), City parks, (when except on paved roadways within the City parks) or athletic fields (unless the owner of the athletic field consents to said operation).

(f) The number of occupants in a golf cart shall not exceed the number of persons for whom factory seating and seatbelts are installed. The operator of a golf cart and all occupants of a golf cart shall remain seated on such factory seating at all times while the golf cart is being operated. No operator or occupant of a golf cart may ride on the lap of, or otherwise be held by, any other person. Furthermore, no part of the body of the operator of a golf cart or any occupant of a golf cart shall extend outside the perimeter of the golf cart while the golf cart is being operated. No child under 48 pounds that require a child safety restraint are permitted to ride in a motorized golf cart.

(g) The operator of all motorized carts must yield to overtaking traffic.

(h) The operator and all passengers shall wear a seatbelt while the golf cart is in operation. One seatbelt must be available for each occupant.

(i) Golf carts must be designed so that their maximum speed will not exceed 35 miles per hour.

(j) All golf carts must comply with posted parking restrictions and are subject to the same penalties as automobiles when parked illegally. To be parked legally on a public street, the cart must be parked parallel to and on the right side of the street and in the same direction as traffic is designated to flow.

SECTION VI PENALTIES:

(a) The New Castle Police Department shall issue a citation to any person the officer has probable cause to believe has violated of the Indiana Traffic Code, City Traffic Ordinances, or this Ordinance while operating a golf cart whether the offending person is a juvenile or other person.

(b) The City of New Castle Police Department shall, upon the discovery of the violation of the registration provision of this Ordinance, immediately take custody of the vehicle and have same towed to an impoundment lot. In the event of this violation, in addition to the penalties set forth below, the operator/owner shall be responsible for the payment of all costs of towing and storage of the unregistered vehicle.

(d) The fines for violation of this Ordinance shall be the following:

- i. First offense - \$50.00
- ii. Second offense within one year - \$100.00
- iii. Third offense within one year - \$500.00 and revocation of registration and cart impoundment. Registration revocation will be in effect for a minimum of one year duration. In the event of impoundment, the owner shall be responsible for all costs of towing and storage.

(e) A fine assessed for a violation of a traffic ordinance associated with this ordinance will be deposited in the City's General Fund.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS _____ DAY OF _____, 2013.

Greg York, Presiding
Officer, Common Council, City
of New Castle, Indiana

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NAY

ATTEST:

Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2013.

Greg York, Mayor of the City
Of New Castle, Indiana