# ORDINANCE NO. 081115

**AN ORDINANCE GOVERNING THE USE OF GOLF CARTS IN THE TOWN OF MCCORDSVILLE, HANCOCK COUNTY, INDIANA**

**WHEREAS,** Indiana Code § 9-21-1-3, authorizes municipalities like the Town of McCordsville, Hancock County, Indiana (“McCordsville”), within its reasonable exercise of police power, to regulate or prohibit the operation of low speed vehicles and golf carts on its public roadways;

**WHEREAS,** some residents of McCordsville have expressed a desire to operate golf carts on certain highways within McCordsville’ jurisdiction;

**WHEREAS,** McCordsville desires to accommodate its residents’ desire for reasonable alternative modes of local transportation while balancing public safety concerns regarding the use of golf carts on McCordsville’s roadways;

**WHEREAS,** upon review by the Town Council, of the Town of McCordsville, it has been determined that golf carts may be reasonably operated on some public roadways, located within designated residential areas without presenting an imminent danger to golf cart operators, pedestrians or drivers; and

**WHEREAS,** McCordsville now desires to authorize the operation of golf carts on some public roadways within McCordsville’s corporate boundaries.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE, HANCOCK COUNTY, INDIANA, THAT:**

**SECTION I**

**DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

1. “Roadway” shall mean a road or alleyway included in McCordsville’s road inventory and for which McCordsville has primary responsibility for maintenance and oversight.
2. “Golf Cart” shall mean, pursuant to Indiana Code § 9-13-2-69.7, a four (4) wheeled motor vehicle originally and specifically 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. “Proof of Financial Responsibility” shall mean, pursuant to Indiana 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 in the following amounts:

(1) Twenty-five thousand dollars ($25,000) because of bodily injury to or death of any one (1) person;

(2) Subject to the limit in subdivision (1), fifty thousand dollars ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(3) Ten thousand dollars ($10,000) because of injury to or destruction of property in any one (1) accident.

1. “Current driving license” shall mean, pursuant to Indiana Code §9-13-2-41, every class and kind of license or permit that evidences the privilege to operate a motor vehicle upon the highways of Indiana. The term includes a privilege granted by the license.
2. “OEM – Original Equipment Manufacturer” for the purpose of this Ordinance shall have the meaning of a Golf Cart that has not been modified with aftermarket equipment or altered from its originally engineered design.
3. “INDOT” – is the acronym for Indiana Department of Transportation.

**SECTION II**

**APPLICATION**

This ordinance applies to McCordsville roadways, other public ways, sidewalks and pedestrian pathways. Nothing herein shall be construed to apply to or limit the use of golf carts on (a) golf courses; (b) private property (c) McCordsville’s use of golf carts for official purposes, or (d) Vernon Township Fire Department’s use of golf carts for official purposes.

**SECTION III**

**OPERATION OF GOLF CARTS**

The operation of a Golf Cart on a public roadway within the corporate limits of McCordsville, Hancock County, Indiana, is strictly prohibited unless the Golf Cart is operated in full compliance with this ordinance.

**SECTION IV**

**DESIGNATED ROADWAYS**

To protect the safety of McCordsville’s residents, Golf Carts shall only be operated on roadways within neighborhoods where the following conditions have been met:

1. At least seventy-five percent (75%) of all residents belonging to the neighborhood’s homeowners’ association (“HOA”) has voted in favor of allowing Golf Carts to operate on roadways within in the neighborhood by voting affirmative to the following question and certifying the result of such election results to McCordsville:

“Shall golf carts be used on designated roadways within the [insert the name of the neighborhood/HOA?”];

If the neighborhood, or development does not have a formally defined boundary, a map showing the self-designated boundaries must be submitted and approved by McCordsville prior to proceeding with the aforementioned vote; and

Consideration of this change for each neighborhood would only be allowed once every two (2) calendar years.

1. McCordsville has determined, in writing, that the vote was properly conducted and that Golf carts may be safely operated on some roadways within the neighborhood.

**SECTION V**

**SIGNS**

Signs that designate the neighborhood as a Golf Cart community must be installed at each entrance to the neighborhood, by the neighborhood prior to use, under the following conditions:

1. The neighborhood is responsible for utility locates prior to installation.
2. All signs approved by McCordsville shall be conspicuously located designating the neighborhood, or roadways within the neighborhood that are available for Golf Cart use (collectively “Designated Roadways”).
3. All signs must meet minimum MUTCD (Manual on Uniform Traffic Control Devices) standards for size, material type, and retro-reflectivity for the following signs: W11-11 & W16-1. (See Exhibit “A”)
4. This ordinance does not prohibit or limit McCordsville from having discretion to require additional signs should conditions require such.
5. A map showing the locations of all such signs shall be provided to McCordsville Public Works Commissioner prior to installation and approval.
6. All signs required by this ordinance shall be purchased, maintained and the responsibility of the neighborhood. Failure to maintain the signs, approved in this section may cause McCordsville to revoke its approval of Golf Cart usage.

**SECTION VI**

**PROHIBITION AGAINST OPERATION – TIME OF OPERATION**

Golf Carts shall only be operated on Designated Roadways from sunrise to sunset.

**SECTION VII**

**CURRENT DRIVING LICENSE REQUIRED**

Only persons possessing a current driving license issued by the State of Indiana or another state of the United States of America shall be permitted to operate a Golf Cart on Designated Roadways within McCordsville. Persons operating a Golf Cart on Designated Roadways shall have his or her driver’s license in his or her possession during operation.

**SECTION VIII**

**PUBLIC WAYS – PLACE OF OPERATION**

Golf Carts shall not be operated, in McCordsville, on any of the following:

1. Sidewalks;
2. Non-Designated Roadways;
3. Multi-Use Pathways; and
4. Crossing a roadway that has a designated speed of greater than 30 MPH (Miles per Hour).

**SECTION IX**

**GOLF CART EQUIPMENT**

Only Golf carts that have not been converted or altered from their OEM shall be permitted to operate on Designated Roadways.

**SECTION X**

**OCCUPANTS – MAXIMUM NUMBER**

The number of occupants in a Golf Cart shall be limited to the number of persons for whom factory (OEM) seating is installed and provided for on the Golf Cart. The operator and passengers shall be seated in the Golf Cart and no parts of the bodies of the operator or occupants shall extend outside the outer perimeter of the Golf Cart while the Golf Cart is in motion.

**SECTION XI**

**SLOW MOVING VEHICLE EMBLEM**

Golf Cart equipment exception; slow moving vehicle emblem. Except for the equipment requirement designated by Section IX of this ordinance, all Golf Carts being operated on Designated Roadways must display a Slow Moving Vehicle Emblem. The slow moving vehicle 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 XII**

**TRAFFIC RULES**

Any Golf Cart being operated on a Designated Roadway, in compliance with the provisions of this ordinance shall comply with all traffic rules and regulations enacted by the State of Indiana and the Ordinances of the Town of McCordsville which govern the operation of motor vehicles.

**SECTION XIII**

**REQUIREMENT – POSSESSION OF PROOF OF INSURANCE**

Each golf cart operated on Designated Roadways within McCordsville shall maintain current insurance as specified on Section I (C) of this ordinance. The Proof of Insurance must be carried in or on the golf cart at all times it is being operated on Designated Roadways.

**SECTION XIV**

**IMPOUNDING GOLF CARTS – NON-COMPLIANCE**

Notwithstanding any law to the contrary a law enforcement officer authorized to enforce motor vehicle laws who discovers a Golf Cart that is in violation Sections VI, VII, IX, XI, and or XIII of this Ordinance shall take the Golf Cart into the Officer’s custody; and may cause the vehicle to be taken to and stored in a suitable place, at the owner’s expense, until such time as the owner can take possession and transport the Golf Cart without violating the provisions of this ordinance.

**SECTION XV**

**PENALTIES**

McCordsville Police Department shall issue a uniform ordinance violation citation to any person or persons violating a provision of this Ordinance. Violators of this Ordinance are subject to the following schedule of fines:

1. Moving violations shall be subject to a fine not to exceed Fifty Dollars ($50.00) for each offense, along with court costs in the amount that now exists or may hereafter be determined by ordinance, statute or the court of jurisdiction.
2. Equipment (non-moving) violations shall be subject to a fine not to exceed Twenty-Five Dollars ($25.00) for each offense, along with court costs in the amount that now exists or may hereafter be determined by ordinance, statute or the court of jurisdiction.

All fines prescribed by this Ordinance for a violation or violations shall be paid to the Town Ordinance Violations Bureau, which shall render to the person making payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the town.

Should any violation or violations be referred to the McCordsville Town Attorney for enforcement, the violator shall be responsible for all attorney’s fees and court costs associated with such enforcement action in addition to any fine set forth herein.

**SECTION XVI**

**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 XVII**

**EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and due publication as required by law.

**SECTION XVIII**

**INTRODUCTION – PASSAGE**

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to Indiana Code §36-5-2-9.8.

Duly ordained and passed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN OF MCCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL**

 **AYE** **NAY**

|  |  |  |
| --- | --- | --- |
|  | Thomas R. Strayer, President |  |
|  | Brent Barnes, Vice President |  |
|  | Larry Longman, Member |  |
|  | Barry Wood, Member |  |
|  | Maxwell A. Meise, Member |  |

ATTEST:

Catherine C. Gardner

Clerk-Treasurer McCordsville, IN DATE:

**EXHIBIT “A”**

Reference: MUTDC, 2009 Edition, Section 2A

1. Mounting Height

Mounting height is measured from the road surface to the bottom of the sign.

1. Primary sign

Use a minimum of 7 feet in:

◊ Areas with parking or pedestrians

◊ Urban, business, commercial, or residential areas

◊Areas where the view of the sign may be obstructed

1. Supplemental plaque or sign

Supplemental plaques or signs by be one (1) foot lower than the minimum mounting height for the primary. Allow a one (1) inch gap between stacked signs so they can expand and contract.

