

ORDINANCE NO. 2020-584

AN ORDINANCE AUTHORIZING AND REGULATING THE USE OF GOLF CARTS ON THE HIGHWAYS, STREETS, AND ALLEYS OF THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, pursuant to Ind. Code § 9-21-1-3(a)(14), the Town of Battle Ground (the “Town”), County of Tippecanoe, State of Indiana, in accordance with Ind. Code § 9-21-1-2 and Ind. Code § 9-21-1-3.3(a) and within the reasonable exercise of its police power, may regulate the operation of golf carts on highways, streets, and alleys under its jurisdiction;

WHEREAS, pursuant to Ind. Code § 9-21-1-3.3(a), the Town may adopt an ordinance that imposes additional traffic regulations concerning the use of golf carts on highways, streets, and alleys under its jurisdiction so long as it does not (1) conflict with or duplicate another state law; or (2) conflict with a driver’s licensing requirement of another provision of Indiana Code;

WHEREAS, the Town has determined that the unfettered operation of golf carts on highways, streets, and alleys under its jurisdiction pose a threat to the health, safety, and welfare of its residents as it increases the risk of accident; and

WHEREAS, the Town Council of the Town of Battle Ground, has determined that in order to further the health, safety, and welfare of its residents, a need exists for the regulation of golf carts on the highways, streets, and alleys under its jurisdiction and that an ordinance should be adopted as authorized under Indiana law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, as follows:

1. Definitions.

- (a) “Golf Cart” is defined as 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.
- (b) “Driver’s license” is defined as: (1) any type of license issued by the state in physical form authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added to the license under IC 9-24-8.5; and (2) except for a commercial driver’s license issued under IC 9-24-6.1, any type of license issued by the state in the form of a mobile credential authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added to the license under IC 9-24-8.5.

- (c) “Proof of financial responsibility” is defined as liability insurance coverage on a golf cart in an amount not less than required by Indiana law for coverage of motor vehicles operated on public highways in the State of Indiana.
 - (d) “Local authority” is defined as all officers of counties, cities, or towns, as well as boards and other public officials of counties, cities, or towns.
 - (e) “Emergency vehicle” is defined as any golf cart: (1) operated by a fire department; (2) operated by a police department; (3) operated by or for a hospital or hospital corporation under Ind. Code § 6-22-8-1 *et seq.*; (4) designated as an emergency vehicle by the Indiana Department of Transportation; (5) approved by the Emergency Medical Services Commission and operated to provide emergency medical services; or (5) operated by the Department of Correction.
2. Operation of Golf Carts Generally. The operation of a golf cart within the Town of Battle Ground is strictly prohibited unless the golf cart is operated in full compliance with this Ordinance.
3. Prohibition of Golf Cart Operation in Certain Areas. The operation of a golf cart within the Town of Battle Ground is strictly prohibited in the following places within the town limits of the Town of Battle Ground:
- (a) East 600 North from McDonalds (5918 IN-43 N, West Lafayette, IN 47906) to the intersection of East 600 North and Prophets Rock Road;
 - (b) Prophets Rock Road from its intersection with East 600 North to College Street;
 - (c) State Road 225 (North Street) except to cross Railroad Street either north or south;
 - (d) State Road 43;
 - (e) South Railroad Street (9th Street) along the boundaries of the Tippecanoe Battlefield Park;
 - (f) Any and all sidewalks; and
 - (g) Main Street during times when the school zone is active.
4. Registration. All golf carts operated within the Town of Battle Ground must be inspected and registered in accordance with the following:

- (a) In order to ensure compliance with Section 7 of this Ordinance, all golf carts shall be inspected by the Battle Ground Police Department annually on or before May 1;
 - (b) Upon successful inspection and a showing of proof of financial responsibility, all golf carts shall be registered with the Town of Battle Ground and a registration sticker shall be affixed to all golf carts in a place that is clearly visible to the public;
 - (c) The Town of Battle Ground incurs administrative costs in providing materials for the registration of golf carts and in inspecting golf carts. Therefore, an Administration/Inspection Fee of Twenty Dollars (\$20.00) shall be paid annually at the time of registration through the Office of the Town Clerk-Treasurer for each golf cart registered; and
 - (d) Registration stickers shall be issued by the Battle Ground Police Department after satisfactory inspection of the golf cart, establishment of proof of financial responsibility, and payment of the Administration/Inspection Fee.
5. Proof of Financial Responsibility. The operator of a golf cart must be able to show proof of financial responsibility at all times when operating a golf cart within the Town of Battle Ground.
6. Operator. Only validly licensed drivers, sixteen (16) years of age or older, and holding a driver's license from the State Bureau of Motor Vehicles may operate a golf cart in the Town of Battle Ground.
7. Operational Requirements. In order to operate a golf cart in the Town of Battle Ground, each golf cart must have:
- (a) operational headlights visible for at least Five Hundred (500) feet;
 - (b) operational taillights;
 - (c) operational turn signals;
 - (d) operational brake lights;
 - (e) operational brakes for stopping; and
 - (f) a clearly visible slow-moving vehicle placard affixed to the rear of the golf cart of the same type required under Ind. Code § 9-21-9-1 *et seq.*
8. Occupants. The number of occupants in a golf cart shall be limited to the number of persons for whom factory 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(s) shall extend outside the perimeter of the golf cart while the golf cart is being operated.

9. Traffic Rules. Operators of golf carts shall obey all the rules of the road as required under Indiana law.
10. Exception. The provisions of this Ordinance shall not apply to golf carts operated by a local authority, an agency of a local authority, a township, or an agency of a township, the State, an agency of the State, the federal government, an agency of the federal government, or to a golf cart being utilized as an emergency vehicle. This Ordinance may be repealed or modified by the Town of Battle Ground.
11. Penalties. A violation of the provisions of this Ordinance shall subject the violator to a civil penalty of Fifty Dollars (\$50.00). Each violation of this Ordinance or each day a violation of this Ordinance occurs or continues is a separate and distinct violation of this Ordinance.

INTRODUCED ON FIRST READING by the Town Council of the Town of Battle

Ground this ___ day of _____, 2020.

James Miller, President

Steve Hahn, Member

Matt Coppock, Member

Greg Jones, Member

Mary Jo Totten, Member

ATTEST:

Georgia Jones, Clerk-Treasurer

PASSED AND ADOPTED by the Town Council of the Town of Battle Ground,
this ___ day of _____, 2020.

James Miller, President

Steve Hahn, Member

Matt Coppock, Member

Greg Jones, Member

Mary Jo Totten

ATTEST:

Georgia Jones, Clerk-Treasurer