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CH30 30 .7 - Regulation of Golf Carts and Alternative Transportation in the Town of Lapel

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, AMENDING PRIOR ORDINANCES REGARDING THE REGULATION OF GOLF CARTS AND ALTERNATIVE TRANSPORTATION IN THE TOWN OF LAPEL AND ESTABLISHING NEW REGULATIONS FOR THE OPERATION OF GOLF CARTS AND MOTORIZED CARTS

WHEREAS, the Town of Lapel ("Town" or "Lapel") have passed prior ordinances regulating the use of golf carts and alternative transportation in the Town of Lapel; and,

WHEREAS, the Town now desires to repeal in part and amend in part those prior ordinances; and,

WHEREAS, I.C. [9-21-1](#) provides regulations for the use of golf carts; and,

WHEREAS, I.C. [9-21-1-3\(a\)\(14\)](#) allows a local authority to regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways under the local authority's jurisdiction; and,

WHEREAS, I.C. [9-21-1-3.3](#) specifically authorizes a town, if it chooses, to adopt an ordinance providing traffic regulations concerning the use of golf carts on a highway under the town's jurisdiction as long as certain statutory requirements as contained in I.C. [9-21-1-3.3](#) are met.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

1. **PRIOR ORDINANCES REPEALED:** Ordinance no 4, 2003, Ordinance No 5, 2009, Ordinance No 5, 2011, Ordinance No 5, 2016 are hereby repealed in their entirety and replaced as follows.
2. **DEFINITIONS:** For purposes of this Ordinance, the following terms apply:
 - a. "Golf Cart" as defined in I.C. [9-13-2-69.7](#), as may be amended from time to time, means "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. "Motorized Cart" as defined in I.C. [14-19-1-0.5](#), as may be amended from time to time, means, "a conveyance that is (1) motor driven, either by gas or electricity; (2) used to carry passengers or equipment; and (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a : (A) passenger motor vehicle (as defined in I.C. [9-13-2-123](#)); (B) recreational vehicle (as defined in I.C. [9-13-2-150](#)) or (C) truck as defined in I.C. [9-13-2-188](#)). A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle. The term does not include: (1) an electric personal assistive mobility device (as defined in I.C. [9-13-2-49.3](#)); (2) a motorcycle (as defined in I.C. [9-13-2-108](#)); (3) a motor drive cycle (as defined in I.C. [9-13-2-104.1](#)); (4) an off-road vehicle; or (5) an electric foot scooter (as defined in I.C. [9-13-2-49.4](#))."

3. REGISTRATIONS AND INSPECTION:

- a. Any owner of a Golf Cart or Motorized Cart desiring to operate the same on Town streets must annually register the Golf Cart with the Lapel Police Department ("LPD" or "Police Department").
- b. The Lapel Police Department is charged with the responsibility of inspecting and registering Golf Carts and Motorized Carts to ensure the Golf Cart or Motorized Cart is in compliance with State law and the requirements set forth in this Ordinance. The Police Department shall also maintain records of the inspection and registration for Golf Carts and Motorized Carts.
- c. Inspections must be completed annually and will expire on June 30th of every calendar year.
- d. Inspections can be conducted by contacting the Lapel Police Department for an appointment.
- e. Upon registration and inspection of the Golf Cart or Motorized Carts, the owner of said Golf Cart or Motorized Cart shall receive an inspection sticker if the Golf Cart or Motorized Cart passes inspection. The inspection sticker shall be placed and displayed at all times on the outside of the windshield on the lower passenger side of the Golf Cart or Motorized Cart.
- f. Inspection stickers shall not be transferred to another person.
- g. The cost of the registration and inspection fee is \$50.00 per Golf Cart or Motorized Cart.
- h. All fees from the registration and inspections of Golf Cart and Motorized Carts shall be deposited in the Law Enforcement Continuing Education fund.

4. INSURANCE: The owner of any registered Golf Cart or Motorized Cart on any Town roadway or highway shall maintain recreational vehicle insurance with a minimum amount of twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual, fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident, and twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.

5. LICENSE REQUIREMENT: Pursuant to I.C. [9-24-1-7\(b\)](#), an operator of a Golf Cart or Motorized Cart that is characterized as a Golf Cart pursuant to I.C. [14-19-1-0.5](#) must have a valid driver's license.

6. DESIGNATED ROADS:

- a. Golf Carts and Motorized Carts are prohibited from operating on any State highway, including but not limited to, Pendleton Avenue and State Road 13.
- b. The Lapel Town Council may prohibit the use of Golf Carts and Motorized Carts on roads, street, highways that are under the jurisdiction of the Town of Lapel if the operation of Golf Carts and Motorized Carts poses a danger. This Ordinance shall be amended from time to time to include those roads deemed unsuitable for their use.

7. PASSENGERS: The number of persons permitted is three (3) per row of seats.

8. RULES AND REGULATIONS: The operator of a Golf Cart and Motorized Carts shall adhere to and follow all traffic rules and regulations as set forth in the Indiana Code, and, in addition thereto, the following:

- a. The operator of the Golf Cart or Motorized Cart shall drive the Golf Cart or Motorized Cart as close to the curb/edge of the street/road when possible and must yield to other vehicles on the road;
- b. Golf Carts and Motorized Carts shall not be operated on sidewalks, walking paths, or in any Town park;
- c. Golf Carts and Motorized Carts must be equipped with all of the following:
 - i. Headlights and taillights
 - ii. Turn signals
 - iii. Brake lights
 - iv. Windshield that extends above the height of the operator
 - v. Rearview mirrors
 - vi. adequate brakes
- d. No children under three (3) years of age shall be permitted to ride in or on a Golf Cart or Motorized Cart;
- e. The maximum speed by which Golf Carts and Motorized Carts may operate is the lesser of thirty (30) miles per hour or the posted speed limit;

9. HOURS OF OPERATION: The hours of operation allowed for Golf Carts and Motorized Carts are from 6:00am to 11:00pm. Golf Carts and Motorized Carts must have lighted headlights and taillights one (1) hour after sunrise and one (1) hour prior to sunset.

10. EXCLUSIONS:

- a. This Ordinance shall not apply to any Golf Carts or Motorized Carts owned by the Town and used by the Town for official Town business.
- b. This Ordinance shall not apply to Golf Carts or Motorized Carts being operated in a parade or other function sanctioned and authorized by the Town.
- c. This Ordinance does not rescind, repeal, or otherwise amend Ordinance 4, 2011 regarding the procedures for the use of golf carts during the Lapel Village Fair. Ordinance 4, 2011 remains in full force and effect.

11. VIOLATIONS/PENALTIES:

- a. Any person who violates this Ordinance shall be fined up to and in an amount not to exceed \$250.00.
- b. Monies collected for a violation of this Ordinance shall be deposited into the Town's general fund pursuant to Indiana Code I.C. [9-21-1-3.3](#).

12. CONFLICT WITH STATE LAW: No provision of this Ordinance is intended to conflict with or supersede state law.

13. SEVERABILITY/VALIDITY: If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining provisions shall be considered valid.

14. EFFECTIVE DATE: This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council and the posting of signs and publication as required by law.

