

ORDINANCE NO. 2017-007

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TRAFALGAR, INDIANA, TO ESTABLISH GOLF CART REGULATIONS

WHEREAS, the Town Council (the "Council") of Trafalgar, Indiana (the "Town") believes it to be in the best interest of the Town to establish Golf Cart regulations in accordance with Indiana Code § 9-21-1-3.3(a);

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Trafalgar, Indiana, as follows:

Section 1. The Trafalgar Code of Ordinances is hereby amended to add Chapter 75, to read as follows:

Chapter 75 - GOLF CARTS

75.01 - Definitions.

- (A) "Motorized cart" or "cart", in the context of this chapter, is an electric, propane, natural gas, or gasoline (or other fuel) powered motor vehicle, commonly called a "golf cart", with an unladen weight of no more than 1,500 pounds, including without limitation vehicles constituting a "golf cart" as that term is defined in Indiana Code § 9-13-2-69.7.
- (B) This Chapter shall not be applicable to private roadways and drives that are not dedicated public streets or rights-of-way.

75.02 - Registration.

- (A) Decals Issued Upon Registration. Prior to operation on public roads, highways, and other public rights-of-way, a motorized cart shall be registered by its owner with the Trafalgar Police Department. Upon such registration the Trafalgar Police Department shall issue two numerical identification decals to the owner and shall maintain a record of each identification number, along with the name and address of the registered owner. The identification decals shall be affixed to the front and rear fender areas of the cart so as to be fully visible when the cart is in operation.
- (B) Registration/Transfer Fee. A registration fee of one hundred dollars (\$100.00) for each cart registered as a "slow moving work vehicle" and a fee of one hundred dollars (\$100.00) for each cart registered as a "personal transportation cart" shall be payable at the time of registration, and the registration shall be effective for a period of one year. All registration fees for motorized carts are to be deposited in the Trafalgar Police Department's continuing education fund.

- (C) Proof of Financial Responsibility. The owner of every motorized cart operated on public roads, highways, and other public rights-of-way shall furnish proof of financial responsibility as defined in Indiana Code § 9-25-2-3. Written proof of financial responsibility must be available on the motorized cart or carried by the operator at all times.

75.03 - Operational regulations.

- (A) Motorized carts shall be maintained in proper working condition with all equipment in working order.
- (B) Motorized carts shall be categorized as a:
1. "Slow moving work vehicle" with a slow moving vehicle sign as prescribed by Indiana Code (Section) 9-21-9 et seq. and a flashing red or amber light allowing the licensed operator to operate on or across public roads, highways, and other public rights-of-way while in use as a work vehicle at a speed no greater than twenty-five (25) miles per hour; or a
 2. "Personal transportation cart" equipped with headlights, taillights, brake lights, seatbelts, turn signals, and rearview mirror allowing the licensed owner to operate on non-prohibited public roads, highways, and other public rights-of-way posted with a speed limit of forty (40) miles an hour or less at a speed no greater than thirty (30) miles per hour.
- (C) Only persons possessing a valid driver's license issued by the State of Indiana, another state of the United States of America or an international agency shall be permitted to operate a motorized cart on public roads, highways, and other public rights-of-way.
- (D) No children under forty-eight (48) lbs. that require a child safety restraint seat are permitted to ride on a motorized cart.
- (E) Personal transportation carts shall not be operated on the Town's sidewalks or trails.
- (F) Subject to paragraph G. below, motorized carts shall not be operated on any of the following listed streets within the Town's corporate limits:
1. State Road 135;
 2. State Road 252
 3. Any streets with a speed limit above forty (40) miles per hour;
- (G) Motorized carts may cross State Roads 135 and 252 and any street with a speed limit above forty (40) miles per hour, but only at street intersections.
- (H) The operator of all motorized carts must yield to overtaking traffic.
- (I) The number of occupants in a motorized cart shall be limited to the number of persons for whom factory seating is installed and provided on the cart. The operator and all occupants shall be seated in the cart and no part of the body of the operator or

occupant shall extend outside the perimeter of the cart while the cart is being operated.

75.04 - Penalties.

- (A) It shall be the policy of the Trafalgar Police Department to issue a citation to any person the officer has probable cause to believe has violated a provision of Indiana Code or the Trafalgar Code of Ordinances while operating a motorized cart, whether the offending person is a juvenile or any other person.
- (B) Operation of an unregistered motorized cart on public roads, highways, and other public rights-of-way is a violation of this Chapter and is subject to the cart being towed and the operator issued a citation pursuant to Indiana Code § 9-21-1-3.3(a).
- (C) Violation of any provision of this Chapter shall be subject to the following fines;
 - 1. First offense - \$50.00
 - 2. Second offense within one (1) year - \$100.00
 - 3. Third offense within one (1) year - \$500.00 and revocation of registration and impoundment of the motorized cart (seized by wrecker). Registration revocation will be in effect for a minimum one year duration.
 - 4. An owner subject to any unpaid fines under this Ordinance shall not be allowed to register or re-register any motorized cart hereunder until all such fines are paid. Furthermore, any motorized cart that is the subject of any unpaid fines under this Ordinance shall not be eligible for registration or re-registration hereunder until all such fines are paid.
- (D) A fine assessed for a violation of a traffic ordinance associated with this Chapter shall be deposited in the Town's general fund.

75.05 - Exemptions.


An exemption may be issued for a limited time, location, and purpose by the Town Council as occasions and conditions so require, for example: on a date and location certain, for a limited time, for the purpose of parade participation. In addition, public safety personnel and town employees shall be exempt from the regulations of this Chapter while on duty.

Section 2. This Ordinance shall be in full force and effect immediately upon final adoption and publication in accordance with applicable law.

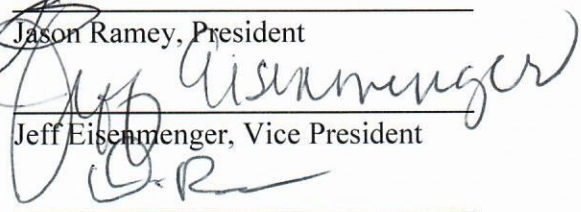
DULY PASSED AND ADOPTED on the 16th day of November, 2017, by a
vote of 5 in favor and 0 against.

TOWN OF TRAFALGAR, INDIANA, TOWN COUNCIL

IN FAVOR

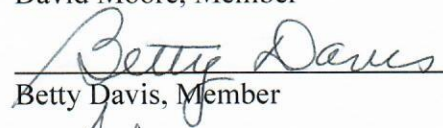


Jason Ramey, President



Jeff Eisenmenger, Vice President

David Moore, Member



Betty Davis, Member



Steve Scott, Member

AGAINST

Jason Ramey, President

Jeff Eisenmenger, Vice President

David Moore, Member

Betty Davis, Member

Steve Scott, Member

ATTEST:



Donna J Moore, Clerk-Treasurer
TOWN OF TRAFALGAR, Indiana