

**ORDINANCE 2022- 02**

**AN ORDINANCE TO AMEND AND RESTATE EXISTING ORDINANCES  
REGULATING THE OPERATION OF GOLF CARTS ON TOWN STREETS**

WHEREAS, the Town Council of the Town of Elberfeld, Indiana desires to amend and restate its existing ordinances that authorize and regulate the use of golf carts on the Town of Elberfeld streets;

WHEREFORE, BE IT ORDAINED by the Town Council of the Town of Elberfeld, as follows:

Section 1: **Definition of Golf Cart:** "Golf Cart" means a 4-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals properly seated and golf clubs for the purposes of playing the game of golf on a golf course.

Section 2: **Permitted Operation:** Golf Carts may be operated on the Town of Elberfeld streets, but only if such golf carts are registered, equipped and operated in full compliance with this Ordinance.

Section 3: **Registration:** The owner or lessee of a golf cart intending to operate it on the streets in the Town of Elberfeld, must register the golf cart annually with the Town of Elberfeld on or before March 31, and pay an annual registration fee of \$25.00 paid to the Clerk/Treasurer of the Town of Elberfeld. At the time of registration, the Elberfeld Town Marshal or Deputy Marshal shall perform an inspection to verify the golf cart is insured and is equipped as required herein. After inspection by the Town Marshal or Deputy Marshal and payment of the registration fee, the Clerk/Treasurer shall issue a certificate of registration ("permit") which must be in the golf cart or in the possession of the person operating the golf cart at all times such golf cart is in operation on the streets of Elberfeld.

Section 4: **Operators:** Only persons sixteen (16) years of age and older and holding a valid motor vehicle driver's license may operate a golf cart within the Town of Elberfeld.

Section 5: **Financial Responsibility of the Owner, Lessee, and Operator:** A golf cart operating on the streets of the Town of Elberfeld shall be insured by liability insurance coverage in an amount not less than that provided by Indiana statutes for motor vehicles operated on public thoroughfares in the State of Indiana. Proof of such liability coverage must be available on the golf cart or carried by the operator at all times that the golf cart is operated on the streets of the Town of Elberfeld.

Section 6: **Equipment:** A golf cart operating on the streets of the Town of Elberfeld shall be equipped with operating headlight or headlights and taillight or taillights (red color) visible from a distance of 500 feet, brakes adequate to control the movement of and to stop and hold the golf cart, a rear view mirror and, a slow moving vehicle placard shall be prominently displayed on the rear of the golf cart. All gas golf carts must be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

Section 7: **Permissible Streets:** Golf Carts may be operated on streets within the Town of Elberfeld on which the speed limit is 25 miles per hour or less.

- Section 8: **Restricted Areas:** Golf Carts may not be operated:
- A. On sidewalks; or
  - B. On any unpaved surfaces of public property; or
  - C. On any private property without permission of the owner.

Section 9: **Number and Seating of Occupants:** Occupants of a golf cart in operation on the Town of Elberfeld streets shall be limited to the number of persons for whom seating is installed on the golf cart. Occupants of the golf cart, including the operator, shall be seated in the cart and no part of the body of the operator or an occupant shall extend outside the perimeter of the cart while in operation.

Section 10: **Traffic Rules:** All golf carts and the operation thereof, shall be subject to all traffic rules, in addition to the requirements set forth herein, as required by Indiana Statutes governing the operation of motor vehicles.

Section 11: **Hand signals:** All operators of golf carts must use proper hand signals for turning or lane changes if the golf cart is not equipped with turn signals.

Section 12: **Restriction on operation between 9:00 p.m. and 6:00 a.m.** A golf cart vehicle may not be operated on any Town street between 9:00 p.m. and 6:00 a.m.

Section 13: **Responsibility of Owner or Lessee:** The Owner, or Lessee, of a golf cart, who applies for a permit to operate the golf cart within the Town of Elberfeld, as herein provided, shall agree to be responsible, jointly and severally, with any person who is permitted to operate the golf cart, for any injury or damages the operator causes by reason of the operation of the golf cart if such operator is liable for such damages.

Section 14: **Penalty:**

- A. Any person who violates this Ordinance shall be subject to a penalty of \$100.00 for the first violation in any 12-month period for each violation;
- B. Any person who violates this Ordinance a second time in any 12-month period shall be subject to a penalty of \$200.00 for each violation;
- C. Any person who violates this Ordinance a third time in any 12-month period shall be subject to a penalty of \$250.00 for each violation;
- D. In addition, the permit as herein provided may be subject to suspension or revocation at the time of any violation. In the event that 3 or more offenses constituting violations of this Ordinance occur within 1 year, the permit to operate the golf cart shall be revoked and may not be re-issued for a period of 1 year;
- E. If the person found responsible for violation of this Ordinance is a minor, the custodial parent or parents or the guardians of the minor shall be responsible for the actions of such minor and shall be liable for payment of the fine or fines

imposed hereunder;

- F. All fines and penalties shall be payable to the Town of Elberfeld Clerk/Treasurer. The Clerk/Treasurer of the Town of Elberfeld is hereby authorized to accept the payment of monetary penalties and place into the General Fund of the Town.

Section 15: **Violation of the Ordinance:** All persons who do not admit a violation of this ordinance and pay the appropriate penalty, shall be referred to the Town Attorney for the filing of a claim against the violator in the appropriate Court in Warrick County, Indiana.

Section 16: **Compliance:** It shall be the responsibility of the owner or lessee of the golf cart to comply with the provisions of Sections 3, 4, 5, 6 and 12 of this Ordinance. The failure to comply with those requirements shall constitute a violation of this Ordinance by the owner or lessee of the golf cart. It shall be the responsibility of the operator of the golf cart to comply with the provisions of Sections 6, 7, 8, 9, 10 and 11 of this Ordinance (including specifically the responsibility and actions of all occupants). The failure to comply with the requirements set forth in Sections 6, 7, 8, 9, 10 and 11 shall constitute a violation of the Ordinance by the operator.

Section 17: **Enforcement:** All law enforcement officers in the Town of Elberfeld shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws.

Section 18: **Severability:** In the event any provisions of this Ordinance shall be deemed invalid or unenforceable. The remainder of the Ordinance shall continue in full force and affect until repealed or modified by the Town Council or otherwise determined by a court of competent jurisdiction.

Section 19: **Amendment/Conflicting Ordinances:** This Ordinance amends and restates Ordinance 2012-3. Any and all Ordinances in conflict herewith are hereby replaced.

Section 20: **Effective Date:** This Ordinance shall become effective upon the passage by the Town Council of the Town of Elberfeld, attested by the Clerk-Treasurer and published as required by Indiana Codes 5-3-1-2.

**Approved, Passed and Enacted** by the Elberfeld Town Council, this 27 day of Sept, 2022.



MARTIN WALTERS, COUNCIL PRESIDENT



JEFF VALIANT, COUNCIL MEMBER

Tracee Matthews  
TRACEE MATTHEWS, COUNCIL MEMBER

ATTEST:

Stacey Kruse  
STACEY KRUSE, CLERK-TREASURER

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Section 15: Violation of the Ordinance. All persons who do not submit a violation of this ordinance and pay the appropriate penalty, shall be referred to the Town Attorney for the filing of a claim against the violator in the appropriate Court in W...  
Section 16: Compliance. It shall be the responsibility of the owner or operator of a vehicle to comply with the provisions of Sections 7, 8 and 11 of this Ordinance. The failure to comply with these requirements shall constitute a violation of this Ordinance by the owner or leasee of the vehicle. It shall be the responsibility of the operator of the vehicle to comply with the provisions of Sections 7, 8, 9, 10 and 11 of this Ordinance (including specifically the responsibility and actions of all occupants). The failure to comply with the requirements set forth in Sections 7, 8, 9, 10 and 11 shall constitute a violation of the Ordinance by the operator.  
Section 17: Enforcement. All law enforcement officers in the Town of Ellettsville shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by state statutes regarding the enforcement of State laws.  
Section 18: Severability. In the event any provision of this Ordinance shall be deemed invalid or unenforceable, the remainder of the Ordinance shall continue in full force and effect until repealed or modified by the Town Council or otherwise determined by a court of competent jurisdiction.  
Section 19: Amendment/Conflicting Ordinance. This Ordinance amends and replaces Ordinance 2012-3. Any and all Ordinances in conflict herewith are hereby repealed.  
Section 20: Effective Date. This Ordinance shall become effective upon the passage by the Town Council of the Town of Ellettsville, attested by the Clerk-Treasurer and published as required by Indiana Codes 5-3-1-2.

Approved, Passed and Enacted by the Ellettsville Town Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Martin Walters  
MARTIN WALTERS, COUNCIL PRESIDENT  
Jeff Warrant  
JEFF WARRANT, COUNCIL MEMBER