



**TOWN OF POSEYVILLE
ORDINANCE NO. 2016-07-13-03
AMENDING ORDINANCES 2011-08-10-01 AND 2010-08-11-01**

**AN ORDINANCE REGULATING THE OPERATION OF
GOLF CARTS ON TOWN STREETS**

WHEREAS, the Town Council of the Town of Poseyville, Indiana, desires to authorize and regulate the use of golf carts on the streets of the Town of Poseyville;

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

Section 1: Definition of "Golf Cart"

For the purposes of this Ordinance, "Golf Cart" shall mean a 4-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

Section 2: Permitted Operation

Golf Carts may be operated on the streets of the Town of Poseyville, but only if such Golf Carts are registered with the Town of Poseyville, and equipped and operated in full compliance with this Ordinance.

Section 3: Registration

The owner or lessee of a Golf Cart intending to operate the Golf Cart on the streets of the Town of Poseyville must register the Golf Cart annually with the Town of Poseyville and pay an annual registration fee of \$25 to the Clerk/Treasurer of the Town of Poseyville. Such registration shall be valid until April 15th of the following year and may be renewed each year on or before April 15th of each consecutive year.

Owners or lessees of a Golf Cart shall also have the option of purchasing a registration for a period of four years by paying the four-year registration fee of \$75 to the Clerk/Treasurer of the Town of Poseyville. Such registration shall expire on April 15 of the fourth year after payment of such registration fee.

At the time of any registration or renewal registration, the Poseyville Town Marshal or a Deputy Marshal shall perform an inspection to verify that the Golf Cart is insured and equipped as defined in the within Ordinance. Upon the successful completion of such inspection and the payment of the appropriate registration fee to the Clerk/Treasurer of the Town of Poseyville, the Clerk/Treasurer shall issue a certificate of registration (hereinafter "Permit"), which Permit must be in the Golf Cart or in the possession of the individual operating the Golf Cart at all times such Golf Cart is in operation upon the streets of the Town of Poseyville, Indiana. The Clerk/Treasurer shall also issue a registration decal; which decal must be clearly displayed on the back of the Golf Cart.

Section 4: Operators

Only individuals of 18 years of age or older and holding a valid motor vehicle driver's license may operate a Golf Cart within the Town of Poseyville.

Section 5: Financial Responsibility of the Owner, Lessee and Operator

A Golf Cart in operation upon the streets of the Town of Poseyville shall be insured by liability insurance coverage in an amount not less than that provided by Indiana Statute 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 of the Golf Cart at all times the Golf Cart is being operated on the streets of the Town of Poseyville.

Section 6: Equipment

All Golf Carts in operation upon the streets of the Town of Poseyville shall be equipped with brakes adequate to control the movement of and to stop and hold the Golf Cart; a rear view mirror; and side reflectors (one on each side to provide high visibility). A slow-moving placard shall be prominently displayed on the rear of the Golf Cart. Additionally, all Golf Carts must have an orange pennant or flag of at least 12 inches, but not more than 24 inches long, affixed to a staff or pole measuring at least 4 feet, but not more than 10 feet, in height. The pole or staff height shall be measured from the top of the driver's seat. All Golf Carts being operated between sunset and sunrise must have 2 operating headlights (one on each side of the Golf Cart) visible from a distance of 500 feet; brake lights/taillights (one on each side of the rear of the Golf Cart) visible from a distance of 500 feet; and turn signals. All gas operated 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. Seatbelts are recommended (but not required) for all Golf Carts.

Section 7: Permissible Streets

Golf Carts may be operated within the Town of Poseyville having a speed limit of 35 miles per hour or less. Specifically, Golf Carts shall not be operated upon State Highways 165 and 68 within the Town of Poseyville's municipal limits, except to cross State Highways 165 and 68 at intersecting streets, using the most direct route to cross the said Highways. However, Golf Carts will not be permitted to cross State Highways 165 and 68 at the intersections of Main Street/Cale Street and Main Street/Locust Street due to traffic congestion at these two intersections.

Section 8: Restricted Areas

Golf Carts may not be operated:

- A. Upon sidewalks; or
- B. Upon any unpaved surfaces of public property where motor vehicles are not permitted; or
- C. Upon any private property, without consent of the property owner.

Section 9: Number and Seating of Occupants

Occupants of a Golf Cart in operation within the Town of Poseyville shall be limited to the number of individuals for whom seating is installed on the Golf Cart. Occupants of the Golf Cart, including the operator, shall be seated in the cart in the designated seating area, and no part of the body of the operator or an occupant shall extend outside of the perimeter of the Golf Cart while the same is in operation, except for the operator's use of hand signals as required by Section 11 hereinbelow.

Section 10: Traffic Rules

All Golf Carts and the operator thereof shall be subject to all traffic rules as required by Indiana Statute governing the operation of motor vehicles in addition to the requirements set forth in this Ordinance.

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

A Golf Cart unequipped with two operating headlights, two taillights and turn signals may not be operated on any Poseyville Town street between sunset and sunrise.

Section 13:

Responsibility of Owner or Lessee

A Golf Cart Owner or Lessee applying for a Permit to operate such Golf Cart within the Town of Poseyville, as herein provided, agrees to be responsible, jointly and severally, with any person who is permitted to operate the permitted Golf Cart, for any injury or damages caused by reason of the operation of such Golf Cart if the operator is found liable for such damages.

Section 14: Penalties

- A. Any person who violates this Ordinance shall be subject to a penalty of \$100 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 for each violation.
- C. Any person who violates this Ordinance a third time in any 2-month period shall be subject to a penalty of \$250 for each violation.
- D. Any Permit provided hereunder may be subject to suspension or revocation at the time of any violation; and, in the event three or more violations of this Ordinance occur within a 12-month period, the Permit to operate the Golf Cart for which it was issued shall be revoked and may not be re-issued for a period of one year.
- E. In the event the individual responsible for the violation of this Ordinance is a minor according to the laws of the State of Indiana, then the custodial parent(s) or guardian(s) of such minor child shall be responsible for the actions of such minor child and shall be liable for payment of the fine(s) imposed hereunder.
- F. All fine(s) or penalty(ies) shall be payable to the Town of Poseyville Clerk/Treasurer. The Clerk/Treasurer is hereby authorized to accept the payment of monetary penalties and to place such monetary penalties into the General Fund of the Town of Poseyville.

Section 15: Violation of the Ordinance

Any 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 of Posey County, Indiana.

Section 16: Compliance

It shall be the responsibility of the owner or lessee of any Golf Cart in operation within the Town of Poseyville to comply with the provisions of Sections 3,4,5,6 and 12 of the within Ordinance. Failure to comply with such requirements shall constitute a violation of this Ordinance by the Golf Cart owner or lessee.

It shall be the responsibility of the operator of the Golf Cart to comply with the provisions of Sections 7,8,9,10,11 and 12 of this Ordinance (including specifically the responsibility and actions of all occupants). Failure to comply with the requirements of such Sections shall constitute a violation of the Ordinance by the operator.

Section 17: Enforcement

All law enforcement officers in the Town of Poseyville shall have the power and duty to enforce the provisions of this Ordinance, unless otherwise prevented by State Statute regarding the enforcement of Indiana 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 effect until repealed or modified by the Poseyville Town Council or otherwise determined by a Court of competent jurisdiction.

Section 19: Effective Date.


This Ordinance shall become effective upon passage by the Poseyville Town Council, attested by the Clerk/Treasurer and published as required by Indiana Code 5-3-1-2.

PASSED AND ADOPTED BY THE POSEYVILLE TOWN COUNCIL THIS 13th DAY OF JULY, 2016

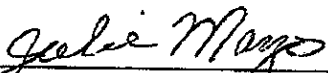
TOWN COUNCIL OF POSEYVILLE, INDIANA

By: 
Bruce C. Baker, President

By: 
Steven J. Ahrens, Member

By: 
Ronald G. Fallowfield, Member

ATTEST:


Julie Mayo, Clerk/Treasurer
Town of Poseyville, Indiana

**ORDINANCE 2011-08-10-01
AMENDING ORDINANCE 2010-08-11-01**

**AN ORDINANCE REGULATING
THE OPERATION OF GOLF CARTS ON TOWN STREETS**

WHEREAS, the Town Council of the Town of Poseyville, Indiana desires to change the wording of Section 6 as follows:

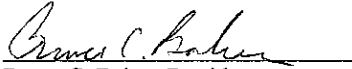
Section 6: Equipment.


All golf carts operating on the streets of the Town of Poseyville shall be equipped with brakes adequate to control the movement of and to stop and hold the golf cart; a rear view mirror; and side reflectors, one on each side to provide high visibility. A slow moving placard shall be prominently displayed on the rear of the golf cart. Additionally, all golf carts must have an orange pennant or flag at least twelve (12) inches but not more than twenty-four (24) inches long affixed to a staff or pole measuring at least four (4) feet but not more than ten (10) feet in height. The pole or staff height shall be measured from the top of the driver's seat. All golf carts which are operated between sunset and sunrise must have two operating headlights (one on each side of the golf cart); and brake lights/taillights (one on each side of the rear of the golf cart) visible from a distance of 500 feet; and turn signals. All gas operated 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. Seatbelts are recommended, but not required, for all golf carts.

All other aspects of the Ordinance remain in full force and effect.

PASSED AND ADOPTED by the Town Council of the Town of Poseyville, Posey County, Indiana on the 10th day of August, 2011.

POSEYVILLE TOWN COUNCIL


Bruce C. Baker, President


Steven J. Ahrens, Member


Ronald G. Fallowfield, Member

ATTESTED TO:


Diana L. Powell, Clerk/Treasurer

ORIDNANCE 2010-08-11-01

**AN ORDINANCE REGULATING
THE OPERATION OF GOLF CARTS ON TOWN STREETS**

WHEREAS, the Town Council of the Town of Poseyville, Indiana desires to authorize and regulate the use of golf carts on the Town of Poseyville streets.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Poseyville 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 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 Poseyville streets, but only if such golf carts are registered with the Town, 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 Poseyville must register the golf cart annually with the Town of Poseyville and pay an annual registration fee of \$24.00 to the Clerk/Treasurer of the Town of Poseyville. The registration shall be valid until April 15 of the following year. The registration may be renewed each year on or before April 15. At the time of registration or renewal registration, the Poseyville 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 Poseyville. The Clerk/Treasurer shall also issue a registration decal which must be clearly displayed on the back of the golf cart.

Section 4: Operators.

Only persons 18 years of age and older and holding a valid motor vehicle driver’s license may operate a golf cart within the Town of Poseyville.

Section 5: Financial Responsibility of the Owner, Lessee, and Operator.

A golf cart operating on the streets of the Town of Poseyville 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 Poseyville.

Section 6: Equipment.

All golf carts operating on the streets of the Town of Poseyville shall be equipped with brakes adequate to control the movement of and to stop and hold the golf cart; brake lights; a rear view mirror; a windshield; and side reflectors, one on each side to provide high visibility. A slow moving placard shall be prominently displayed on the rear of the golf cart. Additionally, all golf carts must have an orange pennant or flag at least twelve (12) inches but not more than twenty-four (24) inches long affixed to a staff or pole measuring at least four (4) feet but not more than ten (10) feet in height. The pole or staff height shall be measured from the top of the driver's seat. All golf carts which are operated between sunset and sunrise must have two operating headlights (one on each side of the golf cart); and taillights (one on each side of the rear of the golf cart) visible from a distance of 500 feet; and turn signals. All gas operated 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. Seatbelts are recommended, but not required, for all golf carts.

Section 7: Permissible Streets.

Golf carts may be operated on streets within the Town of Poseyville which have a speed limit of 35 miles per hour or less. Specifically, golf carts shall not be operated on State Highways 165 and 68 within the Town of Poseyville municipal limits except to cross State Highways 165 and 68 at intersecting streets using the most direct route to cross the Highways. However, golf carts will not be allowed to cross State Highways 165 and 68 at the intersections of Main and Cale and Main and Locust due to congestion of these intersections.

Section 8: Restricted Areas.

Golf Carts may not be operated

- A. On sidewalks; or
- B. On any unpaved surfaces of public property where motor vehicles are not allowed; 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 Poseyville 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 in the designated seated area and no part of the body of the operator or an occupant shall extend outside the perimeter of the cart while in operation, except for the operator using hand signals as required by section 11.

Infants and small children transported in a golf cart must be restrained in the same manner as if being transported in a motor vehicle as pertaining to the child restraint laws of Indiana.

Section 10: Traffic Rules.

All golf carts and the operator 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.

A golf cart which is not equipped with two operating headlights, two taillights and turn signals, may not be operated on any town street between sunset and sunrise.

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 Poseyville, 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 a 12-month period, 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 Poseyville Clerk/Treasurer. The Clerk/Treasurer of the Town of Poseyville is hereby authorized to accept the payment of monetary penalties and place them 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 Posey 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 7, 8, 9, 10, 11 and 12 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, 11, and 12 shall constitute a violation of the Ordinance by the operator.

Section 17: Enforcement.

All law enforcement officers in the Town of Poseyville 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 of any provisions of this Ordinance shall be deemed invalid or unenforceable, the remainder of the Ordinance shall continue in full force and

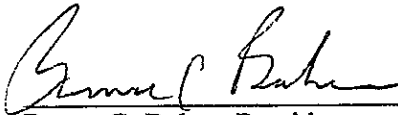
effect until repealed or modified by the Town Council or otherwise determined by a court of competent jurisdiction.

Section 19: Effective Date.

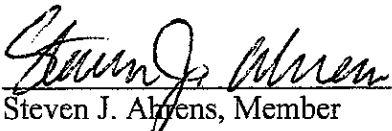
This Ordinance shall become effective upon the passage by the Town Council of the Town of Poseyville, attested by the Clerk/Treasurer and published as required by Indiana Codes 5-3-1-2.

PASSED AND ADOPTED by the Town Council of the Town of Poseyville, Posey County, Indiana on the 11th day of August, 2010.

POSEYVILLE TOWN COUNCIL



Bruce C. Baker, President

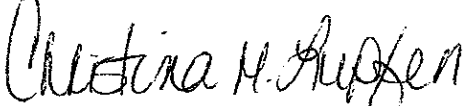


Steven J. Ahrens, Member



Ronald G. Fallowfield, Member

ATTESTED TO:



Christina M. Lupfer, Clerk/Treasurer