

**ORDINANCE #2009- 2**

**AN ORDINANCE REGULATING THE USE OF GOLF CARTS  
WITHIN THE TOWN OF BOSWELL**

*WHEREAS*, the Boswell Town Council recognizes that golf carts may provide a convenient, inexpensive and environmentally responsible alternative to the use of fossil-fuel powered vehicles; and

*WHEREAS*, the Boswell Town Council desires to permit the use of golf carts within the boundaries of the Town of Boswell by establishing minimal regulations to protect the safety of the citizens of the Town of Boswell and drivers and passengers in golf carts;

*NOW THEREFORE BE IT ORDAINED* pursuant to Indiana Code § 9-21-1-3(a)(14) and § 9-21-1-3.3(a), that the operator of a golf cart within the Town of Boswell, Indiana, shall comply with and be subject to the following:

**DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. “Golf Cart” 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, as that term is defined in Indiana Code § 9-13-2-69.7, as amended from time to time.
- B. “Driver’s License” means any type of license or privilege to operate a motor vehicle issued under the laws of a jurisdiction.
- C. “Proof of Financial Responsibility” as that term is defined in Indiana Code § 9-25-2-3, as amended from time to time, means proof of ability to respond in damages for each motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:
  - (1) Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of any one (1) person.
  - (2) Subject to the limit in subsection (1), Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident.
  - (3) Ten Thousand Dollars (\$10,000) because of injury to or destruction of property in any one (1) accident.

## **OPERATION OF GOLF CARTS**

The operation of a golf cart within the Town of Boswell is strictly prohibited unless the golf cart is operated and equipped in full compliance of this Ordinance.

### **OPERATOR**

A golf cart may only be operated by an individual who holds a valid driver's license.

### **FINANCIAL RESPONSIBILITY**

The financial ability of the operator or owner notwithstanding, the operator of a golf cart must be able to show proof of financial responsibility for the golf cart when operating a golf cart. Written proof of financial responsibility must be carried by the operator at all times.

### **TIME OF OPERATION**

Golf carts shall not be operated on town streets during one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with two (2) operating headlights (one (1) on each side of the front of the golf cart) and two (2) operating tail lights with brake lights (one (1) on each side of the rear of the golf cart) which are visible from a distance of five hundred (500) feet.

### **PLACE OF OPERATION**

Golf carts may be operated on town streets which have a posted speed limit of thirty (30) miles or less.

Golf carts may not be operated on sidewalks.

Golf carts may be operated on the following national or state highways: Old U.S. Highway 41 or State Road 352, but not U.S. Highway 41.

### **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 shall extend outside the perimeter of the golf cart while the golf cart is being operated.

### **TRAFFIC RULES**

The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of Indiana and the Town of Boswell which govern the operation of motor vehicles.

**SLOW MOVING VEHICLE SIGN**

All golf carts must display on the back of the golf cart a "slow moving vehicle emblem" as described in Indiana Code § 9-21-9-3, or a red or amber flashing lamp as described in Indiana Code § 9-21-9-4, as those sections may be amended from time to time.

**WRECKED OR DAMAGED GOLF CARTS**

A person removing a wrecked or damaged golf cart from a street or highway also must remove any glass or other foreign material dropped upon the street or highway from the golf cart, as described in Indiana Code § 9-26-6-1, as amended from time to time.

**ENFORCEMENT AND PENALTY**

A person who violates this Ordinance commits a Class C Infraction, as provided by Indiana Code § 9-21-1-3.3. An owner, lessee or operator may be cited to appear in a court of competent jurisdiction by issuance of an Indiana Uniform Traffic Ticket. Upon a finding by such court that an owner, lessee or operator of a golf cart has violated any provision of this Ordinance, such person shall be subject to the following fines, in addition to court costs:

- (a) Fifty Dollars (\$50.00) for a first-time violation;
- (b) One Hundred Dollars (\$100.00) for a second-time violation; and
- (c) Five Hundred Dollars (\$500.00) for the third violation and for any subsequent violation thereafter.

A fine assessed for a violation of this Ordinance shall be deposited in the general fund of the Town of Boswell.

*SO PASSED* this 24<sup>th</sup> day of August, 2009, and effective upon legal publication.

BOSWELL TOWN COUNCIL

*Brian Knell*

*Ron Harper*

*Jerry Banoff*

ATTEST:

*Jennifer Trapp*  
Clerk-Treasurer