

STARKE COUNTY COMMISSIONERS ORDINANCE 2013-102  
ROADS: ORDINANCE REGULATING REGISTRATION  
AND USE OF GOLF CARTS  
ON CERTAIN COUNTY HIGHWAYS

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THE STARKE COUNTY COMMISSIONERS (the “Commissioners”) after a thorough investigation, meetings, and discussions with interested persons, have determined that, in the interest of public order and safety, there exists a need for regulation of the operation of Golf Carts on public highways, roads and other areas under county jurisdiction;

AND FURTHER FIND that the regulation of Golf Carts on county highways, roads and other areas under county jurisdiction is a matter within the customary and recognized jurisdiction of the Commissioners;

THEREFORE THE COMMISSIONERS hereby adopt the following ordinance regulating registration and use of golf carts and similar vehicles on certain county highways, to also be known by the short title: “The Golf Cart Ordinance”.

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Commissioners Ordinance 2013-102, **ROADS: ORDINANCE REGULATING REGISTRATION AND USE OF GOLF CARTS ON CERTAIN COUNTY HIGHWAYS** superseding, replacing and repealing all prior ordinances inconsistent with the terms hereof. The ordinance is as follows:

**Section I. Definitions**

In this Ordinance:

1. **Golf Cart.** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, and that is not capable of exceeding speeds of thirty-five (35) miles per hour in ordinary operation.
2. **Driver’s License.** A license valid for the operation of a motor vehicle on public roads and highways in the State of Indiana, whether issued by Indiana or another state.
3. **Financial Responsibility.** Liability insurance coverage applicable to the golf cart or similar vehicle compliant with all Indiana laws applicable to a motor vehicle operated on the public highways of the State of Indiana.

4. **County Highway or County Road** means any public right-of-way under the jurisdiction of Starke County Indiana. The definition excludes public rights-of-way under the jurisdiction of the State of Indiana (generally, INDOT), and public rights-of-way in any of the incorporated towns or cities located within Starke County. For the purposes of this ordinance County Highway and County Road are synonyms. Private property not subject to a public right-of-way is not subject to the terms of this ordinance.
5. **GCP.** GCP means “Golf Cart Permit” and refers to the permit required for any Golf Cart operating on Starke County Roads pursuant to this ordinance.

## Section II. Statement of Purpose and Policy

The purpose of this ordinance is to promote public order, safety and personal responsibility with respect to the operation of golf carts and similar utility vehicles on County Roads in Starke County, Indiana. All provisions shall be liberally construed consistently with this purpose and policy.

## Section III. Prohibitions

- (A) **Manner of Operation, In General.** No person shall operate a golf cart or similar vehicle with a bench within Starke County except as hereinafter provided.
- (B) **Compliance with Traffic Rules and Regulations.** Operators of Golf Carts not violate applicable Indiana State Laws governing use of public roads, including laws prohibiting possession or use of alcoholic beverages, controlled substances, and illegal drugs, and shall comply with all laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs.
- (C) **Permit Required.** No person may operate a Golf Cart on any County Road without possession of documentation showing a valid Golf Cart Permit (“GCP”) as described in Section IV, below.
- (D) **Operation limited to County Roads Posted 35 mph or less.** No person may operate a Golf Cart on any County Road unless the posted speed limit is thirty-five 35 miles per hour or less. This Ordinance does *not* authorize a Golf Cart to operate on highways under the jurisdiction of the State of Indiana, nor does this Ordinance authorize a Golf Cart to operate on the roads or streets of any incorporated municipality (i.e. Hamlet, Knox, or North Judson) located in the county.
- (E) **Operation on Public Sidewalk Prohibited.** No Golf Cart vehicle shall be operated on a public sidewalk, nor operated on that portion of the road located between the curb line and the sidewalk or property line referred to as the parking area except for the purposes of crossing the same to a public street upon which operation is authorized under this ordinance.

- (F) **Negligent or Reckless Operation Prohibited.** No person shall operate a Golf Cart in negligent or reckless manner so as to endanger the person or property of another or to cause injury or damage thereto.
- (G) **Towing.** No person shall use a Golf Cart vehicle to tow any other item, vehicle or thing whatsoever; with the exception however, that this prohibition is not intended to apply to official participants in parades, festivals or similar special events.
- (H) **Operation on Private Property.** No person shall operate a Golf Cart on the private property of another without their permission and written consent.
- (I) **Under Age Operation Prohibited.** Operation of a Golf Cart on any public road by persons under the full age of sixteen (16) years is prohibited.

#### Section IV. Golf Cart Permits

- (A) **Permit Required; Term, Fee.** No person shall operate a Golf Cart on any Starke County Road without a Starke County Golf Cart Permit ("GCP"). The GCP must be with the vehicle whenever it is operated on any County Road. The permit shall be valid for one calendar year, July 1 through June 30<sup>th</sup> of the next calendar year. A thirty (30) day grace period will be recognized. The initial annual fee for each vehicle's permit shall be set at twenty-five \$25.00.
- (B) **Inspection.** Prior to each GCP issuance, the Starke Co. Sheriff's Dept. or his/her appointee shall inspect the vehicle to ensure that the vehicle complies with all requirements of Starke County and the State of Indiana.
- (C) **Disqualification.** No GCP shall be issued to any person who was cited and convicted of a GCP violation within the previous twelve months.
- (D) **GCP Lost or Stolen.** If a GCP is lost or stolen, it shall be the responsibility of the permit holder to take all necessary action to report and correct the matter. The Sheriff's Dept. may, in their discretion, issue a replacement permit if the vehicle owner shows proof they had previously purchase a GCP. Vehicle owners unable to prove a GCP was previously issued for the vehicle will be required to start a new application.
- (E) **Operation without a GCP Prohibited.** Any person who operates a golf cart or similar vehicle on a Starke County Road without a GCP will be in violation of this Ordinance and subject to the penalties set forth below, and also subject to all Indiana state laws.
- (F) **Application Form and Procedures.** To initiate an application for a GCP, vehicle owners must complete the GCP Registration and Waiver of Liability Form, and show proof of liability insurance. After these steps have been satisfied, the applicants will arrange with the Starke Co. Sheriff's Dept. for an inspection of the vehicle. All

completed forms and proofs of insurance shall be maintained by the Starke County Sheriff's Department.

- (G) **Proof of Insurance.** No GCP may be issued to any applicant without proof of liability insurance, as approved by the Starke Co. Sheriff's Department. The proof of insurance must be maintained on the vehicle along with the GCP.
- (H) **Reciprocity.** Any GCP or equivalent permit from Marshall County, Indiana, will be honored in Starke County.

### Section V. Minimum Equipment Requirements

A GCP is unique to a single vehicle. In addition to the requirements stated above, the following minimum requirements apply to each vehicle, and no GCP may be issued to a vehicle without compliance with these minimum requirements:

- (1) Brakes in good working condition.
- (2) INDOT approved slow moving vehicle sign affixed to the rear of the vehicle in compliance with Indiana law.
- (3) Golf Carts must be equipped with:
  - a. a rear view mirror; and,
  - b. a manufacturer's serial number plate; and,
  - c. front and rear reflectors; and,
  - d. working rear brake lights visible from a minimum distance of five hundred feet.
  - e. any addition equipment that may be required by regulation of the State of Indiana or Starke County.

### Section VI. Rules of Operation

(A) **Time of Operation; Equipment Requirements for Night Operation.** No person may operate a Golf Cart on any County Road between sunset and sunrise, unless the vehicle is equipped with two operating (2) headlights (one on each side of the vehicle) and two (2) operating tail lights with brake lights (one on each side of the vehicle) both of which are visible from a distance of five hundred (500) feet. Vehicles authorized for night time operation may operate only until 11:00 pm local time. Vehicles authorized for night time operation will be differentiated by color coded stickers during the GCP issuance process.

(B) **Operation Prohibited When Visibility is Impaired.** No person may operate a Golf Cart on a County Road during any weather event or similar event during which visibility is impaired by fog, heavy rain, smoke or at any time when insufficient light makes it impossible to see a person or vehicle on the roadway at a distance of five hundred (500) feet or more.

(C) **Compliance with the Rules of the Road.** All Golf Carts shall operate cautiously and courteously, and shall comply with all the rules of the road and set forth by the Indiana

Bureau of Motor Vehicles or as otherwise set forth in Indiana law, including traffic patterns and shall operate on the right side of the road.

(D) **GCP Operators.** All Golf Carts shall be operated by persons who are over sixteen years of age and possess a valid license authorizing them to operate a motor vehicle on the public roads of the State of Indiana.

(E) **Yielding Right-of-Way.** Golf Carts shall yield the right-of-way to faster moving vehicles, and shall not obstruct the flow of traffic, pulling off to the right side berm if needed to allow faster moving vehicles to pass.

(F) **Maximum Occupancy, Passenger Conduct.** The number of persons travelling in a Golf Cart on a County Road shall not exceed the number of adult persons for whom seating is provided in the vehicle. No object or part of any person's body shall protrude beyond the perimeter of the vehicle when the vehicle is in motion. All children shall be properly supervised by a responsible adult.

(G) **Parking.** Golf Carts shall comply with all of the rules governing parking of motor vehicles generally, except that two Golf Carts may share one parking space if they can do so without encroaching upon another parking space.

## Section VII. Penalties

Any act or omission constituting a violation of this ordinance, including any failure to comply with or to maintain compliance with any of its requirements, constitutes an ordinance violation. A person convicted of violating this ordinance shall be subject to a fine not to exceed TWO HUNDRED AND FIFTY DOLLARS (\$250.00) per violation. Each day that any of the provisions of this ordinance is violated constitutes a separate offense and violator shall be fined an additional fine not to exceed \$25.00 per day plus court costs. All fines and fees shall be payable to Starke County and paid to the Starke County Auditor.

Any minor person found to operating a Golf Cart may be referred to the Starke County Prosecutor or Starke County Juvenile Court.

## Section VIII. Exemptions

(A) **County Government Activities.** Employees, agents and officials of Starke County Government while engaged in county government business are exempt from the application of this Ordinance.

(B) **Parades, Festivals and Special Events.** Subject to the discretion of the Starke County Sheriff, temporary exceptions to the rules set forth in this Ordinance may be granted to official participants in parades, festivals and other special events.

Section IX. Implementation

(A) Severability. If any section, provision, clause or phrase of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, provision, clause or phrase.

(B) Liability. Nothing herein is intended, nor shall it be construed as a representation, opinion, claim, warranty or guarantee that operating any particular Golf Cart on any particular road or area is safe, advisable, nor that any particular person is competent to so operate such a vehicle. Therefore, Starke County, the Commissioners, the Sheriff, and Starke County employees will assume no liability after issuing a GCP. Starke County disclaims any liability for personal injury, death, property damage and other losses caused or alleged to be caused or incurred by any person due to, or alleged to be due to, the operation of a Golf Cart on a County Road or other right-of-way.

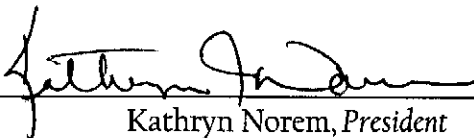
(C) Effective Date. This Ordinance shall take full force and effect thirty (30) days after publication of thereof in the *Leader* as provided by law.

Presented to the ~~Council~~ <sup>Commissioners</sup> of Starke County, Indiana, and approved on the final reading the 4<sup>th</sup> day of November, 2013, by the following vote:

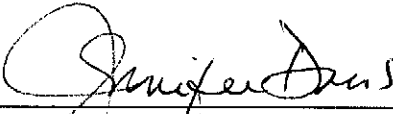
COMMISSIONERS OF STARKE COUNTY

VOTE

yes

  
Kathryn Norem, *President*

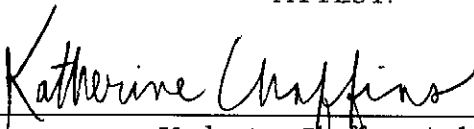
yes

  
Jennifer Davis, *Commissioner*

yes

  
Kent Danford, *Commissioner*

ATTEST:

  
Katherine Chaffins, *Auditor*  
Of Starke County Indiana