

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	July 29, 2011	Meeting Date:	August 1, 2011
Contact Information:			
Requested by:	Rob H. Schafstall, City Attorney		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	(317) 736-7146		
Email address:	robhschafstall@gmail.com		
Mailing Address:	98 N. Jackson Street, Franklin, IN 46131		
Describe Request:			
Introduction of Ordinance Regulating Golf Carts (Ordinance 11-06 of the City of Franklin)			
List Supporting Documentation Provided:			
Copy of Ordinance 11-06			
Who will present the request?			
Name:	Rob H. Schafstall	Telephone:	(317) 736-7146

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

**ORDINANCE NUMBER 11-06
OF THE CITY OF FRANKLIN, INDIANA**

AN ORDINANCE REGULATING GOLF CARTS

Whereas, the Common Council of the City of Franklin, Indiana, pursuant to Indiana Code § 9-21 *et seq.*, finds that the operation of motorized carts commonly referred to as “golf carts” on private roads, highways, and other public rights-of-way should be regulated.

Therefore, the Common Council of the City of Franklin, Indiana, Ordains and Enacts the Following:

1. Definitions.

- a. “Motorized cart” or “cart”, in the context of this Ordinance, is an electric or gasoline powered motor vehicle, commonly called a “golf cart”, having no less than four wheels, an unladen weight of no more than one thousand five hundred (1,500) pounds, and which is not designed for speeds in excess of twenty-five (25) miles per hour.

2. Registration.

- a. Decals Issued Upon Registration. Prior to operation on private roads, highways, and other public rights-of-way, a motorized cart shall be registered by its owner with the Franklin Police Department. Upon such registration the Franklin 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 windshield and rear fender area of the cart so as to be fully visible when the cart is in operation.
- b. Registration / Transfer Fee. A registration fee of Two Hundred Dollars (\$200.00) for each cart registered and inspected as a “Slow moving work vehicle” and a fee of Two Hundred Dollars (\$200.00) for each cart registered and inspected as a “Personal Transportation Cart” shall be payable at the time of registration, and the registration shall be effective for a period of two (2) years. If the cart is transferred to another owner for operation in the City, the registration shall not transfer – instead, the new owner must re-register within ten (10) business days of the date of transfer of the cart, and a transfer fee in the amount of One Hundred Dollars (\$100.00) shall be paid to the Franklin Police Department. All registration and transfer fees for motorized carts are to be deposited in the Franklin Police Department’s Continuing Education Fund.
- c. Proof of Insurance. The owner of every motorized cart operated on private roads, highways, and other public rights-of-way shall furnish proof of insurance meeting Indiana Motor Vehicle requirements at the

time of registration. Insurance shall be in full force and effect during the operation of the motorized cart. Each cart must carry proof of insurance at all times the cart is in operation.

3. Operational regulations.

- a. Motorized carts shall be maintained in proper working condition with all equipment in working order. Motorized carts shall be maintained at the specifications applicable as of the date of manufacture. It is unlawful to operate a registered cart without a device or with an altered device originally installed by the manufacturer for the purpose of controlling exhaust emissions or increasing the vehicle's maximum speed.
- b. Motorized carts shall be categorized as a:
 - i. SLOW MOVING WORK VEHICLE - with a slow moving vehicle sign as prescribed by Indiana Code § 9-21-9 *et seq.* and a flashing red or amber light allowing the licensed operator to operate on or across private 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
 - ii. PERSONAL TRANSPORTATION CART- equipped with headlights, taillights, brake lights, seatbelts, turn signals, horn, windshield, and rearview mirrors allowing the licensed owner to operate during day-light hours on non-prohibited private roads, highways, and other public rights-of-way posted with a speed limit of thirty (30) miles an hour or less. [Note: under no circumstances may a Personal Transportation Cart be operated in excess of twenty-five (25) miles per hour.]
- c. Motorized carts shall be operated with one (1) flashing light that is visible for three hundred sixty degrees, two (2) headlights and two (2) taillights, as well as seat belts, front and rear turn signals, and a rear-view mirror, at all times while on the City's public rights-of-way. Operation of motorized carts shall be in compliance with all applicable requirements of the Indiana Code and the City's Ordinances relative to vehicles and traffic. No motorized carts will be operated on public rights-of-way with an altered center of gravity, such as via a "lift kit" or over-sized tires.
- d. Only persons possessing a valid driver's license or learner's permit 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 private roads, highways, and other public rights-of-way.
- e. No persons younger than sixteen (16) years of age are permitted to be passengers on motorized carts.
- f. Personal transportation carts shall not be operated on the City's sidewalks or the greenway trails.

- g. Motorized carts shall not be operated on any of the following listed streets within the City's corporate limits:
 - i. U.S. 31 (Morton Street);
 - ii. State Road 44/144 (Jefferson Street) (King Street);
 - iii. Eastview and Westview Drives;
 - iv. Commerce Drive;
 - v. Upper Shelbyville Road;
 - vi. Airport Road;
 - vii. Lover's Lane;
 - viii. Hospital Road;
 - ix. Branigan Road;
 - x. Graham Road; and
 - xi. Old U.S. 31.
- h. Crossing of major roadways by personal transportation carts shall be permitted only at crossings having a stop light.
- i. Motorized carts shall not cross any street for which the speed limit is set greater than forty (40) miles per hour.
- j. The operator of all motorized carts must yield to overtaking traffic.

4. Penalties.

- a. It shall be the policy of the Franklin Police Department to issue a uniform traffic citation to any person the officer has probable cause to believe has violated a provision of Indiana Codes or the Franklin City Ordinance while operating a motorized cart, whether the offending person is a juvenile or any other person.
- b. It shall be the policy of the City of Franklin that an unregistered motorized cart is in violation of the Indiana Code requiring a municipal ordinance approving the use of the motorized cart and the cart will be towed and the operator issued an Indiana Uniform Traffic Citation pursuant to Indiana Code § 9-21-1-3.3(a).
- c. It shall be the policy of the Franklin Police Department that any motorized cart found operating in violation of this ordinance shall be subject to the following fines, subject to impoundment of the motorized cart (seized by wrecker), and a loss of registration:
 - i. First offense - \$100.00;
 - ii. Second offense within one (1) year - \$200.00
 - iii. Third offense within one (1) year - \$250.00
- d. Revocation of registration will be determined at a hearing of the Board of Public Works and Safety. The registered owner will be notified by certified mail as to the date, time, and place of the hearing. The registered owner will be afforded an opportunity to present evidence in his/her defense for retaining their registration.
- e. A fine assessed for a violation of a traffic ordinance associated with this ordinance will be deposited in the City's General Fund.

5. **Exemptions.** An exemption may be issued for a limited time, location, and purpose by the Board of Works and Safety as occasions and conditions so require, such as on a date and location certain, for a limited time, for the purpose of parade participation.
6. **Delegation of Administrative Changes.** The Board of Public Works and Safety may from time to time, as circumstances warrant, change the administrative provisions of this Ordinance, including, but not limited to, changing the provisions relative to Registration, Operational Regulations, and Exemptions, as referenced above.
7. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
8. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.
9. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.
10. **Duration and Effective Date.** Unless otherwise provided by applicable Indiana law, the provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the ____ day of _____, 2011. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of ____ in Favor and ____ Opposed, pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this ____ day of _____, 2011 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote ____ in Favor and ____ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Dr. William T. Murphy, President

Dr. William T. Murphy, President

Joseph Abban

Joseph Abban

Joseph R. Ault

Joseph R. Ault

Kenneth W. Austin

Kenneth W. Austin

Ann Gordon

Ann Gordon

Stephen D. Hougland

Stephen D. Hougland

Steve Barnett

Steve Barnett

Attest:

Janet P. Alexander
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this ____ day of _____, 2011 at ____ o'clock a.m./p.m.

Janet P. Alexander,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this____ day of _____, 2011 at _____ o'clock a.m./p.m.

Fred L. Paris, Mayor
City of Franklin, Indiana

Attest:

Janet P. Alexander,
City Clerk-Treasurer

Prepared by:

Robert H. Schafstall
Atty. No.: 16944-41