

**ORDINANCE NUMBER 12-10
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 public roads, highways, and other public rights-of-way should be regulated.

Now 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, as that term is defined in Indiana Code § 9-13-2-69.7.
- b. This ordinance shall not be applicable to private roadways and drives that are not dedicated public streets or right of ways.

2) Registration.

- a. Decals Issued Upon Registration. Prior to operation on public roads, highways, and other public-right-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 and rear fender areas of the cart so as to be fully visible when the cart is in operation.
- b. Registration/Transfer Fee. A registration fee of One Hundred Dollars (\$100.00) for each cart registered as a "Slow moving work vehicle" and a fee of One Hundred Dollars (\$100.00) for each cart registered 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. All registration fees for motorized carts are to be deposited in the Franklin Police Department's Continuing Education Fund.
- c. Proof of Financial Responsibility. The owner of every motorized cart operated on public roads, highways and other public rights-of-way shall furnish proof of financial responsibility as defined in Indiana Code § 9-25-2-3. Written proof of financial responsibility must be carried by the operator at all times.

3) Operational regulations.

- a. Motorized carts shall be maintained in proper working condition with all equipment in working order.

- b. Motorized carts shall be categorized as a:
 - i. SLOW MOVING WORK VEHICLE - with a slow moving vehicle sign as prescribed by Indiana Code (Section) 9-21-9 et seq. and a flashing red or amber light allowing the licensed operator to operate on or across public 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, and rearview mirror allowing the licensed owner to operate on non-prohibited public roads, highways, and other public rights-of-way posted with a speed limit of forty (40) miles an hour or less at a speed no greater than thirty (30) miles per hour.
- c. Only persons possessing a valid driver's license 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 car on public roads, highways, and other public rights-of-way.
- d. No children under 48 lbs. that require a child safety restraint seat are permitted to ride on a motorized cart.
- e. Personal transportation carts shall not be operated on the City's sidewalks or the greenway trails.
- f. Subject to paragraph "g" below, 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
 - iii. Any streets with a speed limit above forty (40) miles per hour;
- g. Crossing of U.S. 31, State Road 44/144 and any street with a speed limit above forty (40) miles per hour by motorized carts shall be permitted only at crossings having a stop sign or traffic control signal erected in accordance with Indiana Code 9-21-3. et seq.
- h. The operator of all motorized carts must yield to overtaking traffic.
- i. The operator and all passengers shall wear a seat belt while vehicle is in operation. One seat belt must be available per each occupant.

4) Penalties.

- a. It shall be the policy of the Franklin Police Department to issue a 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.

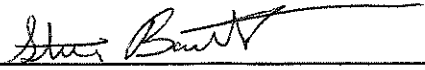
- b. It shall be the policy of the City of Franklin that an unregistered motorized cart is in violation of the Indiana Code requiring a municipal ordinance approving the use of the motorized cart and the cart will be towed and the operator issued a citation pursuant to Indiana Code § (Section) 9-21-1-3.3(a).
 - 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;
 - i. First offense - \$50.00
 - ii. Second offense within one (1) year - \$100.00
 - iii. Third offense within one (1) year - \$500.00 and revocation of registration and cart impoundment (seized by wrecker). Registration revocation will be in effect for a minimum one (1) year duration.
 - d. 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) **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.
- 7) **Severability of Provisions.** In 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.
- 8) **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 (section) 36-4-6-15, 16.

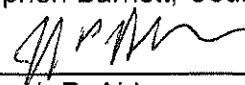
Introduced and Filed on the 2 day of April, 2012. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of 5 in Favor and 1 Opposed, pursuant to Indiana Code (section) 36-4-6-13.]

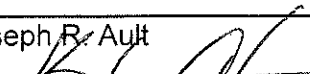
DULY PASSED on this 2 day of April, 2012, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 5 in Favor and 1 Opposed.

City of Franklin, Indiana, by its Common Council:

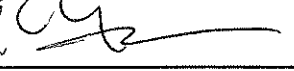
Voting Affirmative:


Stephen Barnett, Council President


Joseph P. Abban


Joseph R. Ault


Kenneth W. Austin


Robert D. Henderson

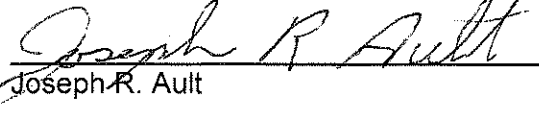
Absent
Stephen D. Houghland


Richard Wertz

Voting Opposed:

Stephen Barnett, Council President

Joseph P. Abban


Joseph R. Ault

Kenneth W. Austin

Robert D. Henderson

Stephen D. Houghland

Richard Wertz

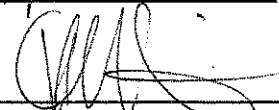
Attest:


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 § 36-4-6-15,16 this 11 day of April, 2012 at 10:30 o'clock A.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 11th day of April, 2012 at 1:25 pm o'clock p.m.


Joseph E. McGuinness, Mayor

Attest:


Janet P. Alexander,
City Clerk-Treasurer