

PENDING ORDINANCE _____
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN AMENDMENT TO CITY OF GARY ORDINANCE #9204
PERTAINING TO THE OPERATION OF GOLF CARTS OF CITY STREETS**

WHEREAS, the Common Council for the City of Gary, Indiana (“City”) desires for the use of golf carts by residents to be permitted within City limits under certain circumstances; and

WHEREAS, the City desires to adopt measures for said use under certain circumstances; and

WHEREAS, the City desires to adopt enforcement measures and penalties to encourage compliance with this ordinance.

NOW, THEREFORE, BE IT ORDANIED by the Common Council of the City of Gary, Indiana, as follows:

Golf Cart Ordinance for the City of Gary, Indiana

Section 1. Purpose

The purpose of this ordinance shall be to establish a golf cart ordinance within the City of Gary, Indiana (“City”) to ensure the safety and the welfare of residents operating a golf cart within the City limits.

Section 2. Definition

For the purpose of this section, the following words and phrases shall have the following meanings.

1. City Limits: the area within the jurisdictional boundaries of the City of Gary, Indiana.
2. Driver’s License: A current valid license issued to operate a motor vehicle issued by Indiana or any other US state.
3. Financial Responsibility: Liability insurance coverage on a golf cart in an amount not less than required by Indiana law for a motor vehicle operated on public highways in the State of Indiana.
4. Golf Cart: A vehicle designed and manufactured for operation on a golf course but not designed for recreational off-roading purposes and not capable of speeds over 25 miles an hour. Golf carts do not include all-terrain or utility vehicles.

Section 3. Authority

1. The City of Gary has the authority, pursuant to I.C. 9-21-1-3.3, to adopt by ordinance additional traffic regulations concerning the operation of golf carts on streets within the jurisdictional limits of the City of Gary.

Section 4. Permit / Sticker Required

1. No golf cart shall be operated within the City limits unless a permit from the City of Gary has been issued to the resident owner of said golf cart. Said permit must be with the golf cart whenever it is operated within City limits.
2. Stickers issued must be displayed on the rear of the golf cart and must remain unobstructed from viewing.
3. The golf cart permit is good for the year in which it is issued and expires one (1) year after the date the permit was issued.
4. The golf cart permit shall be renewed annually.
5. The fee for said permit will be \$100.00 for initial inspection and permit each year thereafter that the golf cart is registered. Prior to any initial or renewal permit being issued the golf cart may be inspected by City of Gary Vehicle Maintenance or his/her appointee to make sure said golf cart complies with the requirements set forth by the City of Gary and the State of Indiana.
6. There shall be no permit issued if in the previous year the applicant was cited and convicted of any violations City of Gary ordinances or State of Indiana laws pertaining to the operation of golf carts.
7. Lost or Stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Gary Police Department will have the discretion in determining whether a permit/sticker may be re-issued in this instance.
8. Any person who operates a golf cart in the City of Gary and fails to receive or properly display a City of Gary permit/sticker will be subject to all applicable Indiana State laws in addition to being in violation of this ordinance.
9. Golf cart owners must complete the golf cart registration form, waiver form, and provide a copy of the proof of liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the City of Gary.

Section 5. Proof of Liability Insurance

1. As part of the permit process, the resident owner of the golf cart must provide proof of financial responsibility / liability insurance before a permit will be issued. The proof of insurance must be with the golf cart whenever said golf cart is in operation.

Proof of insurance liability must be provided annually in order to renew the golf cart permit.

Section 6. Standard Equipment Regulations

All golf cart shall be equipped with the following:

1. Brakes;
2. Brake lights;
3. Department of Transportation approved slow moving vehicle sign on the back of the golf cart OR a safety flag;
4. A rear view mirror;
5. A manufacturer's serial number plate;
6. Front and rear reflectors; and,
7. Any other equipment that may be defined by the State of Indiana and/or the City of Gary.

Section 7. Times of Operation

Golf carts may be operated during the following times:

1. Golf cart are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of 500 feet.

Section 8. Operation Regulations

1. Any person authorized to operate a golf cart within City limits pursuant to this ordinance shall adhere to all applicable Indiana State Laws regarding the operation of a motor vehicle, including but not limited to, the prohibition driving under the influence of alcoholic beverages and illegal drugs, as well as City of Gary Municipal Codes and Ordinances regarding the operation of motor vehicles.
2. No person shall operate a golf cart with a bench seat and steering wheel in the City except as hereinafter provided:
 - a. **Traffic Flow**: Golf cart will adhere to all traffic flow patterns and will operate on the right side of the roadway.
 - b. **Operators**: A golf cart may only be operated by persons who are:
 - 1) At least sixteen (16) years of age and possess a valid driver's license.
 - 2) If the operator is over the age of sixteen (16) years old and qualifies for a handicapped parking space they may operate a golf cart on public streets

upon the submission of a certificate signed by a licensed physician that the driver is able and capable to operate a motorized golf cart on the roadways designated. The operator must have the certificate and handicap parking tag in their possession while operating a motorized golf cart.

- c. **Passengers:** All passengers in the golf cart must remain seated at all times. 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 vehicle is in motion.
- d. **Number of Passengers:** The number of occupants in a golf cart shall be limited to the number of adult persons for whom individual seating is installed and provided on the golf cart.
- e. **Children:** Children in golf cart must be accompanied by an adult driver and must follow all requirements of this subsection except the capacity limits as long as all children are seated and no part of the body of the child extends beyond the sides of the cart.
- f. **Lights:** Golf carts must be equipped with and use functioning head lights and tail lights if operated after dusk, before dawn, or in low visibility.
- g. **Sidewalks and Adjacent Areas:** No golf cart shall be operated upon the public sidewalk nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line referred to as the “parkway” except for the purposes of crossing the same to a public street upon which operation is authorized by this chapter.
- h. **Parking:** Two (2) golf cart may use one parking space provided they both park within the parking space lines.
- i. **Unlawful Careless Operations:** No person(s) shall operate a golf cart in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- j. **Towing:** No item shall be towed by a golf cart. The only exception to this will be for authorized Parades, Festivals and Special Events.
- k. **Trespassing on Private Property:** Golf cart shall not be operated on private property without the permission and written consent of the property owner.

Section 9. Exceptions

1. All City Employees are exempt from the above rules and regulations when using a golf cart for City business.
2. Exceptions will be made to the rules and regulations at the discretion of the Gary Police Department during City Parades, Festivals and/or Special Events.

Section 10. Street upon which golf cart may be operated

1. Golf cart may be operated on all of the City streets. Golf cart are prohibited on the following streets except to cross said street:
 - a. Broadway
 - b. Fourth Avenue
 - c. Fifth Avenue
 - d. Grant Street
 - e. Burr Street
 - f. Airport Road
 - g. Industrial Highway
 - h. Clay Street south of 15th Avenue
 - i. 15th Avenue
 - j. 25th Avenue
 - k. Bridge Street
 - l. Cline Ave IN 912 and all frontage roads
 - m. Martin Luther King Drive (North of Ridge Road only)
 - n. Ridge Road / US 6
 - o. Grand Boulevard
 - p. South of the 400 Block of Lake St.
 - q. Dunes Highway / US 20 / US 12
 - r. I-65
 - s. I-94
 - t. I-80/90
 - u. Exception to this will be as follows: During parades, festivals and special events.

Section 11. Penalty

1. Any act constituting a violation of this ordinance or a failure to comply with any of its requirements shall subject the offender, upon conviction to a fine not to exceed \$2500.00. Each day that any of the provisions of this ordinance is violated shall constitute a separate offense. Citations, fines, and court costs are to follow the Gary City Ordinances pertaining to ordinance violations.
2. Any underage operator found to be using or operating a golf cart in violation of this ordinance may be subject to a juvenile delinquency referral through the Lake County Juvenile Court.

Section 12. Severability:

1. This article and each section and provision of said article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so

known to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

Section 13. Municipal Liability:

1. The City of Gary, Gary Common Council, and all other Gary public offices, departments, and their employees and agents will assume no liability after issuing of said golf cart permit. The City of Gary cannot be held responsible for any operator actions while operating the golf cart on City streets, roadways and/or alleys. The City of Gary cannot be held responsible for any deaths, injuries or any other damage that may occur from operator error or malfunction of the golf cart on any street, roadway or alley in the City of Gary.

Section 14. Effective Date:

1. This article shall become effective at the earliest time as provided by law.

NOW, THEREFORE, BE IT ORDAINED that this Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

PASSED and **ADOPTED**, by the Common Council of the City of Gary, Indiana, this _____ day of _____, 2018.

RONALD BREWER,
PRESIDING OFFICER

ATTEST:

SUZETTE RAGGS, CITY CLERK

Presented by me to the Mayor for her approval and signature this _____ day of _____, 2018.

SUZETTE RAGGS, CITY CLERK

APPROVED and **SIGNED** by me this _____ day of _____, 2018.

KAREN FREEMAN-WILSON, MAYOR
CITY OF GARY, INDIANA

PREPARED BY: RODNEY POL, JR., ASSISTANT CITY ATTORNEY

SPONSORED BY: COUNCILMAN HERBRET SMITH, JR.

COMMITTEE ASSIGNMENT _____	Reported-out/Date _____
1st Reading/Date _____	Committee Hearing/Date _____
2nd Reading/Date _____	Public Hearing/Date _____
3rd Reading/Date _____	Final Reading/Date _____
Passed/Date _____	Defeated/Date _____
	Deferred/Date _____
Tabled/Date _____	Override/Date _____
	Adopted/Date _____
Publication/Date _____	Community Hearing/Date _____
Veto _____	Pocket Veto _____
	Adopted _____

CITY OF GARY
APPLICATION AND PERMIT TO OPERATE A GOLF CART

OWNER: _____

ADDRESS: _____

Vehicle Make/Model/Year: _____

VIN or Serial Number of Vehicle: _____

INSPECTION*

<u>Item</u>	<u>Compliance:</u>	<u>Y/N</u>
-------------	--------------------	------------

Brakes: _____

Tail / Brake Lights: _____

Slow Moving Vehicle Sign or Safety Flag (min 5 ft. from street surface): _____

Rearview Mirror: _____

Owner received copy of City of Gary Golf Cart / Utility Vehicle Ordinance: _____

PROOF OF LIABILITY INSURANCE: Attach Copy to Sheet.

DATE PERMIT ISSUED: _____

PERMIT NUMBER: _____

* City's inspection only verifies that at the time of the inspection the listed items were appropriately affixed or functioning normally without obvious malfunction.

* By signing this application, Applicant hereby acknowledges that operating a golf cart in violation of the applicable City of Gary ordinance may result in the issuance of an ordinance violation or infraction and may also be inherently dangerous. Applicant hereby acknowledges and agrees that City of Gary makes no representations or warranties as to the safety, design, or functionality of the golf cart inspected by the City of Gary. Furthermore, Applicant also hereby acknowledges and agrees that said person hereby releases, acquits, remits and forever discharges the CITY OF GARY, INDIANA, its agents, servants, successors and assigns, heirs, executors and administrators of and from any and all actions, interest, attorney's fees, collection costs, grievances, claims, demands, liens, damages, costs, loss of services, expenses and compensation which any claimant, has or may hereafter have or which his or her successors and assigns, heirs, executors or administrators may have, on account of injury or loss alleged related to the safety, design, or functionality of the golf cart inspected by the City of Gary for permitting purposes.

DATE: _____ APPLICANT SIGNATURE: _____