

TOWN OF NEW PALESTINE

GOLF CART APPLICATION _____ Year

APPLICATION FOR PERMIT TO OPERATE GOLF CAR ON TOWN STREETS

CALL COUNTY FOR INSPECTION 317 477-4400

OWNER: _____

ADDRESS: _____

VEHICLE MAKE: _____ **VEHICLE MODEL:** _____

VIN/SERIAL #: _____

CONTACT NUMBER: _____

INSPECTION OF GOLF CART	COMPLIANCE:
BRAKES	PASS OR FAIL
HEADLIGHTS	PASS OR FAIL
TAILLIGHTS	PASS OR FAIL
BRAKE LIGHTS	PASS OR FAIL
SLOW MOVING VEHICLE SIGN	PASS OR FAIL
REARVIEW MIRROR	PASS OR FAIL

OWNER RECEIVED A COPY OF TOWN GOLF CART ORDINANCE

YES OR NO

PROOF OF LIABILITY INSURANCE: ATTACH COPY TO SHEET

PERMIT ISSUED: YES OR NO

PERMIT NUMBER: _____ COST \$25 (CHECK/CASH/PAYGOV) Receipt # _____

OFFICER SIGNATURE: _____ BADGE #: _____

INSPECTION DATE: _____

TOWN OF NEW PALESTINE

RELEASE OF LIABILITY AND HOLD HARMLESS AGREEMENT

I, _____ on my own behalf and on behalf of my heirs, executors, administrators, and assigns (Owner) hereby release and hold harmless the Town of New Palestine, Indiana, and its officers, employees, agents and assigns (New Palestine), from all injuries and/or damages occurred or caused by my use and/or operation of a golf cart and its passengers in the Town of New Palestine. I further covenant not to sue the Town of New Palestine, waive all claims against the Town of New Palestine, and fully release and discharge the Town of New Palestine of any and all liability and claims.

I understand that operating and/or using a golf cart on public streets is a potentially hazardous activity. I should not participate unless I am medically and physically able to do so and it is my sole responsibility to determine if I am medically and physically able to participate. I ASSUME ALL RISKS associated with my operation and use of a golf cart in the Town of New Palestine.

I further understand and agree that this release extends to all claims of every nature and kind, known or unknown, suspected or unsuspected.

I further state that I have carefully read the foregoing release and know the contents thereof, and I sign the release with full understanding of the consequences thereof.

SO SIGNED this _____ day of _____, 20____

Owner/Operator

ORDINANCE NO. 071917

AN ORDINANCE GOVERNING THE USE OF GOLF CARTS IN THE TOWN OF NEW PALESTINE, HANCOCK COUNTY, INDIANA

WHEREAS, Indiana Code, 9-21-1-3, authorizes municipalities like the Town of New Palestine, Hancock County, Indiana ("New Palestine"), within its reasonable exercise of police power, to regulate or prohibit the operation of low speed vehicles and golf carts on its public roadways;

WHEREAS, some residents of New Palestine have expressed a desire to operate golf carts on certain highways within New Palestine' jurisdiction;

WHEREAS, New Palestine desires to accommodate its residents' desire for reasonable alternative modes of local transportation while balancing public safety concerns regarding the use of golf carts on New Palestine's roadways;

WHEREAS, upon review by the Town Council, of the Town of New Palestine, it has been determined that golf carts may be reasonably operated on some public roadways, located within the Town of New Palestine without presenting an imminent danger to golf cart operators, pedestrians or drivers; and

WHEREAS, New Palestine now desires to authorize the operation of golf carts on some public roadways within New Palestine's corporate boundaries.

Now, THEREFORE BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW PALESTINE, HANCOCK COUNTY, INDIANA, THAT;

SECTION I DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

- A.) "Roadway" shall mean a road or alleyway included in New Palestine's road inventory and for which New Palestine has primary responsibility for maintenance and oversight.
- B.) "Golf Cart" shall mean, pursuant to Indiana Code, 9-13-2-69.7, 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.
- C.) "Proof of Financial Responsibility" shall mean, pursuant to Indiana Code, 9-25-2-3, proof of ability to respond in damages for liability that arises out of the ownership, maintenance, or use of a Golf Cart in the following amounts:
 - (1) Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any One (1) person;
 - (2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and
 - (3) Ten thousand dollars (\$10,000) because of injury to or destruction of property in any one (1) accident.

- D.) "Current driving license" shall mean, pursuant to Indiana Code, 9-13-2-41, every class and kind of license or permit that evidences the privilege to operate a motor vehicle upon the highways of Indiana. The term includes a privilege granted by the license.
- E.) "INDOT" — is the acronym for Indiana Department of Transportation.
- F.) "Restricted Roadways" shall mean, those roadways within the Town of New Palestine where golf carts will be restricted from use.
- G.) "Golf Cart Application" shall mean, the required application to allow use of Golf Carts on Town of New Palestine roadways.

SECTION II APPLICATION

This ordinance applies to New Palestine roadways, other public ways, sidewalks and pedestrian pathways. Nothing herein shall be construed to apply to or limit the use of golf carts on (a) golf courses; (b) private property (c) New Palestine's use of golf carts for official purposes, or (d) Sugar Creek Township Fire Department's use of golf carts for official purposes.

SECTION III OPERATION OF GOLF CARTS

The operation of a Golf Cart on a public roadway within the corporate limits of New Palestine, Hancock County, Indiana, is strictly prohibited unless the Golf Cart is operated in full compliance with this ordinance.

SECTION IV PERMIT REQUIRED

- A.) No golf cart shall be operated in the Town of New Palestine unless a permit has been issued by the New Palestine Police Department to the owner of said golf cart. The permit received from the Town of New Palestine must be with the golf cart whenever it is operated in the Town. The permit is good from June 1 to May 31 of each year and is to be renewed annually.
- B.) The fee for said permit will be \$25.00 for initial inspection and permit. This fee and Inspection is required every calendar year that the golf cart is registered for use on Town of New Palestine roadways. Inspections are to be scheduled for May 1 to May 31 of each year at days and times to be established by the Town Marshal. Prior to any initial or renewal permit being issued, the golf cart shall be inspected by the New Palestine Police department to make sure said golf cart complies with the requirements set forth by the Town of New Palestine and the State of Indiana. There may be no permit issued if in the previous year the applicant was cited and convicted of any violations set forth by the Town of New Palestine or State of Indiana, this will be a decision made by the Town Marshal or his/her designee.

- C.) Any person who operates a golf cart in the Town of New Palestine and fails to receive and properly display a Town of New Palestine permit/sticker will be subject to all applicable Indiana State Laws in addition to being in violation of this ordinance.
- D.) Golf Cart owners must complete the golf cart application form, waiver of liability form, and provide proof of financial responsibility insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the New Palestine Police department.

SECTION V

STANDARD GOLF CART EQUIPMENT REQUIREMENTS

- 1.) Brakes — In good working condition
- 2.) INDOT approved slow moving vehicle emblem displayed on rear of golf cart
- 3.) Rear View Mirror
- 4.) Golf carts shall be equipped with a manufacturer's serial number plate.
- 5.) Golf carts shall have front and rear reflectors.
- 6.) Golf carts shall have working headlight, taillights
- 7.) Golf carts shall have working brake lights which are visible from a distance of 500 feet.

SECTION VI

OPERATION REGULATIONS FOR GOLF CARTS WITHIN THE TOWN OF NEW PALESTINE

- A.) Golf carts will adhere to all traffic flow patterns and will operate on the right side of the roadway.
- B.) Operators of golf carts will adhere to all traffic rules applicable to motorized vehicles as set forth by the Indiana Bureau of Motor Vehicles.
- C.) Operators will be at least sixteen (16) years of age and possess a valid driver's license.
- D.) All riders in the golf cart must remain seated at all times.
- E.) 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. The operator and all occupants shall be seated in the golf cart, and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart while the vehicle is in motion.

- F.) No golf cart shall be operated upon the public sidewalk, or the grass area between the sidewalk and the curb.
- G.) No person shall operate a golf cart in a careless, reckless or negligent manner so as to endanger the person on property of another or to cause injury or damage thereto.
- H.) No item shall be towed by a golf cart. The only exception to this would be for an approved Town Parade, Festival and special event.
- I.) Golf carts shall not be operated on private property without the permission of the property owner.
- J.) Operators will have proof of financial responsibility with the golf cart at all times when in operation.
- K.) Golf carts may only be operated from one-half (1/2) hour after sunrise until one-half (1/2) hour before sunset.
- L.) Golf carts will not be operated on restricted roads, with the exception of Town parades, or special events that have been approved by the Town Council.
- M.) No occupant of a golf cart being operated in compliance with this ordinance shall be younger than 2 years of age.
- N.) No person under the age of 10 years may occupy the back or rear facing seat of a golf cart being operated in compliance with this ordinance.

SECTION VII RESTRICTED ROADWAYS

- A.) Golf carts will not be operated on US Highway 52 within the Town Limits. Operators of golf carts may crossover US Highway 52, but may not continue to drive along the road way.
- B.) Golf carts will not be operated on County Road 500 West (Gem Road). Operators of golf carts may crossover County Road 500 West (Gem Road), but may not continue to drive along the road way.
- C.) Golf carts will not be operated on County Road 450 West (Bittner Road). Operators of golf carts may crossover County Road 450 West (Bittner Road), but may not continue to drive along road way.

SECTION VIII PENALTIES FOR VIOLATION OF GOLF CART ORDINANCE

- A.) Any act constituting a violation of this ordinance or failure to comply with any of its provisions shall subject the offender upon conviction to a fine as follows:

1st offense, \$25.00.

2nd offense, \$75.00.

3rd offense, \$150.00 plus simultaneous revocation of permit and impoundment of the golf cart.

B.) New Palestine Police will have the right to revoke any permit that has been issued if operators fail to comply with any and all requirements set forth in this ordinance.

c.) Underage operators found to be using or operating a golf cart in violation of this ordinance will immediately have the permit revoked and possibly have the golf cart impounded until such time as a proper owner may take possession and transport the golf cart without violating the provisions of this ordinance. The owner of the golf cart will be responsible for any expense occurred due to impoundment of the golf cart.

SECTION IX SEVERABILITY OF PROVISIONS

If any part of this Ordinance is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

SECTION X EFFECTIVE DATE




This Ordinance shall be in full force and effect from and after its passage and due publication as required by law.

SECTION INTRODUCTION-PASSAGE

Introduced and filed on the 5 day of August 2017. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 2 in favor and 1 opposed.

Duly ordained and passes this 5 day of August 2017 by the Town Council of the Town of New Palestine, Hancock County, Indiana having been passed by a vote of 2 in favor and 1 opposed.

TOWN OF NEW PALESTINE, INDIANA, BY ITS TOWN COUNCIL

	Jarson- President	
	Clint Bledsoe- Member	
	Brandee Bastin- Member	

AYE

NAY



Corporate_Limits

