

ORDINANCE NO. 2018-09

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA CONCERNING GOLF CARTS**

WHEREAS, the City of Lebanon (the “City”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Mayor and Common Council (“Common Council”);

WHEREAS, pursuant to provisions of IC 9-21-1-3(a) (14), the City, with respect to roads under the jurisdiction of the City and in accordance with IC 9-21-1-2 and within the reasonable exercise of police power, may regulate golf carts; and

WHEREAS, pursuant to the provisions of IC 9-21-1-3.3(b) and (c), all fines assessed for a violation of the golf cart ordinance shall be deposited into the general fund of the City; and,

WHEREAS, the Common Council of the City has determined that a need exists for the regulation of golf carts on roads under the jurisdiction of the City and that an ordinance should be adopted as authorized under Indiana law.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

- Section 1.** The foregoing Recitals are incorporated herein by this reference.
- Section 2.** As of the effective date of this Ordinance, Chapter 75: Golf Carts of the City Code of Ordinances shall be amended and replaced in accordance with Exhibit A.
- Section 3.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered, amended or repealed. In the event any portion of this Ordinance is later deemed invalid all remaining portions shall remain in place. All acts taken pursuant to the adoption of this Ordinance are hereby ratified.

ALL OF WHICH IS ADOPTED this 23 day of July, 2018 by the Lebanon
Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell
Keith Campbell

Keith Campbell

Keith Campbell

John Copeland
John Copeland

John Copeland

John Copeland

Dan Fleming
Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

ABSENT

Corey Kutz

Corey Kutz

Corey Kutz

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat
Brent Wheat

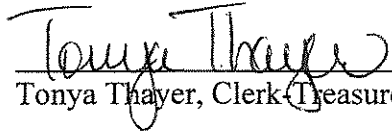
Brent Wheat

Brent Wheat

ATTEST:

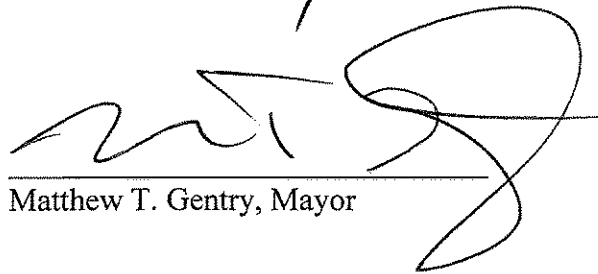
Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2018-09 was delivered to the Mayor of Lebanon on the 23 day of July, 2018, at 7:49 p.m.



Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2018-09
this 23 day of July, 2018

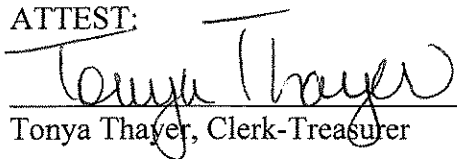


Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2018-09
this ___ day of _____, 2018

Matthew T. Gentry, Mayor

ATTEST:



Tonya Thayer, Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

EXHIBIT A

CHAPTER 75: Golf Carts

§ 75.01 DEFINITION. For the purpose of this chapter, the following definition(s) shall apply unless the context clearly indicates or requires a different meaning.

Golf Cart. A vehicle with four wheels substantially similar to vehicle originally designed for operation on a golf course and powered by a battery or internal combustion engine.

§ 75.02 MUST BE LICENSED DRIVER.

Only licensed drivers shall be allowed to operate golf carts in the city.
(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.03 RESTRICTED OPERATION.

Golf carts shall be operated only during daylight hours. Beginning April 1 through October 31, golf carts shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. local time. From November 1 through March 31, golf carts shall only be operated between the hours of 9:00 a.m. and 5:00 p.m. local time.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.04 REGISTRATION.

(A) Golf carts shall be registered with the city annually. Golf cart owners are required to purchase an operating permit each year and the permits are current through December 31 of the year purchased. Permit fees are \$30 per year. Permits can be purchased beginning January 2 and will expire on December 31. Golf cart owners are required to provide proof of insurance and a current state driver's license at the time of registration.

(B) Registration fees shall be paid through the Clerk-Treasurer's office.
(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.05 OBEDIENCE TO RULES OF THE ROAD.

All golf carts shall obey all of the rules of the road, state laws and local ordinances. All golf carts shall display a slow-moving vehicle sign attached to the rear of the cart, as well as a registration sticker from the city, valid for the current year. Proof of insurance shall be kept on the person or in the golf cart vehicle at all times.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.06 RESTRICTIONS ON AREAS OF OPERATION.

There shall be no golf cart traffic permitted upon any state highways located within the city, specifically State Road 32 and State Road 39. Golf cart traffic shall be prohibited on Indianapolis Avenue and Lafayette Avenue in the city. In addition, no golf carts shall be allowed to travel on city sidewalks, multiuse paths or trails.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.07 SAFETY EQUIPMENT.

Golf carts shall be equipped with rear view mirrors and factory seating for all occupants with a maximum occupancy of six people. No one under two years of age is allowed to ride on a golf cart and no one less than ten years of age shall be allowed on the back seat of the cart. All passengers must be seated while the golf cart is in use.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010) Penalty, see § 75.99

§ 75.08 EXEMPTION.

The Board of Public Works and Safety for the city may exempt from the provisions of this chapter, the use of golf carts in favor of public safety personnel and/or the use of golf carts during special events. All special event participants should be identified as such and each individual must provide proof of insurance and a valid driver's license before being allowed to operate a golf cart during any special event.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010)

§ 75.99 PENALTY.

A violation of the provisions of the city code pertaining to this traffic regulation occurring after the adoption of this chapter shall amount to an ordinance violation and upon a finding of the violation, the violator shall be fined a sum of \$50 for the first violation and \$100 for subsequent violations. Each time of the offense shall constitute a new and separate offense. If two violations occur in a calendar year, it will result in a suspension of the golf cart permit.

(Ord. 06-05, passed 3-13-2006; Ord. 10-05, passed 4-12-2010)