

§ 70.03 USE OF GOLF CARTS.

(A) The use of a golf cart upon the streets and alleys of the city is permitted upon satisfaction of the terms and requirements of this section with the specific exception that a golf cart shall not be operated on any highway within the corporate boundaries of the city which is designated as part of the Indiana State Highway System other than to cross any such state highway at its intersection with a local street under the jurisdiction of the city.

(B) For purposes of this section, the term *GOLF CART* means a four wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

(C) A golf cart operated on the streets and alleys of the city shall at all times display either a slow moving vehicle emblem in accordance with I.C. 9-21-9-3 as amended from time to time or an amber flashing lamp in accordance with I.C. 9-21-9-4, as amended from time to time.

(D) A golf cart operated on the streets and alleys of the city shall at all times be operated by an individual who possesses a valid state issue driver's license.

(E) A person shall not operate a golf cart on the streets and alleys of the city if financial responsibility is not in effect with respect to the golf cart. Proof of financial responsibility shall be in accordance with I.C. 9-25-4-4, as amended from time to time. A person who operates a golf cart on the streets and alleys of the city shall at all times maintain the state required minimum amount of financial responsibility for the operation of a motorized vehicle on public rights-of-way.

(F) While operating a golf cart on the streets and alleys of the city, the operator of such cart must follow and obey all traffic laws, whether federal, state or local, including traffic signs.

(G) No golf cart shall be operated on the streets and alleys of the city during any time period when visibility is limited, whether due to darkness, fog, rain, snow or otherwise, unless it is fully equipped with operational headlamps, tail lamps, turn signals and brake lights.

(H) No person shall operate a golf cart unless any and all passengers of said golf cart are seated in a seat attached to the golf cart as manufactured and the number of such passengers shall not exceed the limit of passengers designated by the manufacturer of such golf cart for normal use.

(I) No person shall operate a golf cart so that it impedes or blocks the normal flow of traffic.

(J) No person shall operate a golf cart on any bicycle path or on any sidewalk in the city.

(K) No golf cart shall be operated within the city unless the owner of such golf cart shall have applied for and obtained a valid golf cart permit from the city. Application for such a permit shall be made to the Police Department utilizing the application form as approved from time to time by the Board of Public Works and Safety. The fee for such application shall be \$20 made payable to the City of Nappanee. Such permit shall have an effective length of two years from the date of issuance. In connection with the application for such permit, the owner of the golf cart must present the golf cart for inspection by a member of the Police Department. Upon issuance of a golf cart permit, the golf cart owner shall be provided a decal which must be affixed to the left rear of the golf cart at all times so as to be visible from the rear of the vehicle and left front side quarter panel.

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(L) A person or entity may apply for a variance from the application of this section involving the use of a golf cart or golf carts during or in connection with parades and festivals authorized by the city by presenting a petition for such variance to the Board of Public Works and Safety which shall have authority pursuant to this section to determine whether a variance authorizing specific use of such a golf cart or golf carts in connection with such a parade or festival should be issued and to issue such a variance. In the event that the Board of Public Works and Safety shall determine that a variance for such a use should be issued, the Board of Public Works and Safety shall issue a variance for such use with such limitations as the Board of Public Works and Safety shall determine provided that any such variance shall have an effective period of not longer than five days from the effective start date of such variance, as determined by the Board of Public Works and Safety.

(M) A person who violates this section shall on the first offense be fined an amount of \$100. A person who violates this section a second time within a calendar year of the first offense shall be fined the sum of \$250. For each violation over two times in a two year period, a person shall be fined a sum not to exceed \$2,500. Each day of violating this section shall be construed as a separate violation.

(N) All fines collected pursuant to division (M) of this section shall be deposited in the general fund of the City of Nappanee.

(Ord. 1442, passed 9-7-10; Am. Ord. 1462, passed 5-21-12)

