

ORDINANCE #1155

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KNOX INDIANA,
AMENDING THE KNOX MUNICIPAL CODE TO AMEND ORDINANCE 1090
ARTICLE XVII CHAPTER 9 OF THE MUNICIPAL CODE TO AUTHORIZE
AND REGULATE THE USE OF MOTORIZED GOLF CARTS WITHIN THE
CORPORATE LIMITS OF THE CITY OF KNOX, INDIANA

WHEREAS, there have been requests for the use of motorized golf carts within the City of Knox, Indiana; and

WHEREAS, the State of Indiana has recently enacted legislation that clarifies the status of golf carts on public streets and highways and allows cities and towns to authorize their operation; and

WHEREAS, the Common Council of the City of Knox, Indiana, believes that in order to preserve the safety of its citizens it is necessary to adopt reasonable regulations for the use of golf carts operated on the streets, roads, alleys, and walkways within the City to the extent permitted by State law;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KNOX, INDIANA, TO WIT:

SECTION 1. Article XVII Sec. 9 of the Code of Ordinances, City of Knox, Indiana, is hereby amended as follows:

ARTICLE XVII. - MOTORIZED GOLF CART REGULATION

Sec. 9-480. - Purpose

This article is adopted in the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads, and the City of Knox does not advocate or endorse the use and operation of such on the city streets. All persons operating golf carts must be observant of, and attentive to, the safety of themselves and others, including, but not limited to, passengers, other motorists, bicyclists, and pedestrians.

All persons who choose to operate a golf cart or ride as a passenger within the City of Knox do so at their own peril, and the City of Knox assumes no liability for the operation of golf carts within the City of Knox based upon this article.

The express intent of this article does not authorize any other vehicle, including, but not limited to, ATVs, go-carts, lawn mowers, off-terrain vehicles, or motorized wheelchairs, to operate on the streets of the City of Knox. This article's express intent only allows the operation of golf carts on highways under the jurisdiction of the city of Knox, Indiana.

Sec. 9-481. - Definitions:

- (a) Golf Cart. "Golf cart" means a three-wheeled or four-wheeled motor vehicle, that is not

ORDINANCE #1155

capable of exceeding speeds of twenty-five (25) miles per hour in ordinary operation, and was 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 course specifically used for golf.

- (b) Authorized Streets. "Authorized Streets" mean all such streets within the corporate limits of the City of Knox that are under the city's jurisdiction and which have been authorized for golf cart travel. The designation of authorized streets is subject to amendment from time to time by the Knox City Council. State and federal highways and county roads are not authorized streets under this article.
- (c) Driver's License. "Driver's License" shall mean a license valid for the operation of a motor vehicle on public roads and highways In the State of Indiana, which such is issued by the State of Indiana or another State.
- (d) Financial Responsibility. "Financial Responsibility" shall mean liability coverage applicable to the golf cart or similar vehicle compliant with all Indiana laws applicable to a motor vehicle operated on the public highways of the State of Indiana.
- (e) Golf Cart Permit (GCP). "Golf Cart Permit" shall mean and refer to the permit required for any Golf Cart operating on the streets of the City of Knox pursuant to this ordinance.

Sec. 9-482.-Permitted Use; Time of Operation; Rules of Operation:

- (a) Manner of Operation, In General. No person shall operate a golf cart on vehicle similar to a golf cart within the City of Knox except as hereinafter provided.
- (b) Registration Required. No person may operate a Golf Cart on any road within the City of Knox without first registering the Golf Cart as described in the Section titled "Golf Cart Registration and Rules", below.
- (c) Negligent or Reckless Operation Prohibited. No Person shall operate a Golf Cart in a negligent or reckless manner so as to endanger the person or property of another or to cause injury or damage thereto.
- (d) Towing. No person shall use a Golf Cart vehicle to tow any other item, vehicle or thing whatsoever; with the exception however, that this prohibition Is not intended to apply to official participants in parades, festivals or similar special events.
- (e) Under Age Operation Prohibited. Operation of a Golf Cart on any public road by persons under the age of sixteen (16) years of age is prohibited.
- (f) Time of Operation. No person may operate a Golf Car on any street in the City of Knox between sunset and sunrise, unless the vehicle has a night time KGCP. No Golf Carts may be operated in the City of Knox after Eleven PM (11:00 pm).

ORDINANCE #1155

- (g) **Operation Prohibited When Visibility is Impaired.** No person may operate a Golf Cart on a street in the City of Knox during any weather event or similar even where visibility is impaired by fog, heavy rain, smoke, or when there is insufficient light making it impossible to see a person or vehicle on the roadway at a distance of three hundred (300) feet or more.
- (h) **Compliance with the Rules of the Road.** All Golf Cars shall operate cautiously and courteously, and shall comply with all rules of the road as set forth by the Indiana Bureau of Motor Vehicles or as otherwise set forth in Indiana law, including traffic patterns and operating the vehicle on the right side of the road.
- (i) **Yielding Right-of-way.** Golf Carts shall yield the right-of-way to faster moving vehicles, and shall not obstruct traffic flow, by pulling off to the right side of the roadway if needed to permit faster moving vehicles to pass.
- (j) **Maximum Occupancy, Passenger Conduct.** The number of persons traveling in a Golf Cart on a City of Knox street shall not exceed the amount of seating available in the vehicle. No object or person's body part shall project from the vehicle when the vehicle is in motion. All children shall be properly supervised by an adult.
- (k) **Parking.** Golf Carts shall comply with all of the rules governing parking of motor vehicles. Golf Carts may, however, share a parking space with one other Golf Cart so long as there is no encroachment on another parking space.

Sec. 9-483. -Required Equipment

In addition to the requirements delineated in Section 3, the following minimum requirements apply to each vehicle operated on the City of Knox streets, and no KGCP may be issued to a vehicle that is not in compliance with these minimum requirements.

1. Brakes in good working condition
2. INDOT approved Slow Moving Vehicle sign affixed to the vehicle in accordance with Indiana law (to the rear of the vehicle).
3. Golf Carts must be equipped with:
 - a. A rear view mirror; and,
 - b. A manufacturer's serial number; and,
 - c. Front and rear reflectors; and,
 - d. Working rear brake lights visible from a minimum distance of five hundred feet; and,
 - e. Any additional equipment required by the City of Knox or State of Indiana by regulation or rule.

If the intent is to drive the vehicle at night, the vehicle must be equipped with two operating (2)

ORDINANCE #1155

headlights, with one on each side of the vehicle, and two (2) operating tail lights with brake lights, with one on each side of the vehicle, both of which must be visible from a distance five hundred (500) feet.

Sec. 9-484. -License Required; Exceptions

Golf Carts shall be operated by persons who are over sixteen years of age and possess a valid driver's license authorizing them to operate a motor vehicle on the public roads in the State of Indiana.

In the event a person cannot meet any of the above criteria, that person may make a written request with the City of Knox City Council requesting an exception to the provisions of this Ordinance. Such written request shall set forth the item or items that cannot be met by said person, and the reasons for that, and shall further state why the City Council should allow an exception to any of the terms and provisions of this Ordinance.

The City Council will have absolute authority to grant or deny any such exceptions following the receipt of such a written request and the appearance of the person making such request at a City Council meeting. The City Council will, further, provide the reasons for granting or denying the requested exception(s) and such will be provided in writing.

Sec. 9-485. -Golf Cart Registration; Insurance

- (a) Registration Required: In order to operate a golf cart on any City of Knox street, registration of the golf cart is required and placement of a Knox Golf Cart Permit ("KGCP") must be affixed to the front driver's side area of the Golf Cart. The KGCP must be affixed to the Golf Cart whenever it is operated on the Streets of the City of Knox. Vehicles authorized for night time operation will have a different colored sticker when the KGCP is issued that must be affixed to the front driver's side of the vehicle. The KGCP shall be valid for one calendar year.
- (b) Annual Fee. The annual fee for each vehicle's permit shall be fixed at Twenty-Five Dollars (\$25.00) for a day time only KGCP, which shall be due at the time of registration, or Thirty Dollars (\$30.00) for a day and night time KGCP, which shall be due at the time of registration.
- (c) Inspection. Prior to each KGCP issuance, the Knox City Police Department or his/her appointee shall complete an inspection of the vehicle to ensure the vehicle complies with all requirements of the City of Knox and the State of Indiana.
- (d) Registration and Inspection Location. Registration and Inspection of Golf Carts shall occur, by appointment, at the Knox City Police Department, 101 West Washington Street, Knox, Indiana 46534.
- (e) Disqualification. No KGCP shall be issued to any person who was cited and convicted of a KGCP violation within the previous twelve (12) months.

ORDINANCE #1155

- (f) Operation without a KGCP. No person shall operate a Golf Cart on any City of Knox street without a KGCP. Any person who operates a golf cart or similar vehicle on a City of Knox street without a KGCP will be in violation of this Ordinance and subject to the penalties set forth below, and also subject to all Indiana State Laws.
- (g) Application Form and Procedures. To initiate an application for KGCP, vehicle owners must complete the "Application to Operate a Golf Cart" and provide Proof of Liability Insurance. Further, applicants must complete a Waiver of Liability form. Applicants will also arrange with the City of Knox Police Department for an inspection of the vehicle. Completed forms and documentation of insurance shall be maintained by the City of Knox Police Department.
- (h) Insurance and Proof of Insurance. No person shall operate a golf cart on the streets or alleys of the City of Knox if financial responsibility is not in effect with respect to the golf cart. Proof of financial responsibility shall be in accordance with iC 9-25-4-4. A person who operates a golf cart on the streets and alleys of the City of Knox shall, at all times, maintain the minimum amount required by the State of Indiana for the operation of said golf cart in the following amounts:
 - 1. Subject to the limit set forth in subsection (2), Twenty-Five Thousand Dollars (\$25,000.00) for bodily injury to or the death of one individual.
 - 2. Fifty Thousand Dollars (\$50,000.00) for bodily injury to or the death of two or more individuals in any one accident.
 - 3. Ten Thousand Dollars (\$10,000.00) for damage to or the destruction of property in one accident.
- (i) Proof of Insurance. No KGCP may be issued to any applicant without valid proof of liability insurance as approved by the City of Knox Police Department. Proof of insurance must be kept on the vehicle along with the KGCP.
- (j) Uniqueness. A KGCP is unique to a single, specific vehicle, and may not be used to act as a KGCP for any other vehicle other than the vehicle for which the KGCP was issued.
- (k) Any Golf Cart Permits issued by the Starke County Sheriff's Department shall be honored by the City of Knox. The operator and passengers of the golf cart shall still be subject to the rules and regulations as outlined in this ordinance.

Sec. 9-486. -Designation of Roadway

Traffic Rules and Regulations. Operators of golf carts shall follow and remain compliant with all applicable Indiana State Laws, which govern the use of public roads, including laws that prohibit

ORDINANCE #1155

the use or possession of alcoholic beverages, controlled substances, and illegal drugs. Operators shall further comply with all laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs.

Operation on Public Sidewalk Prohibited. No Golf Cart vehicle shall be operated on a public sidewalk, nor operated on that portion of the road located between the curb line and the sidewalk or property line referred to as the parking area except for the purposes of crossing the same to a public street upon which operation is authorized under this ordinance. Further, no Golf Carts shall be operated on the walking path located in Wythogan Park in the City of Knox.

Sec. 9-487. -Removal of Debris

Anyone removing a wrecked or damaged golf cart from a street or highway must also remove any glass or foreign material from the golf cart.

Sec. 9-488. -Enforcement; Fines

Any act or omission constituting a violation of this ordinance, which shall include failure to comply with or to maintain compliance with any requirements herein delineated, constitutes a violation of this Ordinance. A person convicted of a violation of this Ordinance shall be subject to a fine of Two Hundred Dollars (\$200.00) per violation.

Each day any violation of this Ordinance occurs will constitute a separate violation of this Ordinance, and the violator shall be fined an additional fine Twenty Five Dollars (\$25.00) per day.

All fines and fees shall be payable to the City of Knox and paid to the City of Knox Treasurer's Office.

Sec. 9-489. -Exemptions

City Government Activities. Employees, Agents, and Officials of City of Knox Government, if and while engaged in City government business, are exempt from the application of this Ordinance.

Parades, Festivals, and Special Events. Subject to the discretion of the Mayor of the City of Knox, temporary exceptions to the rules set forth in this Ordinance may be granted to official participants in parades, festivals, or other special events.

Sec. 9-490 -Implementation

(a) **Liability.** The intent of this Ordinance shall not be construed as a representation, opinion, claim, warranty, or guarantee that operating any particular Golf Cart on any City of Knox street is safe, advisable, nor that any person is competent to so operate such a vehicle. The City of Knox, the City Council, the City of Knox Chief of Police, and any

ORDINANCE #1155

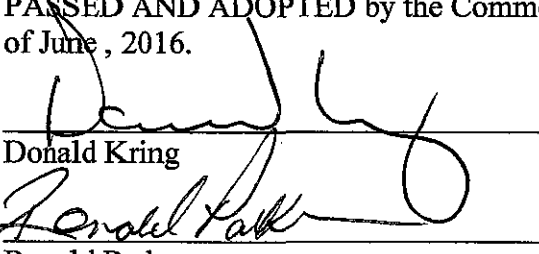
City of Knox Employees assume no liability after issuing a KGCP. The City of Knox expressly disclaims any liability for personal injury, death, property damage, and other losses caused or alleged to be caused or incurred by any person due to, or alleged to be due to, the operation of a Golf Cart on a City of Knox street.

SECTION 2. The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.


SECTIONS 3. This ordinance shall become effective and be in full force and effect after its passage and approval by the Mayor and upon its publication as provided by law.

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Knox, Indiana, this 14th day of June, 2016.


Donald Kring


Jeffery V. Berg


Ronald Parker



Bertha Blue

Tim Manns

ATTEST:


Jeffery J. Houston, Clerk-Treasurer

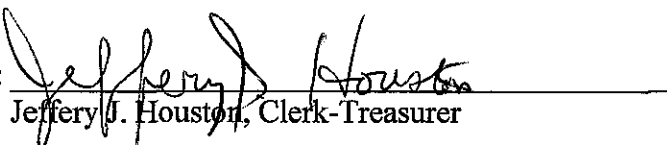
PRESENTED by me, to the Mayor of the City of Knox, Indiana, on this 14th day of June, 2016, at 7:00 PM.


Jeffery J. Houston, Clerk-Treasurer

ACCEPTED AND APPROVED by me this 14th day of June 2016.


Dennis Estok, Mayor

ATTEST:


Jeffery J. Houston, Clerk-Treasurer