

OPERATION OF GOLF CARTS, LOW SPEED VEHICLES  
AND OFF-ROAD VEHICLES WITHIN THE TOWN OF OSGOOD

THE TOWN OF OSGOOD ORDAINS:

**Section 1. Purpose of Ordinance.** The purpose of this ordinance is to regulate and control the operation of golf carts, low speed vehicles and off-road vehicles within the corporate limits of the Town of Osgood, pursuant to Indiana Code 9-21-1-3(a)(14), and Indiana Code 9-21-1-3.3.

**Section 2. Definitions.** As used in this ordinance, the following words shall be defined as follows:

- a. **Alley:** Any dedicated public way affording secondary means of access to abutting property.
- b. **Golf cart:** 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. **Low Speed Vehicle:** A four (4) wheeled gas or electrically powered motor vehicle steered by a steering wheel with a maximum design speed of not more than thirty-five (35) miles per hour; with operational and equipment specifications described in 49 CFR 571.500; that is equipped with headlamps, front and rear turn signal lamps, tail lamps and stop lamps, reflex reflectors, exterior or interior mirrors, brakes, a windshield, a vehicle identification number, and a safety belt installed at each designated seating position; and that has not been privately assembled. This definition includes utility vehicles such as mules, as well as motorized carts as defined under Indiana Code 14-19-1-0.5.
- d. **Off-Road Vehicle:** A motor driven vehicle steered by handle bars which is capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to a multi-tract or multi-wheel drive or low-pressure tire vehicle.
- e. **Operate:** To ride in or on and to control the operation of a golf cart, low speed vehicle or off-road vehicle.
- f. **Operator:** Any person who operates or is in actual physical control of a golf cart, low speed vehicle or off-road vehicle.
- g. **Right-of-Way:** That portion of a street or highway less the roadway and any shoulders.
- h. **Roadway:** That portion of a street or highway ordinarily used for vehicular travel.

- i. **Street or Highway:** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- j. **Unqualified Operator:** Any person operating a golf cart, low speed vehicle or off-road vehicle who does not possess a valid driver's license and who does not carry proof of liability insurance.

**Section 3. Operations.**

a. **No off-road vehicle may be operated within the corporate limits of the Town of Osgood.**

b. Within the Town of Osgood, no golf cart, motorized cart or low speed vehicle shall be operated:

- i. that is not equipped with operating headlights and taillights, if operated after dark;
- ii. that is not insured for liability coverage;
- iii. except for golf carts, that does not display a Department of Natural Resources sticker indicating registration through the Department of Natural Resources;
- iv. except in a single file, with the flow of traffic, and at the far right-hand side of the alley, street or highway being traveled;
- v. in a careless or reckless manner or in any way that endangers any person or any property;
- vi. at a rate of speed greater than the posted speed limits and in no event greater than thirty (30) miles per hour;
- vii. by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said golf cart, low speed vehicle or off-road vehicle may be impaired thereby;
- viii. by anyone transporting thereon a firearm, unless the same be securely encased; and,
- ix. by an unqualified operator, as that term is defined in this ordinance.

**Section 4. Street Crossings.** All golf carts and low speed vehicles shall come to a complete stop before proceeding, at right angles, across any public sidewalk, alley, street, highway or intersection. All golf carts or low speed vehicles yield the right-of-way to car, truck and pedestrian traffic. Towing of sleds, toboggans or other such devices is prohibited.

**Section 5. Duty to Stop.** Upon request or signal of a police officer, a golf cart or low speed vehicle operator shall immediately stop his golf cart or low speed vehicle in a safe place and outside of the flow of traffic. If the police officer directs that the golf cart or low speed vehicle be removed from the streets, the operator shall take such vehicle home and park it.

**Section 6. Responsibility.** The operator of a golf cart or low speed vehicle involved in any accident resulting in any property damage, personal injury or death shall report such accident to the local police immediately.

**Section 7. Parental Responsibility.** Any parent or guardian who knowingly permits or allows any minor to operate a golf cart or low speed vehicle in violation of any provision of this ordinance shall be in violation of this ordinance.

**Section 8. Impoundment of Golf Carts, Low Speed Vehicles or Off-road Vehicles.** A law enforcement officer may impound any golf cart, low speed vehicle or off-road vehicle used or operated in violation of any provision of this Ordinance for a period not to exceed thirty (30) days, and the owner or operator of the golf cart, low speed vehicle or off-road vehicle shall be responsible to pay for all costs involved in the storage and/or removal of the impounded golf cart, low speed vehicle or off-road vehicle. If the operator of the impounded golf car or utility vehicle is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter or personal contact as soon as practical, but within twenty-four (24) hours. The golf cart, low speed vehicle or off-road vehicle used by any unqualified operator may be impounded by order of the Town Marshal or any police officer of the Town of Osgood Police Department for a period not to exceed thirty (30) days and, in addition, the unqualified operator shall also be subject to the same penalties set forth herein.

**Section 9. Penalty-Civil Infraction.** Except as otherwise provided herein, a person engaged in activity that violates this ordinance, or a responsible person referred to in Section 7, shall be guilty of a civil infraction, punishable by civil fine according to the following schedule:

First offence within one year \$50.00;

Second offense within one year \$100.00;

Third offense within one year \$500.

For purposes of computing the one (1) year period, time shall run from the date of the first ticket issued.

**Section 10.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, a distinct and independent provision, and such holdings shall not affect the validity of any remaining portion.

**Section 11. Notice to be Published.** The Town Clerk-Treasurer shall publish this ordinance in the manner required by law.

**Section 12. When Effective.** This ordinance shall be in full force and effect in this governmental unit as of July 1, 2009, and publication as required by law.

SO ORDAINED this 15<sup>th</sup> day of June, 2009.

TOWN COUNCIL FOR TOWN OF OSGOOD,

By: Linda Krinop  
LINDA KRINOP, President

ATTEST:

Tamara Wilhoit  
TAMARA WILHOIT, Clerk-Treasurer

Norman Kappes  
NORMAN KAPPES, Member

Vickie D. Holliday  
VICKIE D. HOLLIDAY, Member