

ORDINANCE NO. 2012- 1

AN AMENDED ORDINANCE REGULATING THE
USE OF MOTORIZED CARTS WITHIN THE CITY OF RISING SUN
(REPEALING ORDINANCE NO. 2008-3)

WHEREAS, the current Ordinance regulating the use of motorized carts within the City of Rising Sun does not adequately address the requirement of liability insurance on motorized carts and other similar devices within the city limits; and

WHEREAS, the improper use of motorized carts on city streets creates a potential for liability as well as a traffic hazard for other vehicular traffic and a danger to the occupants of motorized carts within the city limits of Rising Sun; and

WHEREAS, the intent of this Ordinance is to regulate the use of motorized carts within the corporate limits of the City of Rising Sun and to require Proof of Financial Responsibility at the time of registration and in the operation of motorized carts.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA, that the Rising Sun Code of Ordinances is hereby amended by adding the following provisions:

1. **Definitions.**

- a. Motorized Carts means a conveyance that is:
 - (1) motor driven, either by gas or electricity;
 - (2) used to carry passengers or equipment; and
 - (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:
 - (A) passenger motor vehicle (as defined in IC 9-13-2-123);
 - (B) recreational vehicle (as defined in IC 9-13-2-150); or
 - (C) truck (as defined I IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

- b. The term does not include:
 - (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);

- (2) a motorcycle (as defined I IC 9-13-2-108);
- (3) a motor scooter (as defined in IC 9-13-2-104);
- (4) a motorized bicycle (as defined in IC 9-13-2-109); or
- (5) an off-road vehicle.

2. **Operations & Limitations.**

- a. Motorized carts may be operated within the corporate limits of Rising Sun by:
 - (1) Those persons who are 16 years of age and older and have a valid motor vehicle drivers license, or State of Indiana photo identification card;
 - (2) Those persons who are 15 years of age, but not yet 16 years of age, if accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle drivers license;
- b. No person under the age of 15 years of age shall be permitted to operate a motorized cart on any public street within the corporate limits of the City of Rising Sun.
- c. No person whose driving privileges are suspended for the commission of a crime (including Operating While Intoxicated) shall be permitted to operate a motorized cart on any public street within the corporate limits of the City of Rising Sun.
- d. A person may not register a motorized cart or operate a motorized cart on a public highway in Rising Sun if financial responsibility is not in effect with respect to the motorized cart in accordance with Section 5 of this Ordinance.
- e. All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic.
- f. Motorized carts shall not be operated on sidewalks or in City parks other than in parking areas or recognized vehicle traffic areas.
- g. Motorized carts shall be operated only if such carts are equipped with functional headlights, taillights, windshield, and a brake light.
- h. Motorized carts may not traverse streets and highways under the jurisdiction of the Indiana Department of Transportation. Motorized carts may cross these streets to access other streets at street

intersections only. The specific streets and highways referenced include North High Street (SR 56), South Walnut Street (SR 56), Street and West Main Street (SR 262) throughout the corporate limits of the City. Crossings must be made at a right angle.

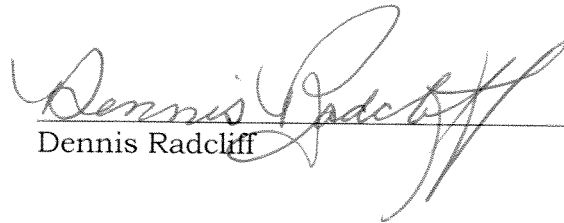
3. **Registration.** Before any motorized cart may be operated within the corporate limits of Rising Sun, a person shall bring documentation setting forth a description of said cart, along with said cart, to the Rising Sun Police Department. The Rising Sun Police Department shall complete a motorized cart checklist and confirm the working order of said cart. Once the checklist is completed and signed by an Officer, the person shall bring the completed checklist to the Clerk Treasurer's Office, along with proof of Financial Responsibility and payment of Twenty Dollars (\$20). The Clerk-Treasurer shall issue a decal to be applied to the rear of such cart so as to be plainly visible. The decal, when issued, shall be non-transferable from the cart for which it is issued. The registration shall be effective until such time as the cart is sold.
4. **Slow Moving Vehicle Emblem.** Before any motorized cart may be operated within the corporate limits of Rising Sun, the cart must have affixed thereto a slow moving vehicle emblem as required by IC 9-21-9-2. The emblem shall conform with those standards and specifications adopted for slow-moving vehicles in 205 IAC 1-1-1 et. seq. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three (3) to five (5) feet above the roadway, and shall be maintained at all times in a clean and reflective condition.
5. **Financial Responsibility Required.** No person shall operate a motorized cart within the city without financial responsibility. Financial responsibility is in effect if a motor vehicle insurance policy is in effect with respect to the vehicle, with minimum amounts of financial responsibility as follows:
 - (a) Twenty-five thousand dollars (\$25,000.00) for bodily injury to or the death of one (1) individual;
 - (b) Fifty thousand dollars (\$50,000.00) for bodily injury or the death of two (2) or more individuals in any one (1) accident; and
 - (c) Ten thousand dollars (\$10,000.00) for damage to or the destruction of property in one (1) accident.

6. **Exceptions.**
 - a. Nothing in this Ordinance shall apply to any self-propelled, two-wheeled vehicle.
 - b. Nothing in this Ordinance shall apply to motorized carts operated by the City of Rising Sun or carts being operated for special events with permission of the Mayor or Chief of Police.
7. **Enforcement.** The Rising Sun Police Department shall be charged with enforcement of this Ordinance.
8. **Penalties.**
 - a. All penalties for violations of this ordinance shall be treated under Section 10.99 of the Rising Sun Municipal Code which states "any person, firm or corporation who violates...shall, upon conviction, be subject to a fine not exceeding \$2,500.00."
 - b. Any person violating any provision of this Ordinance shall be punished by a fine for the first offense of not less than Twenty Five Dollars (\$25.00). For the second offense, not less than Fifty Dollars (\$50.00). If a third offense is committed within one (1) year of conviction of a second offense, the minimum fine shall be One Hundred Dollars (\$100.00) and the owner's registration shall be revoked. If a registration is revoked, the owner shall pay a re-registration fee of Two Hundred Dollars (\$200.00). The registered owner or family member cannot thereafter register a motorized cart for use in the City for a period of two (2) years following a third conviction.
 - c. A further violation of this ordinance may be subject to a fine as set forth in this Ordinance and subject to prosecution in an Ohio County Court of Law.
9. **Conflict Provisions.** Any ordinance or portion thereof in conflict with this ordinance is hereby repealed. Ordinance 2008-3 is hereby specifically repealed.
10. **Effective Date.** This ordinance shall be in full force and effect immediately after its passage and approval by the Mayor of the City of Rising Sun, Indiana, and after proper publication and posting as required by law.

PASSED AND APPROVED by the Common Council of the City of Rising Sun, Indiana
this 5 day of April, 2012.



Steve Slack



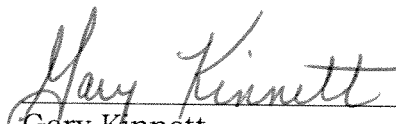
Dennis Radcliff



Mike Padgett




Roy Powell



Gary Kinnett

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and
signature this 5 day of April, 2012.



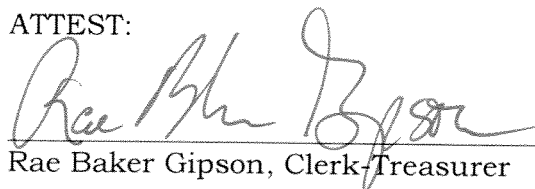
Rae Baker Gipson, Clerk-Treasurer

This Ordinance duly approved and signed by me on this 5 day of April,
2012.



Branden Roeder, Mayor

ATTEST:



Rae Baker Gipson, Clerk-Treasurer