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**BOARD OF COMMISSIONERS
JOHNSON COUNTY**

ORDINANCE 2024-O-9

**AN ORDINANCE AMENDING TITLE 9 OF THE JOHNSON COUNTY CODE
OF ORDINANCES**

WHEREAS, Ind. Code § 9-21-1-3, authorizes local authorities such as the Board of Commissioners of Johnson County, Indiana (“Commissioners”), within its reasonable exercise of police power, to regulate or prohibit the operation of golf carts and off-road vehicles, including recreational off-highway vehicles, on its public roads under their jurisdiction; and

WHEREAS, some unincorporated Johnson County residents have expressed a desire to operate golf carts and recreational off-highway vehicles (collectively as “Carts” or “Cart”) on certain County Highways (as defined herein) within the Commissioners’ jurisdiction; and

WHEREAS, the Commissioners wish to accommodate its residents’ desire for alternative modes of local transportation while balancing public safety concerns regarding the use of Carts on unincorporated Johnson County Highways; and

WHEREAS, upon investigation, the Commissioners have determined that only Golf Carts and Recreational Off-Highway Vehicles (as defined herein) may be safely operated on certain County Highways without presenting an imminent danger to themselves, pedestrians, or drivers; and

WHEREAS, the Commissioners desire to authorize the operation of Golf Carts only on Designated Neighborhood Roads within Unincorporated Johnson County and Recreational Off-Highway Vehicles (as defined herein) for general transportation on County Highways within unincorporated Johnson County boundaries.

NOW, THEREFORE, BE IT ORDAINED as follows:

Johnson County Code Title 9, Motor Vehicles, shall be amended to containing the following chapter and sections:

CHAPTER 6: GOLF CART OR RECREATIONAL OFF-HIGHWAY VEHICLE ("CARTS") OPERATION

§ 9-1-6-1 DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

(A) **"County Highway"** shall mean the entire width between the boundary lines of every publicly maintained road included in unincorporated Johnson County's Road inventory when any part of the road is open to the use of the public for purposes of vehicular travel in Indiana. The term includes an alley.

(B) **"Golf cart"** shall have the meaning set forth in Ind. Code § 9-13-2-69.7.

(C) **"Proof of Financial Responsibility"** shall mean, pursuant to Ind. Code § 9-25-2-3, proof of ability to respond in damages for liability that arises out of the ownership, maintenance, or use of carts in the following amounts:

(1) Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person;

(2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(3) Twenty-five thousand dollars (\$25,000) because of injury to or destruction of property in any one (1) accident.

(D) **"Recreational Off-Highway Vehicle"** for the purpose of this Ordinance, ATV's (All Terrain Vehicles), 3-wheelers, 4-wheelers, and slow-moving vehicles are not considered Recreational Off-Highway Vehicles and may not operate within unincorporated Johnson County roads. All Recreational Off-Road Vehicles authorized to operate within unincorporated Johnson County roads shall meet the state minimum standards set forth in Ind. Code § 14-8-2-233.5 of a motorized, off-highway vehicle that:

(1) is eighty (80) inches or less in width when measured from outside of tire rim to outside of tire rim;

(2) has a dry weight of three thousand five hundred (3,500) pounds or less;

(3) is designed for travel on at least four (4) nonhighway or off-highway tires; and

(4) is designed for recreational use by one (1) or more individuals.

Additionally, to operate in compliance with this Ordinance, all Recreational Off-Highway Vehicles shall meet the following requirements:

(1) be larger than fifty (50) inches, but less than eighty (80) inches in width when measured from outside of tire rim to outside of tire rim;

(2) have a dry weight of no more than two thousand five hundred (2,500) pounds;

(3) be designed for travel on at least four (4) non-highway or off-highway tires;

(4) have the ability to operate at twenty-five miles per hour or greater;

(5) be equipped with the following operable equipment:

a. safety belts for driver and all passengers;

b. either side mirrors or a rear-view mirror;

c. a traditional steering wheel;

- d. two headlights;
- e. two turn signals; and
- f. at least one break light.

§ 9-1-6-2 APPLICATION

It is the intent of this Chapter to allow for the use of Golf Carts only on designated neighborhood roads as defined in § 9-1-6-3 of this Ordinance, and not for general transportation throughout Johnson County. Nothing herein shall be construed to apply to or limit the use of Golf carts on (a) Golf courses; (b) private property; (c) the Golf Cart Operating Regulations in place at the Johnson County Park and the Johnson County Fairgrounds; or (d) Johnson County officials/employees' use of Golf carts on County-owned property for official purposes.

It is the intent of this Chapter to allow for the use of Recreational Off-Highway Vehicles (as defined herein) on any County Highway within unincorporated Johnson County where they are equipped to follow all local ordinances, state traffic laws, state regulations, and all the requirements contained in this Ordinance.

In addition to this Ordinance, Cart operators shall comply with Indiana State Law concerning registering and operating Carts and any other applicable state or federal law.

§ 9-1-6-3 DESIGNATED NEIGHBORHOOD ROADS

To protect the safety of unincorporated Johnson County residents, Golf carts shall only be operated on Neighborhood roads within residential neighborhoods in unincorporated Johnson County under the following conditions:

- (A) Neighborhood roads within residential neighborhoods in unincorporated Johnson County having a posted speed limit of no greater than 25mph.; and
- (B) Standard signs, as described in § 9-1-6-4 of this Ordinance, have been conspicuously located within the neighborhood.

No Golf carts shall be operated on any county road outside of a Designated Neighborhood Road within unincorporated Johnson County as defined herein.

§ 9-1-6-4 GOLF CART COMMUNITY SIGNS

Signs that designate the neighborhood as a Golf Cart community as described in § 9-1-6-3 of this Ordinance shall be installed at each entrance to the neighborhood, prior to use, under the following conditions:

- (A)
- (B) All signs must meet minimum MUTCD (Manual on Uniform Traffic Control Devices) standards for size, material type, and retro-reflectivity for the following signs: W11-11 & W16-1. (See **Exhibit "A"**)
- (C) This ordinance does not prohibit or limit Johnson County from having discretion to require additional signs should conditions require such.

§ 9-1-6-5 REGISTRATION

Prior to operation of a Cart in accordance with this Ordinance, all Carts shall be registered by its owner with the Johnson County Sheriff's Office ("Sheriff"). Upon such

registration, the Sheriff shall issue one numerical identification decal to the owner and shall maintain a record of each identification number, along with the name and address of the registered owner. The identification decal shall be affixed to the rear fender areas of the Cart so as to be fully visible when the Cart is in operation.

A one-time registration fee of One Hundred Dollars (\$100.00), plus the applicable service fees, for each Cart registered shall be payable at the time of registration. All registration fees for Carts are to be deposited in the Johnson County Sheriff's Continuing Education Fund.

§ 9-1-6-6 PROHIBITION AGAINST OPERATION—TIME OF OPERATION.

Golf carts shall not be operated on Designated Neighborhood Roads as defined herein from sunset to sunrise unless the Golf cart is equipped with headlights, taillights, brake lights, seatbelts for each passenger, turn signals, and rearview mirror all in working order.

§ 9-1-6-7 VALID LICENSE REQUIRED.

Only persons possessing a valid driver's license issued by the State of Indiana, another state of the United States of America, or an international agency or persons who are sixteen (16) years and one hundred eighty (180) days of age and hold an identification card issued under Ind. Code § 9-24-16 or a photo exempt identification card issued under Ind. Code § 9-24-16.5, shall be permitted to operate Carts within unincorporated Johnson County.

§ 9-1-6-8 DISCLAIMER, ASSUMPTION OF RISK AND INSURANCE

Any person who owns, operates, or rides upon a Cart within unincorporated Johnson County does so at his/her own risk and peril and assumes all liability resulting from such activity. Any operator, upon request by a law enforcement officer as defined in Ind. Code §9-13-2-92, shall provide Proof of Financial Responsibility as defined herein for the operation of the Golf Cart or Recreational Off-Highway Vehicles within unincorporated Johnson County.

§ 9-1-6-9 TRAFFIC LAWS OBSERVED.

Carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as motor vehicle operators. Golf Cart and Recreational Off-Highway Vehicles operators shall stay in the far right of the travelled portion of the road and yield the right-of-way to overtaking vehicle as soon as possible to do so safely. Golf Cart and Recreational Off-Highway Vehicles may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of Golf Cart or Recreational Off-Highway Vehicles in areas where parking is not allowed or in any place that may impede the flow of traffic, pedestrian walkways, or a passageway is prohibited and may result in removal by towing.

§ 9-1-6-10 PUBLIC RIGHT OF WAY

Carts shall not be operated on unincorporated Johnson County sidewalks, pedestrian walkways, multi-use paths, jogging paths, greenway trails, or non-designated public ways or roads.

§ 9-1-6-11 LIMIT ON PASSENGERS

Carts operated in accordance with this Ordinance shall not be used with more passengers than are allotted in accordance to the manufacturer's listed passenger capacity of the Carts. All persons riding on a Golf Cart or Recreational Off-Highway Vehicle must be seated independently in one of the manufacturer designed seats, and may not be standing or riding on the back or in any place designed for cargo or sporting equipment while the Cart is in motion.

§ 9-1-6-12 PROSECUTION OF VIOLATIONS AND PENALTIES

Johnson County Sheriff officers shall issue a Non Capitalized Ordinance Violation to any person violating a provision of this Ordinance in the following amounts which shall be processed by and paid to the County and deposited to the Johnson County General Fund as follows:

- A. First Offense: Fifty Dollars (\$50.00);
- B. Second Offense within one (1) year: One Hundred Dollars (\$100.00); and
- C. Third Offense and each additional offense within one (1) year: Two Hundred Fifty Dollars (\$250.00).

A second, or subsequent, offense occurring more than twelve-months since the last offense shall be considered a first offense. The penalties listed in this Section do not include Court costs and fess that may be imposed by Johnson County Superior Court in addition to the penalty.

If a law enforcement officer finds cause to issue a notice for a violation of this Ordinance, the officer has discretion to issue the notice/citation to: The Cart operator, or in instances where the operator is an unlicensed juvenile, to the parent(s) of said operator. Unpaid violations shall be referred to the appropriate Johnson County Court.

§ 9-1-6-13 SEVERABILITY OF PROVISIONS

If any part of this Ordinance is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this Ordinance.

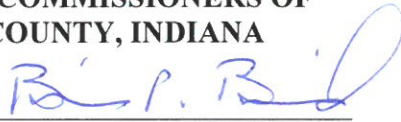
§ 9-1-6-14 EFFECTIVE DATE

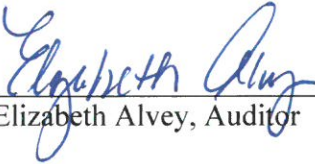
This Ordinance shall become effective upon adoption and publication as required by law.

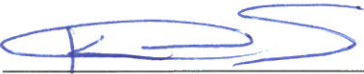
So adopted this 16th day of December 2024.

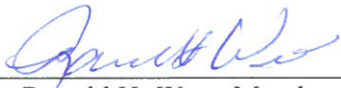
(Signatures on following page)

**BOARD OF COMMISSIONERS OF
JOHNSON COUNTY, INDIANA**

By: 
Brian P. Baird, Chair

Attest: 
Elizabeth Alvey, Auditor

By: 
Kevin M. Walls, Member

By: 
Ronald H. West, Member