

# St. Joseph County and City of Mishawaka Golf Cart and Low-Speed Vehicle Ordinance Package

*A pro-access, safety-centered model for local streets and county roads*

|             |                                                                       |
|-------------|-----------------------------------------------------------------------|
| Prepared    | August 28, 2026                                                       |
| Status      | Policy draft for legislative and legal review; not adopted law        |
| County form | Complete model ordinance creating proposed Chapter 76                 |
| City form   | Mishawaka framework using proposed Chapter 58, Article IV, Division 4 |

**Important drafting status**

This package is a policy draft, not legal advice. Before introduction, local counsel should certify the current code, complete the route review, verify every sign location, fund the no-fee launch, and reconcile the enforcement process with the courts and ordinance-violations bureau. Any later fee requires a documented cost study.

## Executive drafting memo

The recommended model opens a practical network of low-speed local roads while keeping higher-speed corridors, sidewalks, trails, and state highways out of the golf-cart system. It treats a true low-speed vehicle (LSV) as the state-titled motor vehicle that it is, not as a golf cart with an accessory kit.

## Recommended architecture

| Vehicle   | Access rule                                                                                   | Local administration                                                                                                                   |
|-----------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Golf cart | Signed local roads posted at 30 mph or less; 20 mph operating cap; designated crossings only. | Biennial local permit, one initial safety inspection, decal, low cost-recovery fee, and reciprocal recognition where agreements exist. |

| Vehicle | Access rule                                                                               | Local administration                                                                                                                         |
|---------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| LSV     | Local roads posted at 35 mph or less, subject to Indiana law and signed local exclusions. | State title, plate, registration, financial responsibility, and federal/state equipment compliance; no duplicate local permit or inspection. |
| ORV     | Outside this package.                                                                     | County Chapter 75 remains separate; Mishawaka authorization requires separate legislation.                                                   |

### Policy choices built into the draft

- ☐ Default-open low-speed zones, but no segment becomes operational for locally regulated use until the required notice signs are installed.
- ☐ Valid driver's license required for golf-cart operators; LSV operators follow the credentials required by Indiana Code title 9.
- ☐ Twenty-four-hour use for properly equipped vehicles, with mandatory lighting and visibility rules, instead of a daylight-only ban.
- ☐ Maximum of five passengers other than the operator, further limited by manufacturer-designated seats and one usable belt per occupant.
- ☐ Education, a first correctable-defect cure, modest graduated civil fines, and due process before permit suspension.
- ☐ No separate local penalty for conduct already defined as an Indiana crime or infraction; state law remains fully enforceable.
- ☐ Public route maps, mobile or community inspections, online renewals, reciprocity where lawful, and a one-year public program review.

### Nonnegotiable legal guardrails

- ☐ Jurisdiction controls. The County ordinance reaches only highways under St. Joseph County jurisdiction in unincorporated territory. The City framework reaches only streets under Mishawaka jurisdiction.
- ☐ A local golf-cart authorization is ineffective until signs give the notice required by IC 9-21-1-3(b). The official map is helpful but does not replace signs.
- ☐ Only a county ordinance has the express IC 9-21-1-3.3(c) authority to permit a safe, right-angle golf-cart crossing of a state-system highway from one county road to another. Mishawaka should not authorize a state-highway golf-cart crossing.
- ☐ An LSV may not be operated on a highway posted above 35 mph. The draft creates no crossing exception.

- A golf cart does not become an LSV because lights, belts, mirrors, a plate, or another kit is installed. Classification follows the golf cart's original design and the requirements of IC 9-13-2-94.5.

**Bracket convention**

Text in square brackets requires a local decision or factual completion before introduction. The substantive safety model is otherwise written in enactable form.

## Part I. St. Joseph County model ordinance

**BILL NO. [\_\_\_\_-26]**

Sponsored by Council Member [Name]

**ORDINANCE NO. [\_\_\_\_-2026]**

**AN ORDINANCE CREATING CHAPTER 76 OF THE ST. JOSEPH COUNTY CODE TO AUTHORIZE AND  
REGULATE GOLF CARTS AND LOW-SPEED VEHICLES ON CERTAIN HIGHWAYS UNDER COUNTY  
JURISDICTION**

### Recitals

- (a) WHEREAS, Indiana law generally prohibits operation of a golf cart on a highway unless a city, county, or town adopts an ordinance under IC 9-21-1-3(a)(14) and IC 9-21-1-3.3(a).
- (b) WHEREAS, IC 9-21-1-3.3 authorizes the County to regulate golf carts on highways under County jurisdiction, requires the County to set a passenger limit, and permits certain safe, right-angle crossings of state-system highways.
- (c) WHEREAS, IC 9-21-1-3(a)(14) authorizes reasonable local regulation of low-speed vehicles, while state law separately controls their classification, registration, equipment, credentials, financial responsibility, and use on highways posted above 35 miles per hour.
- (d) WHEREAS, A connected, signed network of lower-speed County roads can expand mobility and neighborhood access if vehicle classification, operator qualifications, seating, visibility, and route design are addressed clearly.
- (e) WHEREAS, The County Council intends to authorize useful access, preserve state-law enforcement, and avoid duplicate local regulation of state-titled low-speed vehicles.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, AS  
FOLLOWS:**

### Section 1. Chapter 76 created

Title VII of the St. Joseph County Code is amended by adding Chapter 76 to read as follows:

#### **CHAPTER 76. GOLF CARTS AND LOW-SPEED VEHICLES**

##### **§ 76.01 Short title; purpose**

- (a) This chapter may be cited as the St. Joseph County Low-Speed Mobility Ordinance.
- (b) Its purposes are to permit practical use of compliant golf carts and low-speed vehicles on suitable highways under County jurisdiction, reduce unnecessary barriers to lawful low-speed mobility, and protect occupants, pedestrians, bicyclists, motorists, and public infrastructure.
- (c) This chapter shall be construed narrowly within the authority granted by Indiana law. It does not authorize conduct prohibited by state or federal law.

## § 76.02 Definitions and classification

- (a) **Administrator.** The office or official designated by the Board of Commissioners to administer golf-cart permits and decals under this chapter.
- (b) **Authorized golf-cart route.** The roadway portion of a County highway segment that satisfies § 76.04 and for which all notice signs required by Indiana law and this chapter have been installed.
- (c) **County highway.** A public highway under the jurisdiction of St. Joseph County in unincorporated territory, as shown by the County road inventory or a written jurisdiction agreement. Maintenance responsibility alone does not establish jurisdiction. The term does not include a state or federal highway, municipal street, private road, or county-line road unless jurisdiction and reciprocal authority are confirmed in writing.
- (d) **Designated seat.** For a golf cart, a seating position designed by the original manufacturer, including a seat added only when the manufacturer's written instructions for that cart expressly authorize the installation. For an LSV, a designated seating position has the meaning supplied by applicable federal law.
- (e) **Final local violation.** A violation admitted and paid, established by lawful default, or determined by a final judicial decision after any timely appeal.
- (f) **Golf cart.** A vehicle meeting the definition in IC 9-13-2-69.7, as amended. Added equipment or appearance alone does not change a golf cart into a low-speed vehicle.
- (g) **Low-speed vehicle or LSV.** Only a vehicle meeting IC 9-13-2-94.5, as amended. This chapter creates no independent LSV classification or equipment standard. A title, registration, plate, decal, claimed speed, or aftermarket accessory is not conclusive.
- (h) **Official route map.** The public map and corresponding text schedule maintained by County Public Works to show signed routes, signed exclusions, and designated crossings. If the map and an installed regulatory sign conflict, the sign controls.
- (i) **Permit.** A local golf-cart operating permit issued under § 76.06. It is not a state vehicle registration.
- (j) **Serious local safety violation.** A unique local violation involving sidewalk or path operation that creates an imminent pedestrian hazard or knowing operation of a golf cart with a locally required brake or steering defect that threatens bodily injury.
- (k) **Sidewalk or path.** A sidewalk, crosswalk used longitudinally, bicycle lane, bicycle path, shared-use path, pedestrian bridge, greenway, trail, or other way primarily intended for nonmotorized travel.
- (l) **Walking speed.** A speed not exceeding five miles per hour.
- (m) Words not defined in this chapter have the meanings supplied by Indiana Code title 9, as amended.

## § 76.03 Scope and jurisdiction

- (a) This chapter applies only to County highways in unincorporated St. Joseph County and to a state-highway crossing expressly listed under § 76.05(c).
- (b) It does not authorize operation on a street under the jurisdiction of Mishawaka, South Bend, a town, another county, the State of Indiana, or the federal government.

- (c) A private road is outside this chapter unless the road owner requests County traffic regulation and the County completes the agreement and recording process required by IC 9-21-1-2(b).
- (d) Eligibility ends automatically when a highway segment is annexed, transferred, vacated, or no longer under County jurisdiction. Public Works shall update the route map and signs promptly.
- (e) Chapter 75 remains applicable to off-road vehicles and snowmobiles. This chapter does not reclassify or authorize those vehicles.

#### **§ 76.04 Route authorization**

- (a) Subject to the remaining requirements of this chapter, a permitted golf cart may be operated on a County highway segment posted at 30 miles per hour or less after the required notice signs are installed.
- (b) A permitted golf cart may be operated on an unposted County highway only if the segment is listed in § 76.19 after written engineering review and the required signs are installed.
- (c) An LSV may be operated on a County highway posted at 35 miles per hour or less, subject to Indiana law and any signed exclusion adopted under this chapter. No provision creates an exception for operation on, or crossing of, a highway posted above 35 miles per hour.
- (d) No local authorization or restriction adopted under this chapter is operational on an affected highway segment until signs giving the notice required by IC 9-21-1-3(b) are posted on or at the entrances to the affected segment or signed zone.
- (e) Upon the written advice and report of the County Highway Engineer, the Board of Commissioners may approve by resolution a segment or zone sign plan and order the Highway Division to install and maintain the signs required by this chapter in conformity with § 70.07 and the Indiana Manual on Uniform Traffic Control Devices. A zone plan is not operational until signs are installed at every vehicular entrance.

#### **§ 76.05 Excluded places and crossings**

- (a) This chapter does not authorize golf-cart operation on a state or federal highway or a highway outside County jurisdiction. This chapter neither authorizes nor prohibits LSV operation on such a highway; Indiana law and the authority having jurisdiction control. A route listed in § 76.19 is locally excluded only to the extent the County has jurisdiction.
- (b) A golf cart may cross an otherwise ineligible County highway only at an intersection listed in § 76.19 and shown on the official route map, at a right angle, after the Highway Engineer issues written safety findings, after the required signs are installed, and when the movement can be completed safely. An LSV crossing remains subject to Indiana law, including the 35-mile-per-hour posted-speed limit.
- (c) A golf cart may cross a highway in the state highway system only at a location listed in § 76.20, at a right angle, solely to travel from one County highway to another County highway, and only after the Highway Engineer makes written safety findings and all required County and state approvals and signs are obtained. This subsection does not apply to an LSV.
- (d) Within a County highway right-of-way, a golf cart or LSV may not be operated longitudinally on a sidewalk, bicycle lane, bicycle path, or shared-use path. This restriction does not prohibit a

temporary shoulder pull-off required by IC 9-21-5-7, compliance with temporary traffic control, an emergency maneuver, or hazard avoidance. County park or trail property outside a highway right-of-way is governed only under separately applicable park or property authority. Park Board authorization does not itself make a park road a County highway.

- (e) A golf cart or LSV may cross a sidewalk only at a lawful driveway or roadway crossing, by the most direct route, and at no more than five miles per hour. Stop and yield duties imposed by state law are governed and penalized exclusively under state law.

#### **§ 76.06 Golf-cart permit and decal**

- (a) A person may not operate a golf cart on an authorized route unless the cart has a current County permit or a recognized reciprocal permit and displays the assigned decal as directed by the Administrator.
- (b) The owner shall submit a form prescribed by the Administrator, proof of ownership or lawful possession, the vehicle serial number, proof that financial responsibility is in effect in a form recognized by IC 9-25-4-4 and in at least the amounts stated in IC 9-25-4-5, and certification that the cart passed the inspection in § 76.08. This proof is a local permit condition; state financial-responsibility offenses remain enforceable only under state law.
- (c) A permit is valid for two years, is assigned to one cart and owner, and is not transferable. The owner shall report a transfer, destruction, or cessation of required financial responsibility within 10 business days.
- (d) The permit, renewal, inspection, and replacement decal fees are \$0 at adoption. A later fee may be established only by ordinance, after a documented cost study, in an amount reasonably related to administrative cost. The absence of a fee schedule may not delay no-fee issuance.
- (e) Within 10 business days after receiving a complete application and inspection certificate, the Administrator shall issue the permit or provide a written, itemized deficiency notice. If the deadline passes without either action, the Administrator shall provide a 30-day temporary digital permit unless a written safety deficiency prevents operation.
- (f) For its 30-day term, a temporary digital permit serves as the required decal and shall be displayed or made available as directed by the Administrator.
- (g) Applications and renewals shall be available online and in person. During the first program year, the Administrator shall offer at least four geographically distributed community inspection events and may accept electronic proof of financial responsibility. Thereafter, at least two community events shall be offered each year, subject to appropriation.
- (h) The County may recognize an equivalent permit from Mishawaka or another St. Joseph County political subdivision only through a lawful interlocal agreement approved by the County Council, Board of Commissioners, and any other official whose approval is required by Indiana law. The agreement must provide substantially equivalent operator, financial-responsibility, equipment, and record-sharing safeguards. Recognition does not expand route jurisdiction.
- (i) An LSV is not subject to a County permit, decal, inspection, or fee. Its operation is lawful only when applicable state title, registration, plate, equipment, credential, and financial-responsibility

requirements, including any lawful exception, are met. Those requirements are enforced exclusively under state law, and a title, registration, or plate is not conclusive proof of LSV classification.

### **§ 76.07 Operator and owner requirements**

- (a) A golf-cart operator shall hold a valid driver's license, as selected under IC 9-24-1-7(b)(1). LSV operator credentials are governed exclusively by IC 9-24 and are not separately penalized under this chapter.
- (b) An owner shall not knowingly permit operation of a golf cart that lacks the local permit or decal or fails a unique local equipment or occupancy condition. Credential, financial-responsibility, and other Indiana Code title 9 violations are enforced only under state law. Cessation of required financial responsibility makes the local permit administratively ineligible.
- (c) Every operator shall comply with the generally applicable rules of the road. State-law violations, including impaired or reckless driving, licensing, financial-responsibility, and state equipment violations, shall be enforced under state law and are not assigned a duplicate local penalty by this chapter.

### **§ 76.08 Golf-cart equipment and inspection**

- (a) Before initial permit issuance, a golf cart shall pass a visual and functional inspection conducted by the Administrator or an inspection provider approved by the Board of Commissioners under uniform written criteria governing training, use of the County checklist, independence, records, and a prohibition on adding requirements. County Police may participate only by written agreement with the Sheriff and subject to appropriation. Renewal may be based on owner certification unless a reinspection is reasonably required by a crash, observed defect, material modification, or lapse exceeding 60 days.
- (b) Because IC 9-19-1-1(a)(6) provides that Indiana Code article 9-19 does not apply with respect to equipment on a golf cart validly operated under a local ordinance, the inspection shall verify every following local permit condition, in addition to any other Indiana law that separately applies:
  - (1) A service brake and parking brake capable of holding the cart on a grade;
  - (2) Two functioning headlamps, two tail lamps, stop lamps, and electric or mechanical turn signals visible from the front and rear;
  - (3) A horn audible under normal conditions, at least one driver-side exterior mirror, and one interior or passenger-side mirror providing a rearward view;
  - (4) A usable seat belt for every designated seat, securely installed in accordance with the golf-cart manufacturer's written instructions;
  - (5) Front and rear reflex reflectors, safe steering and tires, and no exposed sharp edge or unsecured battery;
  - (6) A slow-moving-vehicle emblem displayed in accordance with IC 9-21-9-3, as authorized by IC 9-21-9-0.5(b);
  - (7) A functioning speedometer or a governor that physically limits the cart to 20 miles per hour; and
  - (8) A legible manufacturer or serial identifier. A windshield, if installed, shall be safety glazing, unobstructed, and maintained in safe condition.

- (c) These are independently stated local golf-cart permit conditions. Any separately applicable state law remains enforceable under state law.

### **§ 76.09 Operating rules**

- (a) A compliant golf cart may operate at any hour on an authorized golf-cart route. An LSV's hours of operation are governed by state law and any effective signed local restriction.
- (b) A golf cart may not exceed 20 miles per hour or the posted speed limit, whichever is lower. State reasonable-speed rules and all LSV speed rules are enforced only under state law.
- (c) A golf cart's headlamps, tail lamps, and stop lamps shall be illuminated whenever the cart is moving. LSV lighting duties and compliance with traffic-control devices, barricades, and emergency closures are governed and enforced under state law or other applicable law.
- (d) Golf carts shall travel single file. State lane-use, passing, turning, yielding, and slow-traffic rules remain applicable and are enforced under state law.
- (e) Towing a person, trailer, wagon, or other object is prohibited, except for County operations or a separately permitted event on a street closed to general traffic.

### **§ 76.10 Occupants and child passengers**

- (a) A golf cart may carry no more than five passengers other than the operator. The actual limit is the lesser of that number or the number of unoccupied designated passenger seats equipped with usable seat belts.
- (b) Every golf-cart occupant shall occupy a designated seat and use its seat belt while moving. No golf-cart occupant may stand, sit on another person's lap, ride in a cargo area, or extend beyond the designed occupant area. On an LSV, each occupant shall occupy a federally designated seating position. Restraint conduct punishable under IC 9-19-10 or IC 9-19-11 is enforced only under state law; use of a provided belt by an LSV occupant outside those state provisions is a unique local condition.
- (c) On a golf cart, a child younger than eight years may ride only when properly fastened in a federally compliant child-restraint system that can be secured at a designated seat by a method approved by the cart, belt, or restraint manufacturer. A child at least eight but younger than 16 years shall use the seat belt at the child's designated seat. On an LSV, IC 9-19-11 and other applicable state law control; this subsection adds no separate local penalty for the same conduct.

### **§ 76.11 Parking and charging**

- (a) One golf cart or LSV may use a lawful on-street motor-vehicle parking space. In an off-street County lot, two golf carts may share one marked space only when posted rules allow it and both remain wholly within the space.
- (b) State law and other County parking provisions control parking location, accessible spaces and aisles, obstructions, and penalties. This chapter creates no duplicate parking offense.
- (c) A charging cord may not cross a sidewalk, path, roadway, or other public right-of-way. Public electrical service may be used only when the County has expressly authorized the connection.

- (d) After accessibility and electrical-safety review, the Board of Commissioners may designate golf-cart parking and compatible charging facilities at County destinations. Posted facility rules control use.

### **§ 76.12 Exemptions and special operations**

- (a) This chapter does not restrict a personal assistive mobility device or other mobility device used as authorized by law by a person with a disability.
- (b) Official use does not waive Indiana's local-authorization and notice-sign requirements. County, emergency-response, and utility personnel may use a golf cart on a signed authorized route or on a highway lawfully closed to general traffic and posted at every affected entrance under separate authority.
- (c) A separately approved special event may allow golf-cart operation only on a highway closed to general traffic with barricades and temporary notice signs at every affected entrance, subject to the event permit and other lawful authority. No event waiver may dispense with lawful operator credentials, financial responsibility, functional brakes, required lighting, or safe seating.

### **§ 76.13 Administration, mapping, and public information**

- (a) The Board of Commissioners shall designate the Administrator after consulting the Sheriff, Auditor, Public Works, and County Attorney and confirming the appropriation and records process. A designation requiring the personnel, records, or facilities of an elected county officer is not effective without that officer's written agreement and a sufficient appropriation adopted by the County Council.
- (b) Public Works shall maintain an official GIS route map and matching text schedule. A segment shall not be shown as operational until Public Works records any governing § 76.19 or § 76.20 authority, the Board's sign-plan order, and the Highway Division's dated written certification that every required sign is installed. Installed regulatory signs control over the map.
- (c) The Board of Commissioners shall approve and publish, on the Highway Engineer's recommendation, a route-screening method using posted and observed speed, traffic volume, roadway width, shoulder and drainage condition, sight distance, crash history, bridge and intersection constraints, destination connectivity, and pedestrian or bicycle conflict.
- (d) The County shall publish a plain-language guide explaining the differences among golf carts, LSVs, and off-road vehicles; jurisdictional boundaries; permit steps; route signs; seating and child-restraint rules; and how to request a route review.
- (e) Permit records shall collect only information reasonably necessary for administration and shall be disclosed or retained as required by Indiana law.
- (f) Training materials and citation records shall identify the vehicle classification, road jurisdiction, installed sign basis, and whether enforcement proceeded under state law or this chapter. County Police data or participation is subject to law, written agreement with the Sheriff, and appropriation.
- (g) After adoption and after each route-schedule amendment, the Auditor shall distribute a certified copy of this chapter and its route schedules to the Board of Commissioners, Sheriff and County Police, Prosecutor, Clerk, Indiana State Police, Public Works and Highway Division, and each affected municipality.

### **§ 76.14 Route changes and temporary closures**

- (a) A resident, neighborhood association, or public agency may petition Public Works to add or remove a route or crossing. Within 90 days, unless additional study is reasonably necessary, the Highway Engineer shall transmit a written recommendation using the approved criteria to the petitioner, Board of Commissioners, County Council Secretary, Auditor, and Public Works.
- (b) A permanent exclusion, an unposted-road authorization, or a designated crossing shall be added to § 76.19 or § 76.20 by ordinance after engineering review. A qualifying 30-mile-per-hour-or-less segment may be withheld from the sign plan only on written Highway Engineer findings using the published criteria. The County Council shall approve an exclusion or direct signing within 90 days after receiving those findings.
- (c) The Board of Commissioners, or the Director of Public Works or Highway Supervisor acting under a written Board temporary-closure policy and on engineering safety advice, may temporarily close a route for construction, emergency, declared snow emergency, damaged pavement or structure, or a documented imminent safety hazard, using signs or barricades. A staff closure shall be reported promptly to the Board and Council President. A nonemergency closure ends after 30 days unless the Board renews it by written findings and gives notice to the County Council. A permanent change requires an ordinance.
- (d) A county-line road may be opened only after jurisdiction is confirmed and the adjoining county provides reciprocal authority or a written traffic-management agreement.

### **§ 76.15 Enforcement, cure, and civil penalties**

- (a) A violation of a unique local requirement of this chapter is an ordinance violation. No violation is designated as a state infraction or crime by this chapter, and no imprisonment may be imposed.
- (b) No local fine may be imposed for a first correctable decal or locally required equipment defect if correction is documented within 10 business days after written notice. Failure to document correction may result in a citation. No fine may be imposed except after admission and payment, lawful default, or final adjudication.
- (c) For permit, decal, unique local equipment, unique local restraint, towing, charging-cord, or LSV effective signed-exclusion violations, the civil fine is \$50 for a first final local violation, \$100 for a second final local violation within 24 months, and \$250 for a third or later final local violation within 24 months.
- (d) A sidewalk or path violation, a serious local safety violation, carrying a person outside a designated seat, or tampering with a decal may be cited without a cure period and carries a fixed \$250 civil fine.
- (e) The operator is responsible for operational conduct. The permit owner is responsible for the permit, decal, and equipment and for unique local conduct the owner knowingly authorized. A prior violation counts toward escalation or suspension only against the same responsible person or permit owner.
- (f) During the first 60 days after a signed zone opens, a nonhazardous first local-only violation is warning-only. Nothing in this subsection directs an elected law-enforcement officer's operations or limits state-law enforcement, and no warning is required for an immediate hazard, sidewalk or path operation, unsafe occupancy, or a unique local equipment defect that creates an immediate hazard.

- (g) Operation of a golf cart outside a signed authorized route and other conduct already punishable under Indiana law shall be enforced only under state law. No local fine shall be imposed when the same essential conduct is already punishable as a state crime or infraction. Fines shall be deposited in the County general fund under IC 9-21-1-3.3(b) or IC 9-21-1-2(c), as applicable.
- (h) A vehicle may be removed or impounded only under otherwise applicable law or when reasonably necessary to remove a traffic or safety hazard. A paperwork or correctable equipment violation alone does not authorize impoundment.

#### **§ 76.16 Permit denial, suspension, and appeal**

- (a) The Administrator may deny or suspend a golf-cart permit for a materially false application, failure to maintain permit eligibility, three final local violations attributable to the permit owner or knowingly authorized by that owner within 24 months, or a serious local safety violation.
- (b) Except for an emergency suspension under subsection (c), the Administrator shall provide written notice of the facts, proposed action, hearing opportunity, and appeal method. The owner may appeal within 15 days. A designated hearing officer who had no role in the initial action may conduct the hearing and submit recommended findings; the Board of Commissioners shall issue the final administrative order based on a preponderance of the evidence.
- (c) An emergency suspension may last no more than 10 business days without a hearing when continued operation presents a documented imminent hazard. A prompt hearing shall be offered within that period.
- (d) A suspension shall be proportionate and may last 30 to 180 days, considering injury risk, actual harm, prior final local violations, knowledge, corrective action, and need for deterrence. A person aggrieved by the Board's final permit decision may appeal under IC 36-2-2-27, including the applicable 30-day period. Reinstatement may require proof that the disqualifying condition was corrected.

#### **§ 76.17 Annual review; no private right**

- (a) Within 15 months after the first signed route opens, and annually thereafter, Public Works and the Administrator shall publish a joint report stating permit counts, crashes, injuries, complaints, warnings, citations, route petitions and changes, administrative cost, and recommended amendments, using deidentified data where appropriate. Law-enforcement data is included only as supplied under law or written agreement with the Sheriff.
- (b) Nothing in this chapter creates a private right of action, guarantees that a route is free of ordinary roadway risk, or enlarges or diminishes governmental immunity, tort liability, or any duty established by Indiana law.

#### **§ 76.18 Conflict, severability, and effective operation**

- (a) Indiana and federal law control. A provision that conflicts with or duplicates state law creates no local offense and may not support a citation, fine, LSV restriction, or other local sanction. State-law references are declaratory only. A unique local golf-cart permit condition may be enforced administratively only to the extent independently authorized.

- (b) If any provision or application is held invalid, the remaining provisions and applications are severable and remain in effect.
- (c) This ordinance takes effect after passage and adoption by the County Council, approval by the Board of Commissioners, lawful effectiveness by operation of law, or lawful effectiveness following a veto override, together with publication and all other steps required by Indiana law. No local authorization or restriction affecting a highway segment is operational until the notice signs required by IC 9-21-1-3(b) are installed.
- (d) The Board of Commissioners shall designate the Administrator within 60 days. Within 120 days after the effective date, Public Works shall finalize the GIS map, the Administrator shall begin permit service, and the Highway Division shall certify installation of signs for the initial connected network approved before final passage. If a deadline cannot be met, the Board shall publish specific delay findings and a corrective schedule and shall issue public status reports every 90 days until launch.

### § 76.19 County-route authorizations, exclusions, and crossings

| Segment/zone                       | Limits                                   | Action                         | Engineering/sign status        |
|------------------------------------|------------------------------------------|--------------------------------|--------------------------------|
| General rule                       | County highways posted at 30 mph or less | Golf-cart eligible after signs | Zone or segment signs required |
| Additional unposted authorizations | None at adoption                         | None                           | Add only by later ordinance    |
| Additional exclusions/crossings    | None at adoption                         | None                           | Add only by later ordinance    |

### § 76.20 State-system golf-cart crossings

None at adoption. A location may be added only by later ordinance after the findings, approvals, and signs required by § 76.05(c).

## Section 2. Conforming amendment to § 70.02

Section 70.02 is amended by adding the following final sentence: “Notwithstanding the preceding sentence, Chapter 76 applies to a right-angle crossing of a highway in the state highway system only when the crossing is expressly authorized by § 76.05(c) and § 76.20 pursuant to IC 9-21-1-3.3(c).”

## Section 3. Conforming enforcement amendments

Section 70.50 is amended by adding subsection (D): “(D) Sections 70.50 through 70.52 do not govern a Chapter 76 violation, except to the extent a generally applicable citation-processing provision is expressly incorporated into Chapter 76.”

Section 70.99 is amended by adding: “This section does not apply to a violation of Chapter 76. Chapter 76 penalties are governed exclusively by § 76.15 and the corresponding Appendix entry.”

The Appendix: Schedule of Fines and Fees is amended to add the following Chapter 76 civil-fine entries:

| Final local violation                                             | Civil fine |
|-------------------------------------------------------------------|------------|
| § 76.15(c), first final local violation                           | \$50       |
| § 76.15(c), second final local violation within 24 months         | \$100      |
| § 76.15(c), third or later final local violation within 24 months | \$250      |
| § 76.15(d), no-cure safety violation                              | \$250      |

#### Section 4. Fees and codification

The Chapter 76 permit, renewal, inspection, and replacement-decal fees are \$0 at adoption. A later fee requires a cost-supported ordinance adopted through the ordinary legislative process. Chapter 75 is not amended. All substantive conforming amendments must be incorporated before final passage. After enactment, the Codifier may make only nonsubstantive numbering, formatting, and cross-reference corrections.

#### Section 5. Pre-passage implementation record

This bill shall not be called for final passage until the initial jurisdictional inventory, County Highway Engineer report, proposed §§ 76.19 and 76.20 entries, Board sign plan, implementation budget, enforcement workflow, and appropriation plan are filed with the County Council. A schedule stating “none at adoption” is permissible only after that review is completed.

## Section 6. Passage and approval

This bill came before the St. Joseph County Council on the \_\_\_\_ day of \_\_\_\_\_, 2026, and was duly passed by \_\_\_\_ ayes and \_\_\_\_ nays.

|                                  |                                |
|----------------------------------|--------------------------------|
|                                  |                                |
| <b>President, County Council</b> | <b>County Auditor / Attest</b> |

Presented by me to the Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_\_ [a.m./p.m.].

|                       |
|-----------------------|
|                       |
| <b>County Auditor</b> |

This Ordinance was approved and signed by the Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_\_ [a.m./p.m.].

|                                          |                                               |                                       |
|------------------------------------------|-----------------------------------------------|---------------------------------------|
|                                          |                                               |                                       |
| <b>President, Board of Commissioners</b> | <b>Vice President, Board of Commissioners</b> | <b>Member, Board of Commissioners</b> |
|                                          |                                               |                                       |
| <b>County Auditor / Attest</b>           |                                               |                                       |

[If applicable: Auditor certification of lawful effectiveness following County Council veto override by the vote required by law: \_\_\_\_\_.]

I certify that this penalty ordinance was published as required by IC 36-2-4-8(b) and IC 5-3-1 on \_\_\_\_\_ and \_\_\_\_\_, and was thereafter recorded in the County ordinance book with the presiding officer's signature and Auditor's attestation as required by IC 36-2-4-9.

|                       |                      |
|-----------------------|----------------------|
|                       |                      |
| <b>County Auditor</b> | <b>Date recorded</b> |

## Part II. City of Mishawaka ordinance framework

### ORDINANCE NO. [\_\_\_\_]

#### AN ORDINANCE AMENDING CHAPTER 58 OF THE MISHAWAKA MUNICIPAL CODE TO AUTHORIZE AND REGULATE GOLF CARTS AND LOW-SPEED VEHICLES ON CERTAIN CITY STREETS

##### Framework placement

The current best fit is Chapter 58, Article IV, using reserved §§ 58-444 through 58-459 for a new Division 4. The Clerk and Corporation Counsel should confirm numbering against the code current on the filing date.

### Recitals

- (a) WHEREAS, The City's street network includes residential and destination-serving streets on which low-speed mobility can be accommodated without opening higher-speed arterials, state highways, sidewalks, or the Riverwalk.
- (b) WHEREAS, The Indiana Code requires a local ordinance and notice signs before golf carts may be operated on affected city streets and permits reasonable local regulation of low-speed vehicles.
- (c) WHEREAS, The City intends to make lawful access understandable through default eligibility criteria, signed zones, an online map, a simple golf-cart permit, and recognition of state-plated LSVs.
- (d) WHEREAS, The City Engineer is the Traffic Engineer under § 58-2, the Traffic Commission has coordinating and public-education functions under § 2-419, and the Police Traffic Division and Records and Services functions can support inspection and permitting without determining legislative route policy.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:**

### Section 1. Article IV title amended

The title of Chapter 58, Article IV is amended to read: "Bicycles; Motorcycles; Golf Carts; Low-Speed Vehicles."

### Section 2. Division 4 added

Chapter 58, Article IV is amended by adding Division 4 to read as follows:

#### DIVISION 4. GOLF CARTS AND LOW-SPEED VEHICLES

##### § 58-444 Purpose, authority, and scope

- (a) This division authorizes safe, useful low-speed mobility on suitable streets under City jurisdiction and establishes clear rules for classification, routes, permits, occupancy, and administration.

- (b) This division applies only to a City street. It does not authorize operation on a state or federal highway, a County highway, or a street under another political subdivision's jurisdiction. A private road remains outside this division unless the City separately completes the owner-request, agreement, and recording process required by IC 9-21-1-2(b).
- (c) This division shall be construed consistently with Indiana law and does not authorize any conduct prohibited by state or federal law.

### § 58-445 Definitions and classification

- (a) **Authorized golf-cart street.** A City street segment that satisfies § 58-446 and for which all notice signs required by Indiana law and this division have been installed.
- (b) **City street.** A street or alley under City jurisdiction and maintained by the City. Private roads and highways controlled by another entity are excluded. An alley otherwise eligible under this division is subject to the 10-mile-per-hour golf-cart limit in § 58-454.
- (c) **Designated seat.** For a golf cart, a seating position designed by the original manufacturer, including a seat added only when the manufacturer's written instructions for that cart expressly authorize the installation. For an LSV, a designated seating position has the meaning supplied by applicable federal law.
- (d) **Final local violation.** A violation resolved by an admission and payment under § 2-2 or determined by a final judgment after any timely appeal.
- (e) **Golf cart.** A vehicle meeting IC 9-13-2-69.7, as amended. Added equipment or appearance alone does not change a golf cart into an LSV.
- (f) **Low-speed vehicle or LSV.** Only a vehicle meeting IC 9-13-2-94.5, as amended. This division creates no independent LSV classification or equipment standard. A title, registration, plate, decal, claimed speed, or aftermarket accessory is not conclusive.
- (g) **Permit Administrator.** The Chief of Police or the Chief's written designee.
- (h) **Serious local safety violation.** A unique local violation involving sidewalk or path operation that creates an imminent pedestrian hazard or knowing operation of a golf cart with a locally required brake or steering defect that threatens bodily injury.
- (i) **Sidewalk or path.** A sidewalk, crosswalk used longitudinally, bicycle lane, bicycle path, shared-use path, pedestrian bridge, greenway, trail, the Riverwalk, or another way primarily intended for nonmotorized travel.
- (j) **Walking speed.** A speed not exceeding five miles per hour.
- (k) Words not defined in this division have the meanings stated in Chapter 58 or Indiana Code title 9, as amended. When definitions conflict, state law controls.

### § 58-446 Street authorization and signs

- (a) Subject to this division, a permitted golf cart may be operated on a City street posted at 30 miles per hour or less after the required notice signs are installed, unless the street is listed in Schedule A as excluded.

- (b) An LSV may be operated on a City street posted at 35 miles per hour or less, subject to Indiana law and a signed local exclusion supported by the City's traffic-control authority. This division creates no exception for operation on, or crossing of, a highway posted above 35 miles per hour.
- (c) Golf-cart authorization under this division, and any local restriction imposed on an LSV, becomes effective on an affected street only after the notice signs required by IC 9-21-1-3(b) are installed. Nothing in this section conditions an LSV's otherwise lawful state-law operation on an affirmative City authorization sign.
- (d) The City may use signed neighborhood, district, or downtown entry zones when the Traffic Engineer determines that the signs give clear notice at every vehicular entrance. The online map is informational; an installed regulatory sign controls.
- (e) The Traffic Engineer shall propose an initial connected golf-cart network. An otherwise qualifying street may be withheld from the sign plan only on written findings using the criteria in § 58-457. The Common Council shall approve an exclusion or direct implementation within 90 days after receiving the findings.

#### **§ 58-447 Excluded places and crossings**

- (a) This division provides no authorization for golf-cart operation on a state or federal highway or a street outside City jurisdiction and creates no local offense for conduct there. On a City street, a golf cart may not operate on a segment posted above 30 miles per hour, a limited-access segment, or an effective signed Schedule A exclusion, except at a designated City-street crossing.
- (b) A golf cart may cross an otherwise ineligible City-controlled street only at an intersection listed in Schedule A and shown on the official map, at a right angle, after written Traffic Engineer safety findings, after the required signs are installed, and when the movement can be completed safely. The City does not authorize golf-cart travel on or crossing of a state-system highway.
- (c) An LSV remains subject to Indiana law, including the prohibition on operation on a highway posted above 35 miles per hour. No local crossing designation relaxes that rule.
- (d) Within a City street right-of-way, a golf cart or LSV may not be operated longitudinally on a sidewalk, bicycle lane, bicycle path, or shared-use path. This restriction does not prohibit a temporary shoulder pull-off required by state law, compliance with temporary traffic control, an emergency maneuver, or hazard avoidance. Chapter 50, including § 50-3 and park hours, separately governs the Riverwalk and park property outside a street right-of-way.
- (e) A golf cart or LSV may cross a sidewalk only at a lawful driveway or where an authorized street intersects the sidewalk, by the most direct route, and at no more than five miles per hour. Stop and yield duties imposed by state law are governed and penalized exclusively under state law. Nothing authorizes conduct prohibited by § 30-47(b)(22).
- (f) This division creates no low-speed mobility corridor. A future corridor requires a separate ordinance expressly amending § 50-3(a)(1), action by the Board of Parks and Recreation within its lawful authority, and accessibility, engineering, and public review. No LSV may be authorized on a nonhighway facility unless Corporation Counsel identifies affirmative legal authority and confirms compatibility with applicable state and federal motor-vehicle law.

**§ 58-448 Operator and owner eligibility**

- (a) A golf-cart operator shall hold a valid driver's license, as selected under IC 9-24-1-7(b)(1). LSV operator credentials are governed exclusively by IC 9-24 and are not separately penalized under this division.
- (b) An owner shall not knowingly permit operation of a golf cart that lacks the local permit or decal or fails a unique local equipment or occupancy condition. Credential, financial-responsibility, and other Indiana Code title 9 violations are enforced only under state law. Cessation of required financial responsibility makes the local permit administratively ineligible.
- (c) Every operator shall obey generally applicable traffic and parking laws. State-law conduct shall be enforced under state law and is not assigned a duplicate local penalty by this division.

**§ 58-449 Golf-cart permit; LSV recognition**

- (a) A golf cart operated on an authorized street shall have a current City permit or recognized reciprocal permit and display the assigned decal as directed by the Permit Administrator.
- (b) The owner shall provide an application, proof of ownership or lawful possession, serial number, proof that financial responsibility is in effect in a form recognized by IC 9-25-4-4 and in at least the amounts stated in IC 9-25-4-5, and certification that the cart passed the inspection under § 58-451. This proof is a local permit condition.
- (c) A permit is valid for two years, is assigned to one cart and owner, and is not transferable. Applications and renewals shall be available online and in person.
- (d) The permit, renewal, inspection, and replacement-decal fees are \$0 at adoption. A later fee may be established only by ordinance, through the applicable Appendix A process, after a documented cost study, in an amount reasonably related to administrative cost. The absence of a fee schedule may not delay no-fee issuance.
- (e) Within 10 business days after receiving a complete application and inspection certificate, the Permit Administrator shall issue the permit or provide a written, itemized deficiency notice. If the deadline passes without either action, the Administrator shall provide a 30-day temporary digital permit unless a written safety deficiency prevents operation.
- (f) For its 30-day term, a temporary digital permit serves as the required decal and shall be displayed or made available as directed by the Permit Administrator.
- (g) During the first program year, the Permit Administrator shall offer at least four geographically distributed community inspection events. Thereafter, at least two community events shall be offered each year, subject to appropriation.
- (h) An LSV is not subject to a City permit, decal, inspection, or fee. Its operation is lawful only when applicable state title, registration, plate, equipment, credential, and financial-responsibility requirements are met; those requirements are enforced under state law.
- (i) The City may recognize an equivalent County or town golf-cart permit only through an interlocal agreement approved by the Common Council and every other official or board required by Indiana law. The agreement must provide substantially equivalent safeguards. The Permit Administrator may not create reciprocity administratively, and recognition does not expand route jurisdiction.

**§ 58-450 Financial responsibility**

- (a) Issuance and continued validity of a golf-cart permit are conditioned on proof of financial responsibility meeting § 58-449(b). The Permit Administrator may accept paper or electronic proof in a form permitted by Indiana law.
- (b) This section does not create a duplicate local financial-responsibility offense. Noncompliance makes the local permit administratively ineligible; state offenses remain enforceable only under state law.

**§ 58-451 Golf-cart equipment and inspection**

- (a) Before initial permit issuance, a sworn officer or an inspection provider approved by the Board of Public Works and Safety on the recommendation of the Chief of Police shall visually and functionally inspect the golf cart. The Permit Administrator shall verify the inspection certificate. Provider criteria shall be uniform and address training, use of the City checklist, independence, records, and a prohibition on adding requirements. A renewal may use owner certification unless reinspection is reasonably required because of a crash, observed defect, material modification, or lapse exceeding 60 days.
- (b) Because IC 9-19-1-1(a)(6) provides that Indiana Code article 9-19 does not apply with respect to equipment on a golf cart validly operated under a local ordinance, the inspection shall verify every following local permit condition, in addition to any other Indiana law that separately applies:
  - (1) A service brake and parking brake capable of holding the cart on a grade;
  - (2) Two functioning headlamps, two tail lamps, stop lamps, and electric or mechanical turn signals visible from the front and rear;
  - (3) A horn, a driver-side exterior mirror, and an interior or passenger-side mirror providing a rearward view;
  - (4) A usable seat belt for each designated seat, securely installed under the golf-cart manufacturer's written specifications;
  - (5) Front and rear reflex reflectors, safe steering and tires, and no exposed sharp edge or unsecured battery;
  - (6) A slow-moving-vehicle emblem displayed in accordance with IC 9-21-9-3, as authorized by IC 9-21-9-0.5(b);
  - (7) A functioning speedometer or a governor that physically limits the cart to 20 miles per hour; and
  - (8) A legible manufacturer or serial identifier. A windshield, if installed, shall be safety glazing, unobstructed, and maintained in safe condition.
- (c) The City imposes no LSV equipment standard or inspection. LSV classification and equipment compliance are determined and enforced exclusively under IC 9-13-2-94.5, Indiana Code article 9-19, and applicable federal and state law.
- (d) The listed golf-cart items are independently stated local permit conditions. Any separately applicable state law remains enforceable under state law.

**§ 58-452 Hours, lighting, and conditions**

- (a) This division imposes no general time-of-day restriction on a compliant golf cart operating on an authorized golf-cart street or on an otherwise lawful LSV. Restrictions applicable to an operator's license or permit and effective emergency or traffic orders remain controlling.
- (b) A golf cart's headlamps, tail lamps, and stop lamps shall be illuminated whenever the cart is moving. LSV lighting duties are governed and penalized exclusively under state law.
- (c) Compliance with traffic-control devices, emergency barricades, and snow-emergency restrictions is governed and enforced under state law and other applicable City provisions.

**§ 58-453 Occupancy and restraints**

- (a) A golf cart may carry no more than five passengers other than the operator. The actual limit is the lesser of that number or the number of unoccupied designated passenger seats with usable seat belts.
- (b) Every golf-cart occupant shall occupy a designated seat and use its seat belt while moving. No golf-cart occupant may stand, sit on another person's lap, ride in a cargo area, or extend beyond the designed occupant area. On an LSV, each occupant shall occupy a federally designated seating position. Restraint conduct punishable under IC 9-19-10 or IC 9-19-11 is enforced only under state law; use of a provided belt by an LSV occupant outside those state provisions is a unique local condition.
- (c) On a golf cart, a child younger than eight years may ride only when properly fastened in a federally compliant child-restraint system that can be secured at a designated seat by a method approved by the cart, belt, or restraint manufacturer. A child at least eight but younger than 16 years shall use the seat belt at the child's designated seat. On an LSV, IC 9-19-11 and other applicable state law control; this subsection adds no separate local penalty for the same conduct.

**§ 58-454 Operating rules and speed**

- (a) A golf cart may not exceed 20 miles per hour or the posted speed limit, whichever is lower. In an alley, a golf cart may not exceed 10 miles per hour. State reasonable-speed rules and all LSV speed rules are enforced only under state law.
- (b) Golf carts shall travel single file. State lane-use, passing, turning, yielding, and slow-traffic rules remain applicable and are enforced under state law.
- (c) Towing a person, trailer, wagon, or other object is prohibited except for City operations or a separately permitted event on a street closed to general traffic.

**§ 58-455 Parking and charging**

- (a) One golf cart or LSV may occupy a lawful on-street parking space, subject to Chapter 58, Article III. In an off-street municipal lot, two golf carts may share one marked space only when permitted by posted rules and both remain wholly within the space.
- (b) A charging cord may not cross a sidewalk, path, roadway, or public right-of-way. A City electrical outlet may be used only with express authorization. Use of an electric-vehicle charging space is governed by §§ 58-267 and 58-268 and requires active, compatible charging.

- (c) Parking violations are governed by § 58-266 and other applicable state and City parking law, not § 58-458. Removal or impoundment is governed by § 58-8. A paperwork or correctable equipment defect alone does not authorize towing absent a hazard or obstruction.
- (d) After accessibility and electrical-safety review, the Board of Public Works and Safety may designate golf-cart parking and compatible charging facilities at City destinations. Posted facility rules control use.

### **§ 58-456 Exemptions and special events**

- (a) This division does not restrict a personal assistive mobility device or other mobility device used as authorized by law by a person with a disability.
- (b) Official use does not waive state law or Indiana's notice-sign requirements. City personnel may use a golf cart on a signed authorized street or on a City street lawfully closed to general traffic and temporarily posted with notice signs at every affected entrance, with barricades as appropriate, under separate authority. This subsection creates no LSV exception from IC 9-21-5-8.5 or any state licensing, registration, financial-responsibility, or equipment requirement.
- (c) The Board of Public Works and Safety may authorize golf-cart operation as part of a permitted parade, procession, or street event on a street closed to general traffic with barricades and temporary notice signs at every affected entrance, subject to § 58-45 and the permit's safety conditions. This subsection does not authorize park operation contrary to Chapter 50.

### **§ 58-457 Route map and administration**

- (a) The Traffic Engineer shall maintain a public map and matching text schedule showing signed zones, exclusions, and designated City-street crossings, and shall maintain the traffic-control-device record required by § 58-119.
- (b) Route review shall consider posted and observed speed, volume, width, sight distance, crash history, bridges, intersections, pedestrian and bicycle activity, schools, transit, snow routes, emergency access, and useful connections to neighborhoods and destinations.
- (c) A resident, neighborhood association, business, or public agency may petition the Traffic Engineer for a route or crossing change. Within 90 days, unless additional study is reasonably necessary, the Traffic Engineer shall send the petitioner, Traffic Commission, Common Council, and Mayor a written recommendation using the published criteria.
- (d) The Traffic Commission shall coordinate public education, receive route comments, and recommend permanent route changes to the Common Council. Only the Common Council may amend a permanent authorization, exclusion, or crossing. Administrative guidance or public-safety messaging does not amend this division, Schedule A, or the traffic-control-device record.
- (e) A permanent exclusion or crossing shall be adopted by ordinance. A temporary or experimental traffic regulation shall comply with § 58-5, including any required Common Council resolution. Emergency and snow restrictions under § 58-525 and other law remain controlling.
- (f) The City shall publish a plain-language guide distinguishing golf carts, LSVs, and off-road vehicles, and shall minimize permit data while meeting public-record and retention law.

**§ 58-458 Enforcement, cure, and penalties**

- (a) A violation of a unique local requirement of this division is an ordinance violation processed through the City's lawful ordinance-enforcement system. It is not designated as a state infraction or crime, and no imprisonment may be imposed. The penalties in this section are exclusive for this division and control over §§ 58-10 and 1-7 to the extent of conflict.
- (b) For a first correctable decal or locally required equipment defect that creates no immediate hazard, the officer shall ordinarily issue a written warning allowing 10 business days to show correction. Failure to show correction may result in a citation. No violation becomes final except by an admission and payment under § 2-2 or a final judgment after any timely appeal.
- (c) For permit, decal, unique local equipment, unique local restraint, towing, charging-cord, or LSV effective signed-exclusion violations, the civil fine is \$50 for a first final local violation, \$100 for a second final local violation within 24 months, and \$250 for a third or later final local violation within 24 months.
- (d) A sidewalk or path violation, a serious local safety violation, carrying a person outside a designated seat, or tampering with a decal may be cited without cure and carries a fixed \$250 civil fine.
- (e) The operator is responsible for operational conduct. The permit owner is responsible for the permit, decal, and equipment and for unique local conduct the owner knowingly authorized. A prior violation counts toward escalation or suspension only against the same responsible person or permit owner.
- (f) For 60 days after a signed zone opens, enforcement shall emphasize education and warnings for nonhazardous local-only conduct. This does not limit enforcement of state law or excuse an immediate hazard, sidewalk or path use, unsafe occupancy, or a unique local equipment defect that creates an immediate hazard.
- (g) Operation of a golf cart outside a signed authorized golf-cart street or zone, and other conduct already punishable under Indiana law, shall be enforced only under state law. No local fine shall be imposed when the same essential conduct is already punishable as an Indiana crime or infraction. A fine assessed for a golf-cart violation shall be deposited in the City general fund as required by IC 9-21-1-3.3(b). Any other traffic fine shall be deposited as provided by § 2-2 and applicable law. Parking violations remain governed by § 58-266.

**§ 58-459 Denial, suspension, appeal, and annual review**

- (a) The Permit Administrator may deny an application for materially false information or failure to satisfy an objective issuance requirement and shall provide written reasons and an appeal method. The applicant may appeal to the Mayor within 15 days.
- (b) A complaint seeking suspension or revocation of an issued permit shall be heard and decided by the Mayor in accordance with IC 36-4-5-5. Suspension or revocation requires the willfulness finding prescribed there, and the Mayor shall file the findings and determination with the Controller within 24 hours.
- (c) Any suspension shall be proportionate and may last 30 to 180 days, considering injury risk, actual harm, final local violations, knowledge, corrective action, and need for deterrence. Judicial review

remains available as provided by Indiana law. Immediate risk shall be addressed through lawful route closure, hazard removal, or state-law enforcement rather than an ex parte permit suspension.

- (d) Within 15 months after the first signed zone opens, and annually thereafter, the Traffic Engineer, Traffic Commission, Permit Administrator, and Police Department shall publish a deidentified report of permits, crashes, injuries, complaints, warnings, citations, route changes, cost, and recommended amendments.
- (e) Nothing in this division creates a private right of action or enlarges or diminishes governmental immunity, tort liability, or any duty established by Indiana law.

#### City Schedule A. Excluded streets and crossings

| Street/zone      | Limits                    | Action | Study/sign status           |
|------------------|---------------------------|--------|-----------------------------|
| None at adoption | No segment-specific entry | None   | Add only by later ordinance |

#### City Schedule B. State-system golf-cart crossings

None. This framework does not authorize golf-cart operation on or crossing of a state-system highway.

### Section 3. Ordinance-violations-bureau schedule

The admission fine schedule maintained under § 2-2(b)(2) is amended to add:

| Final local violation                                              | Admission fine |
|--------------------------------------------------------------------|----------------|
| § 58-458(c), first final local violation                           | \$50           |
| § 58-458(c), second final local violation within 24 months         | \$100          |
| § 58-458(c), third or later final local violation within 24 months | \$250          |
| § 58-458(d), no-cure safety violation                              | \$250          |

### Section 4. Fees and conforming code relationships

Golf-cart permit, renewal, inspection, and replacement-decal fees are \$0 at adoption. Appendix A-2025 remains unchanged. A later fee requires a cost-supported ordinance amending the then-current Appendix A and any corresponding § 2-752 reference.

Section 2-2(b)(1) already includes Chapter 58, Article IV and requires no textual amendment. Section 50-3 remains unchanged, and this ordinance creates no park or Riverwalk authorization. Section 58-10 is amended by adding: “Sections 58-458 and 58-459 exclusively govern penalties and permit-administration remedies for Division 4 to the extent of any conflict with §§ 58-10 or 1-7.”

## Section 5. Conflict, severability, and implementation

- (a) Indiana and federal law control. A provision that conflicts with or duplicates state law creates no local offense and may not support a citation, fine, LSV restriction, or other local sanction. State-law references are declaratory only. A unique local golf-cart permit condition may be enforced administratively only to the extent independently authorized.
- (b) If any provision or application is held invalid, the remaining provisions and applications are severable.
- (c) This ordinance takes effect after passage, mayoral approval, publication, and other steps required by law. Golf-cart authorization and a local LSV restriction become operational only after the respective notice signs required by IC 9-21-1-3(b) are installed. Nothing conditions otherwise lawful state LSV access on an affirmative City authorization sign.
- (d) Within 120 days, the Traffic Engineer and Traffic Commission shall submit the initial connected network, route inventory, Schedule A recommendation, sign plan, implementation budget, and public guide for Common Council review. Subject to appropriation and Council approval of the initial plan, the Permit Administrator shall begin permit service and the Traffic Engineer shall certify the first signed zone within 180 days. If a deadline cannot be met, the Mayor shall publish specific delay findings and a corrective schedule and shall issue public status reports every 90 days until launch.

## Section 6. Passage

PASSED by the Common Council of the City of Mishawaka, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2026, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

|                          |                            |
|--------------------------|----------------------------|
|                          |                            |
| <b>Council President</b> | <b>City Clerk / Attest</b> |

APPROVED by the Mayor of the City of Mishawaka, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2026.

|              |                            |
|--------------|----------------------------|
|              |                            |
| <b>Mayor</b> | <b>City Clerk / Attest</b> |

## Part III. Pre-introduction and implementation checklist

### Counsel review focus

The highest-risk mistakes are jurisdictional overreach, missing signs, a local penalty that duplicates state law, a permit fee unsupported by cost, and treating an accessorized golf cart as an LSV.

### Mandatory decisions before filing

1. Obtain a written code-status certification from the County Auditor/Council Secretary and Mishawaka Clerk, including uncodified ordinance banks through the introduction date.
2. Complete segment-specific route inventories. Confirm jurisdiction and maintenance, posted speed, every zone entrance, and annexation or boundary-road issues.
3. Validate County §§ 76.19 and 76.20 and City Schedule A. A 'none at adoption' entry is appropriate only after the engineering review. Keep § 76.20 at none unless every proposed state crossing meets IC 9-21-1-3.3(c) and has the necessary state coordination.
4. Prepare an Indiana Manual on Uniform Traffic Control Devices-compliant sign plan. Identify the sign at every affected segment or zone entrance and make installation a launch prerequisite.
5. The model launches at no charge. Document staff, decal, inspection, software, and payment-processing cost before proposing any later fee, and consider waiver authority for demonstrated hardship if counsel confirms an administrable standard.
6. Confirm the citation forum, ordinance-violations bureau schedule, Prosecutor/Clerk/court workflow, hearing officer, appeal route, and disposition of collected fines.
7. Approve a data-minimization, retention, and disclosure protocol for permits, inspection records, enforcement, and the annual deidentified report.
8. Use an interlocal agreement if County and City permits will be recognized reciprocally. Specify equivalent standards, financial-responsibility proof, validation, revocation notice, data sharing, and that route jurisdiction does not change.
9. Train dispatchers and officers to identify vehicle class, road jurisdiction, route signs, and the distinction between a state citation and a local ordinance citation.
10. Conduct public review with neighborhood, disability, parks, bicycle/pedestrian, school, transit, emergency-response, and road-maintenance stakeholders.

### County enactment sequence

1. Name a County Council sponsor and file the bill with the Auditor and Council Secretary.
2. Hold first reading and refer the bill to the Engineering and Transportation Committee.
3. Complete the jurisdictional inventory, Highway Engineer report, §§ 76.19 and 76.20 review, Board sign plan, budget, enforcement workflow, and appropriation plan before final passage.

4. Hold the committee review, public hearing, and second reading; same-meeting introduction and passage should occur only if the consent required by IC 36-2-4-7(b) is obtained.
5. Obtain at least five affirmative Council votes, complete Auditor review, and present the bill to the Board of Commissioners with the date and time recorded.
6. Obtain Board approval or, after a veto, the vote required for a lawful Council override, including the six-vote threshold stated in current Council rules.
7. Publish the penalty ordinance as required by IC 36-2-4-8(b) and IC 5-3-1, preserve proof of both notices, and record the final ordinance under IC 36-2-4-9.

### Initial golf-cart inspection checklist

| Item                      | Acceptance point                                                                                     | Pass                     |
|---------------------------|------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Classification</b>     | Original-design evidence supports golf-cart classification; not an ORV or claimed kit-converted LSV. | <input type="checkbox"/> |
| <b>Identity</b>           | Legible serial/manufacture identifier matches application and proof of ownership or possession.      | <input type="checkbox"/> |
| <b>Brakes</b>             | Service and parking brakes function; cart holds on a reasonable grade.                               | <input type="checkbox"/> |
| <b>Lighting</b>           | Two headlamps, two tail lamps, stop lamps, and front/rear turn signals function.                     | <input type="checkbox"/> |
| <b>Audible/visibility</b> | Horn and two-view mirror arrangement function; front/rear reflectors present.                        | <input type="checkbox"/> |
| <b>Occupant safety</b>    | Each designated seat has a secure, usable belt; no unsafe cargo-seat conversion.                     | <input type="checkbox"/> |
| <b>Running gear</b>       | Steering and tires safe; battery secure; no exposed sharp edge.                                      | <input type="checkbox"/> |
| <b>Identification</b>     | Slow-moving-vehicle emblem and local decal placement comply with instructions.                       | <input type="checkbox"/> |
| <b>Documentation</b>      | License model explained; current financial-responsibility proof accepted in state-authorized form.   | <input type="checkbox"/> |

## Route-screening decision record

| Factor                                       | Evidence               | Disposition                                                                                       |
|----------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------|
| Jurisdiction and maintenance                 | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Posted and 85th-percentile speed             | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Traffic volume and vehicle mix               | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Width, shoulder, drainage, pavement          | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Sight distance and grades                    | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Crash history and conflict points            | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Bridge and intersection constraints          | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Pedestrian, bicycle, school, transit use     | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Destination connectivity and alternate route | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Snow route and emergency access              | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |
| Sign locations and zone-entry completeness   | [Attach study or data] | <input type="checkbox"/> Open <input type="checkbox"/> Exclude <input type="checkbox"/> Condition |

## Suggested launch sequence

| Target             | Owner                              | Deliverable                                                                                                                              |
|--------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Before passage     | Legislative/engineering            | Code certification; jurisdictional inventory; legal schedules; sign plan; budget; enforcement and hearing protocol.                      |
| 0–60 days          | Executive/administration           | Administrator activation; appropriation; forms; provider criteria; permit portal; interlocal-agreement work.                             |
| 0–120 days         | County engineering / City planning | Implement the pre-passage-approved County network; County sign certification and GIS map; City connected-network and sign-plan approval. |
| 90–180 days        | City / shared services             | City signs installed and verified; inspectors trained; permit portals and community events launched; public guides published.            |
| First 60 days open | Police/communications              | Education-first period for nonhazardous local-only rules; full state-law and urgent safety enforcement.                                  |
| By month 15        | Joint program team                 | Public report with permits, crashes, citations, complaints, costs, equity/access feedback, and route amendments.                         |

## Legal authority and research sources

Sources were checked on August 28, 2026. Indiana statutory citations link to the General Assembly's current-code portals; federal citations link to official federal sources. Local-code links are the jurisdictions' official codification portals. Recheck every cited section immediately before introduction.

| Authority                                                 | Drafting use                                                                            |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <a href="#">Indiana Code title 9, current-code portal</a> | Primary state-law verification hub                                                      |
| <a href="#">IC 9-21-1-3</a>                               | Title 9 portal: local traffic power; LSV/golf-cart authority; notice signs              |
| <a href="#">IC 9-21-1-3.3</a>                             | Title 9 portal: golf-cart/ORV ordinance limits; County crossing; passenger limit; fines |
| <a href="#">IC 9-21-1-2</a>                               | Title 9 portal: private-road agreement process and other local traffic provisions       |
| <a href="#">IC 9-24-1-7</a>                               | Title 9 portal: local golf-cart/ORV operator-credential choice; not an LSV exception    |
| <a href="#">IC 9-21-8-57</a>                              | Title 9 portal: default golf-cart highway prohibition absent local ordinance            |
| <a href="#">IC 9-13-2-94.5</a>                            | Title 9 portal: LSV definition, 25-mph design maximum, equipment and exclusions         |
| <a href="#">IC 9-21-5-8.5</a>                             | Title 9 portal: LSV prohibited on highway posted above 35 mph                           |
| <a href="#">IC 9-19-1-1</a>                               | Title 9 portal: authorized golf-cart equipment exemption from article 9-19              |
| <a href="#">49 C.F.R. § 571.500</a>                       | Federal LSV maximum-speed, performance, and equipment standard                          |
| <a href="#">49 C.F.R. Part 567</a>                        | Federal manufacturer certification and labeling rules                                   |
| <a href="#">49 U.S.C. § 30103</a>                         | Federal motor-vehicle safety preemption rule relevant to LSV equipment                  |

| Authority                                                  | Drafting use                                                                         |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <a href="#">IC 9-25-4-4 and -5</a>                         | Title 9 portal: recognized forms and minimum amounts of financial responsibility     |
| <a href="#">Indiana Code title 36, current-code portal</a> | Primary local-government-law verification hub                                        |
| <a href="#">IC 36-1-3-8</a>                                | Title 36 portal: withheld powers; fee, duplication, penalty, and imprisonment limits |
| <a href="#">IC 36-1-6-9</a>                                | Title 36 portal: administrative enforcement and due-process framework                |
| <a href="#">IC 36-2-4-8 and -9</a>                         | Title 36 portal: County penalty-ordinance publication and recording                  |
| <a href="#">IC 36-2-2-27</a>                               | Title 36 portal: review of County executive permit decisions                         |
| <a href="#">IC 36-4-5-5</a>                                | Title 36 portal: City license suspension and revocation procedure                    |
| <a href="#">St. Joseph County Code</a>                     | Current codified county code; verify later ordinance bank                            |
| <a href="#">St. Joseph County Chapter 75</a>               | Separate off-road vehicle and snowmobile ordinance                                   |
| <a href="#">St. Joseph County Council Rules</a>            | Sponsor, committee, passage, Auditor, and Commissioner process                       |
| <a href="#">Mishawaka Municipal Code</a>                   | Current codified city code; Chapter 58 framework placement                           |
| <a href="#">Mishawaka § 2-2</a>                            | Ordinance-violations bureau and Article IV coverage                                  |
| <a href="#">Mishawaka Traffic Commission</a>               | City traffic coordination and public-input role                                      |
| <a href="#">Elkhart County § 70.60</a>                     | Adjacent-county low-speed-road model; used as policy comparison only                 |
| <a href="#">New Carlisle § 73.57</a>                       | Same-county sidewalk, trail, speed, and crossing comparison                          |

| Authority                                | Drafting use                                      |
|------------------------------------------|---------------------------------------------------|
| <a href="#">Madison Ordinance 2025-5</a> | Reciprocity and separate LSV treatment comparison |

### Supplied background memorandum

**A Badge Is Not a Statute**, user-supplied background memorandum. Used to identify the motivating factual issues and classification/jurisdiction questions. It is not treated as enacted law or an official legal source.

### Drafting notes for local counsel

- ☐ Verify the 2026 Indiana Code session updates and any effective dates immediately before introduction.
- ☐ Confirm whether Indiana’s financial-responsibility provisions apply exactly as summarized to every proposed golf-cart use, and keep enforcement under state law rather than a duplicate local offense.
- ☐ Review the LSV occupant-belt-use language because federal LSV belts arise through FMVSS 500 and 209, while Indiana’s ordinary adult belt-use text may refer to a different federal standard.
- ☐ Confirm sign design and placement against the current Indiana Manual on Uniform Traffic Control Devices and document the completion date for each operational zone.
- ☐ Confirm that the chosen administrative hearing and judicial-review process conforms to current County or City practice and IC 36-1-6-9.
- ☐ Resolve whether a future Mishawaka path pilot is desired. If so, use separate property and parks authority, amend § 50-3 if needed, and conduct an accessibility and facility-design review before opening any segment.

**END OF LEGISLATIVE DRAFT**