



# MADISON *Indiana*

## City Council Agenda

**MEETING DATE:** Tuesday, March 18, 2025, at 5:30 PM

**MEETING PLACE:** City Hall, 101 W. Main Street, Madison, IN 47250

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of roll & notice of absentees
- C. Reading, approving, correcting, or disposing of minutes from prior meeting
- D. Presentation of petitions, memorials, remonstrance's, introduction of motions and guests
- E. Resolution or Bills
  - Ordinance 2025-4: Vacant and Abandoned Structures  
*(Establishes a vacant and abandoned structures registration and standard for maintenance.)*
  - Ordinance 2025-5: Repeal and Replace Section 70.04 Code Regarding Golf Cart Regulations  
*(Updates ordinance to add clarity to definitions and where golf carts, LSV's and ORV's are allowed.)*
- F. Reports, recommendations, other business from standing/select committees of the city council
- G. Reports of city officials
  - Chief Bill DeVries
  - Mindy McGee, Christian Hanson, and Chris Hale
- H. Bills on second reading
- I. Miscellaneous
- J. Public comments (per sign-up sheet)
- K. Mayor's comments
- L. Next Council Meeting: Tuesday April 8, 2024, at 5:30 PM @ City Hall Council Chambers
- M. Motion to adjourn.

*City of Madison acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. To assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to County sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To plan, contact ADA Coordinator at 812-265-8300.*



# MADISON *Indiana*

## Common Council Minutes

**MEETING DATE:** Tuesday, March 4, 2025, at 5:30 PM

**MEETING PLACE:** City Hall, 101 W. Main Street, Madison, IN 47250

The Common Council of the City of Madison, Indiana met in regular session at 5:30 P.M. at City Hall, 101 W. Main Street, Madison, IN 47250.

Mayor Bob Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**Present:** Thevenow, Schafer, Krebs, Bartlett, and Wilber were present. Dattilo and Storm were absent (5-2).

**Minutes:** Bartlett moved to approve the February 18, 2025, regular meeting minutes, seconded by Wilber. All in favor, motion carried (5-0).

**Presentation of petitions, memorials, remonstrances, introduction of motion & guests:** None.

**Resolutions or bills:** None.

**Reports, recommendations, and other business from standing/select committees of City Council:** None.

**Report of city officials: Clerk-Treasurer Shirley Rynearson:** Shirley provided a brief overview of her staff and their daily responsibilities within the Clerk's Department. She reported that the 2024 Annual Financial Report has been completed on time and was published in the newspaper as required by law. Last week, the State Board of Accounts (SBOA) returned for a few days to finalize their 2023 audit, gathering the remaining necessary documents. The exit interview is expected to take place in the coming months. Additionally, SBOA is scheduled to return in June to begin the 2024 audit. For Shirley's full update, you can watch the meeting on the City of Madison YouTube Channel.

**Director of Operations (Parks) Tanya Burnette:** Tanya provided an update on the Parks Department's **operations**, including the leadership restructuring to function without a Parks Director. Park maintenance is already underway in preparation for programming, and the department is implementing new software to improve user and staff experience. Seasonal maintenance hiring is open, and Larry Hayden has been hired as the new campground host due to his prior experience. Crystal Beach will host a hiring fair at Brown Gym in April, and league directors will return this year for baseball and softball programs. Flood cleanup is ongoing at Crystal Beach following recent river flooding, and with programming season quickly approaching, the department is actively preparing. To view the full update, visit the City of Madison YouTube Channel.

**Bills on second reading:** None.

**Miscellaneous:** None.

**Public comment (per sign-up sheet):** None.

**Mayor's comments:** Thank you to those who attended the State of The City event, and a copy of the address is available for review on the City of Madison YouTube Channel. At the BPW meeting yesterday, the board took the action to approve the beginning of flow metering and smoke testing at the Wells Drive Lift Station. The council for

Moody Park filed a motion for summary judgment, which was followed by hearings and briefings. The court ultimately denied the motion. After the denial, Moody Park owner James Cunningham filed for an interlocutory appeal. The case went to the Court of Appeals, which declined to hear the matter. As a result, the case has now returned to the circuit court. Similar to the Moody Park case, Lanthier Winery filed a declaratory judgment action, arguing that the Historic Board's order was not properly issued. The court ruled in favor of the board, upholding its decision. However, the city believes the winery has not complied with the order and has filed legal action to enforce it. That litigation is currently ongoing. At the March 18, 2025, meeting, the city will be introducing the Vacant and Abandoned Structures Ordinance. This will allow a policy for the city to interact differently with property owners who are maintaining unsafe, dilapidated, vacant, and abandoned properties. At that same meeting, the other policy that will be introduced is the updates to the employee personnel handbook. Mayor Bob will be testifying in front of the Ways and Means Committee to amend the property tax reform bill that is being recommended. The bill will drastically impact local governments.

The next regular meeting will be Tuesday, March 18, 2025, @ 5:30 pm.

**Adjourn:** Krebs moved to adjourn, seconded by Schafer. All in favor (5-0).

Attested:

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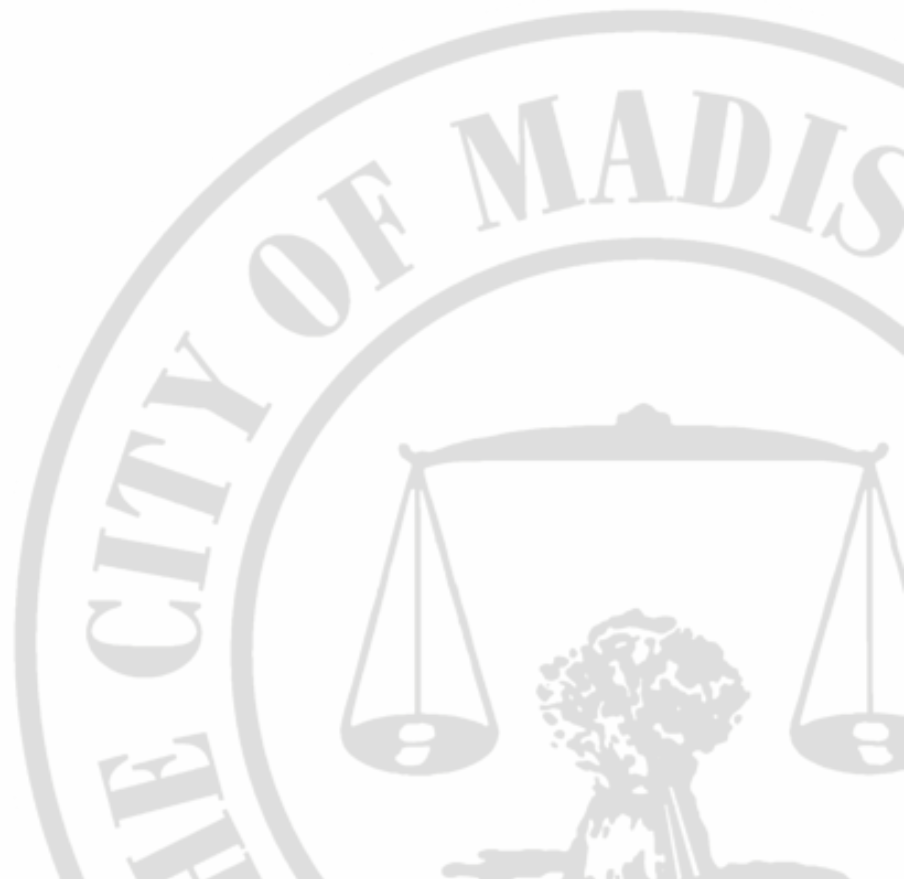
**Mayor**

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**President Pro Tempore**

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**Shirley Rynearson, Clerk-Treasurer**



**ORDINANCE NO. 2025-4**

**AN ORDINANCE OF THE CITY OF MADISON ADOPTING STANDARDS  
REGARDING VACANT AND ABANDONED STRUCTURES**

WHEREAS, the Indiana General Assembly has found that vacant, deteriorated structures create a serious and substantial problem in urban areas and are public nuisances per Indiana Code §36-7-9-4.5(j)(2024).

WHEREAS, The City of Madison expends significant resources and staff time to respond to problems associated with vacant, abandoned, unsafe, and nuisance properties including over 1,175 nuisance and unsafe structures cases in the past three years.

WHEREAS, the Mayor and Common Council of the City of Madison find the following:

1. Vacant structures often become dilapidated and unsafe because the structures are not maintained and repaired by the owner(s) or person(s) in control of the structures.
2. Vacant structures attract children, become harborage for vermin, serve as temporary abodes for vagrants and criminals, and are likely to be damaged by vandals or set ablaze by arsonists.
3. Unkept grounds surrounding vacant structures invite dumping of garbage, trash, and other debris.
4. Many vacant structures are situated on narrow city lots and in close proximity to neighboring structures, thereby increasing the risk of extensive fire that destroys multiple properties or that foment insect and rodent infestation.
5. Vacant and deteriorated structures contribute to blight, cause a decrease in property values, elevate public safety risk, and discourage neighbors from making improvements to properties.
6. Structures that remain boarded up for an extended period of time also exert a blighting influence and contribute to the decline of the neighborhood by decreasing property values, discouraging persons from moving into the neighborhood, and encouraging persons to move out of the neighborhood.
7. Vacant structures often continue to deteriorate to the point that demolition of the structure is required, thereby decreasing available housing in a community and further contributing to the decline of the neighborhood and quality of life for its residents.
8. The blighting influence of vacant and deteriorated structures adversely affects property values and the tax revenues of local government; and

9. Vacant and deteriorated structures create a serious and substantial problem in the community and are public nuisances.

WHEREAS, the Mayor and Common Council also find that Vacant and/or Abandoned Structures may cause a hazard to public health, safety, and welfare.

WHEREAS, the Owners of Vacant and/or Abandoned Structures should be held accountable for the physical condition of their structures and the negative influence they exert on the well-being of neighborhoods where they are located.

WHEREAS, the Mayor and Common Council have determined that it is necessary to establish an Ordinance that provides for Vacant and/or Abandoned Structures registration and sets forth maintenance standards for vacant and abandoned structures.

WHEREAS, in recognition of the problems created by Vacant and/or Abandoned Structures, the Mayor and Common Council find that vigorous and disciplined action should be taken to ensure the proper maintenance and repair of vacant structures and encourages the City of Madison to adopt maintenance and repair standards and abatement goals appropriate for the community in accordance with this chapter and other statutes.

WHEREAS, it is the intent of the Mayor and Common Council to establish a program for ongoing identification and registration of structures which have been vacant for a certain length of time; establish responsibilities of owners of these vacant structures; and provide for administration and enforcement standards related to vacant structures.

WHEREAS, The City of Madison hereby creates procedures for the establishment and enforcement of a registration program and establishment of minimum property maintenance requirements as set forth in this ordinance which are necessary to promote the general welfare of the community.

WHEREAS, the City of Madison hereby adopts and incorporates by reference IC 36-7-36 in its entirety. It is intended that this ordinance works in conjunction with IC 36-7-9 Unsafe Building Law, provisions of which were adopted by the city in 1981, IC 36-7-37 Determination of Abandoned Property, and Chapter 96 Nuisances, Health and Safety, as codified in the City of Madison ordinance 2017-5.

WHEREAS, we hereby codify the requirements for the registration and abatement of vacant and abandoned structures in the City of Madison, Indiana which shall be known as "The Registration and Abatement of Vacant and Abandoned Structures Ordinance" of the City of Madison, Indiana. This ordinance should be construed liberally to affect its purpose and intent.

WHEREAS, the Common Council now establishes an account for the deposit of monies from donations, appropriations from city accounts, fees, penalties, and other lawful source for the purposes of defraying costs related to the administration and enforcement of the Registration and Abatement of Vacant and Abandoned Structures Ordinance.

## DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*ABANDONED STRUCTURE.* A building or structure on a parcel of real property in the City of Madison:

- (1) Commercial real property or a vacant structure on commercial real property that is used or was previously used for industrial or commercial purposes and that has not been used for legal purposes for at least six (6) months, and:
  - (A) that the owner of the property or structure has declared in writing to be abandoned; or
  - (B) for which the owner of the property or structure has been given a written order by an enforcement authority to rehabilitate or demolish, and the owner:
    - (i) has not applied for a permit to rehabilitate or demolish the property or structure; or
    - (ii) applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (30) days after the date the permit was granted.
- (2) Real property that has not been used for a legal purpose for at least six (6) consecutive months and:
  - (A) in the judgment of an enforcement authority, is in need of completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;
  - (B) on which at least one (1) installment of property taxes is delinquent; or
  - (C) that has been declared a public nuisance by a Hearing Authority.
- (3) Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possesses the property.
- (4) Vacant real property on which a municipal lien has remained unpaid for at least one (1) year.
- (5) Real estate that a court has determined to be abandoned under IC 32-30-10.6.

*ENFORCEMENT AUTHORITY.* The City of Madison Office of Planning, Preservation, and Design.

*HEARING AUTHORITY.* The City of Madison Board of Public Works and Safety.

*OWNER.* Any person that holds a substantial interest in property in the form of a known or recorded fee interest, life estate, or equitable interest as a contract purchaser with or without accompanying actual possession thereof and on which a Vacant and/or Abandoned Structure is located, and whose identity may be determined from an instrument recorded in the Jefferson County Recorder's Office.

*OWNER'S REPRESENTATIVE.* A person hired by the Owner to represent and/or advocate on the Owner's behalf.

*PERSON.* Any entity including any of the following: individual, firm, corporation, association, partnership, or limited liability corporation/company. References in the masculine gender include the feminine and the neuter, in the present tense includes the future, and the singular includes the plural.

*PROPERTY.* The real property upon which a Vacant and/or Abandoned Structure is located.

*PROPERTY MANAGER.* An individual or company responsible for the day-to-day functioning of a piece of real estate.

*VACANT STRUCTURE.* A building or structure on a parcel of real property that is not being occupied by an owner, tenant, or others authorized by the owner and which lacks the habitual presence of such for a period of at least ninety (90) days. *VACANT STRUCTURE* shall not include a seasonally occupied residence, or a primary residence owned and intended to be occupied by an individual actively serving in the military, or a structure which is being properly maintained in accordance with the minimum standards defined in this ordinance.

*VACANT AND/OR ABANDONED STRUCTURE* means a building or structure that satisfies the definition of Abandoned Structure and/or Vacant Structure as set forth herein.

## **CONTINUING MAINTENANCE; MANDATORY AND VOLUNTARY REGISTRATION**

- (A) Upon finding a structure Vacant and/or Abandoned, the Enforcement Authority, or its designee, may issue to the owner an order for continuing maintenance pursuant to this ordinance, as may be amended from time to time or pursuant to similar authority granted by state statute or this chapter or other ordinances and regulations.
- (B) The Enforcement Authority may order the owner of a structure that is a Vacant and/or Abandoned Structure to register the structure with the Enforcement Authority. The Owner of a structure that is Abandoned as defined by this ordinance must register the Abandoned structure with the Enforcement Authority for the City of Madison.
- (C) The Owner of a structure that is Vacant, but not Abandoned, as set forth in this chapter, may voluntarily register the structure with the Enforcement Authority, so as to notify the city of the Property Manager and to exchange information pertinent to the condition of the building or structure.
- (D) The Owner of a Property that has been deemed to be a Vacant and/or Abandoned Structure may, within 30 days from receiving notice of such a determination, challenge the determination in writing with the Hearing Authority or, in the case of a Vacant Structure, voluntarily register the structure within fourteen (14) days to avoid the required registration fee.
- (E) In determining that a structure is a Vacant Structure, the Enforcement Authority may rely upon the lack of water, electric, or wastewater utility service.
- (F) The Owner of a Property that has been determined to be a Vacant and/or Abandoned Structure is required to secure the Property from unlawful entry within 30 days of receiving notice from the Enforcement Authority that the Property has been determined

to be a Vacant and/or Abandoned Structure, unless the Owner challenges the determination as set forth herein.

- (1) If the Owner fails to secure the Property from unlawful entry within the time provided above, the Enforcement Authority may cause the Property to be secured with the owner being invoiced for the costs, including administrative costs incurred by the Enforcement Authority.
- (2) If the Owner fails to pay the invoice described above within the time provided, the Enforcement Authority may obtain a lien against the Property in the amount of the unpaid invoice. The lien shall be included on the property tax invoice for the Property and collected in the same manner as property taxes are collected.

### **PROPERTY MANAGER**

- (A) The owner of a structure required to be registered pursuant to this ordinance shall identify a Property Manager as part of the registration required by this ordinance. The Property Manager may be the Owner or an Agent of the Owner.
- (B) An agent acting as the Property Manager must be at least eighteen (18) years of age.
- (C) The Property Manager shall be readily available to City officials and shall promptly respond to emergency conditions that exist with respect to Vacant and/or Abandoned Structures.

### **REGISTRATION OF BUILDINGS AND STRUCTURES**

Upon identification of a potentially Vacant and/or Abandoned Structure, the Enforcement Authority is charged with the responsibility of inspecting the property to determine if it meets the criteria as defined herein and if it is also an unsafe structure or premise. If the Owner or those in possession of a structure refuse a required inspection the Enforcement Authority may obtain an inspection warrant pursuant to all applicable state laws. If a structure is found to be Vacant and/or Abandoned, the Owner must register the Property with the Office of Planning, Preservation, and Design upon receipt of an order for registration by the Enforcement Authority. Any notice shall be sent by first class mail or equivalent service to the address listed on the county property tax card. Registration shall be on a form provided by the Office of Planning, Preservation, and Design, shall be verified under the penalties for perjury, and shall include the following information:

- (1) The street address of the Property;
- (2) The names, addresses and telephone numbers of all Persons or entities which hold an ownership, land contract, mortgage or other lien interest in the Property, and all beneficiaries of any land trust which owns the Property;
- (3) A copy of the most recently executed deed used to transfer title to the Property and the most recently prepared sales disclosure form, if available to the Owner;
- (4) The names, residential and business addresses and telephone numbers of the Property Manager, if applicable;



- (5) The names and addresses of all Persons or entities which hold a lien interest or a substantial property interest in the Property;
- (6) The names, addresses and telephone numbers of the insurance agent and the carrier providing insurance coverage for the Property as required by this section; and
- (7) The Owner's plan, in form and substance as required by the City, for maintenance and repair of the Property, including the time within which the owner anticipates completion of all repairs necessary to bring the Property into compliance with all Standards for Maintenance provisions of this ordinance, not to exceed 60 days. The owner's statement of a plan does not relieve the owner of any orders issued pursuant to the Unsafe Building Law or of any obligations imposed by statute, ordinance or regulation governing the maintenance of Property. The city's receipt of a plan does not constitute approval of the Owner's plan nor of any violation of property maintenance standards.
- (8) The Owner is responsible for providing an updated registration form to the Office of Planning, Preservation, and Design within five (5) business days of any change of ownership or any information provided by the registration. The failure of the owner to provide such updated information within five (5) business days of any change is a violation of this section.
- (9) It shall be the Owner of a Vacant and/or Abandoned Structure responsibility to notify the Enforcement Authority in writing once the Property has satisfied the standards for maintenance herein and request to be removed from the registration requirements.

## **STANDARD FOR MAINTENANCE**

(A) The Owner or Property Manager of the Property required to be registered under this chapter shall ensure that the Property is inspected and secured against unlawful entry, that the Property is cleaned, vegetation is mowed, and that walkways are cleared of snow and ice and other obstructions.

(B) Door and window openings of all buildings or structures on the Property shall be secured against unlawful entry by the use of locks designed for such use.

(C) To protect the structure against unlawful entry or vandalism while vacant, the owner may secure the doors and windows of the structure by the use of boarding. If boarding is used to secure the structure, the following standard shall be met:

(1) Windows shall be framed by nominal two-inch by four-inch lumber secured with plywood to the frame. Plywood shall be a minimum of four-ply rated for exterior exposure, no less than one-half inch in thickness and attached with tamper proof screws, no less than three inches in length and spaced no more than eight inches on-center.

(2) Doors may be secured against unlawful entry by the use of locks designed to prevent unlawful entry or by framing nominal two-inch by four-inch lumber secured with plywood to the frame. Plywood shall be a minimum of four-ply rated for exterior

exposure, no less than one-half inch in thickness and attached with tamper proof screws, no less than three inches in length and spaced no more than eight inches on-center.

(3) The Enforcement Authority may approve alternative methods to secure windows, upon the owner presenting the following information: type of material to be used, thickness of material, and method used to attach the material to the building or structure.

(D) Boarding of windows or doors of a Vacant and/or Abandoned Structure is to be considered temporary and not a long-term method of securing the structure.

(1) Boarding used to secure doors and/or windows for more than 30 days shall be surface coated with an exterior grade paint matching the exterior of the structure. By matching the exterior of the structure reduces the blighting effect.

(2) After six months of boarding as the method of securing against unlawful entry, the owner of a Vacant and/or Abandoned Structure shall utilize locks, install appropriate windows and/or doors, or provide an alternative method of security approved by the Enforcement Authority.

(E) Exterior premises areas shall be maintained in accordance with the City of Madison Chapter 90: Abandoned Vehicles; Chapter 96: Nuisances, Health and Safety, Chapter 98: Streets and Sidewalks section 98.01 and 98.03, and all relevant state, federal, and local laws.

(F) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and repaired as not to be dangerous, unsafe, or unsanitary.

(G) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. All exterior surfaces shall be free from holes, breaks, and loose or rotting materials, and maintained, weatherproofed, and properly surface-coated where required to prevent deterioration. Exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, fading, and chipped paint shall be eliminated, and surfaces repainted.

(H) The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Inappropriate or temporary roofing coverings including, but not limited to, tarps shall be deemed inadequate protection and not uniform and as such shall be prohibited for a period exceeding thirty (30) consecutive days.

(I) The structure shall be weatherproof with appropriate materials. Tarps, house wrap, tar paper, and visqueen are not acceptable materials.

## REGISTRATION FEE

(A) The owner of any structure required to be registered under this chapter shall pay a registration fee to the City of Madison through the Enforcement Authority, upon registration. The registration shall remain in place until such time as the structure is no longer declared to be a Vacant and/or Abandoned Structure. All fees collected under this ordinance shall be credited to the City's Vacant and Abandoned Structures Non-Reverting Fund.

(B) Owners who voluntarily register a Vacant but not Abandoned Structure, as defined in this chapter, within fourteen (14) days are not required to pay a registration fee.

(C) Registration Fees for Vacant and/or Abandoned Structures shall be as follows:

- (1) The Owner of any structure required to be registered under this section shall pay a registration fee to the Enforcement Authority upon registration within fourteen (14) days of billing.
- (2) If the structure is zoned for residential purposes and contains not more than three (3) residential units the registration fee shall be three hundred dollars (\$300.00).
- (3) If the structure is zoned for residential purposes and contains more than three (3) residential units, or if it is zoned for any non-residential, commercial, or industrial purposes, the fee shall be five hundred dollars (\$500.00).
- (4) The purpose of the registration fee is to reimburse the Office of Planning, Preservation, and Design for the costs of continual monitoring the Property by trained staff, and the additional costs of responding to emergencies and Property maintenance requirements for a Vacant and/or Abandoned Structure, which includes but is not limited to personnel costs associated therewith to see that there is compliance with regard to repairs, demolition, blight elimination, deconstruction, and legal expenses incurred by the City.
- (5) The Board of Public Works and Safety shall have the authority to waive accrued fees and/or penalties on a case-by-case basis when those costs are determined to impede positive action on an individual Property to rehabilitate it for public benefit and upon which an adequate plan of abatement has been presented by the Owner and accepted by the Enforcement Authority which details remediation of any structural or cosmetic elements, all of which is intended to remove the blighting effect of the Property on the area.
- (6) The Owner shall produce and maintain records showing when a Property has been repaired; when a Property has become occupied, secured and has its utilities turned on; when a Property has been demolished, and when a Property has been placed under contract for demolition or for sale prior to December 31<sup>st</sup> of each calendar year; and each of those properties which can be verified as meeting one of these criteria shall not be required to register and pay the applicable fee. Such records shall be provided to the Office of Planning, Preservation, and Design.

- (7) The Office of Planning, Preservation, and Design shall file with the Board of Public Works and Safety a quarterly report which details the number of structures which paid a registration fee for each category addressed in this subsection herein; the number of cases where the accrued fees and/or fines were waived; and other pertinent data related to the collection of fees.

## **LIABILITY INSURANCE**

- (A) The Owner of any Property required to be registered by this section must maintain a policy of liability insurance for the structure, and must provide to the Office of Planning, Preservation, and Design the name, address and telephone number of the insurance agent and carrier, along with a copy of the certificate or other proof of insurance coverage. The coverage required for each Property shall be not less than three hundred thousand dollars (\$300,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) in the aggregate.
- (B) The policy of insurance must require the agent or carrier to provide fifteen (15) days' advance notice of cancellation to the Enforcement Authority.

## **EXEMPTIONS**

The Enforcement Authority may exempt a Property from the registration requirements of this section if the Property is the subject of an open probate estate or has suffered extensive fire or catastrophic damage within the past ninety (90) days. Any exemption granted shall be for a specific period of time, not to exceed six (6) months.

## **NOTICE AND ORDER BY ENFORCEMENT AUTHORITY TO OWNER OF VACANT AND/OR ABANDONED STRUCTURE**

If an Enforcement Authority determines that a structure is a potentially Vacant and/or Abandoned Structure, an order may be sent to the Owner that directs the Owner to:

- (A) Permit the prompt inspection of the structure by the Enforcement Authority;
- (B) Register the structure; and abate the Vacant and/or Abandoned Structure by cleaning and securing or boarding up the Vacant and/or Abandoned Structure and the premises upon which it is located and complying with standards for maintenance; and if requested;
- (C) Erect fences, barriers, berms, or other suitable means to discourage:
  - (1) access to the Vacant and/or Abandoned Structure; and
  - (2) illegal dumping or littering on the premises upon which the Vacant and/or Abandoned Structure exists.

## **REMEDATION BY CITY**

If specified corrective actions have not been completed within the timeframe required in an order of corrective action by the Enforcement Authority, the City may have the required corrective actions performed and assess the costs thereof against the Owner(s). If estimated costs for remediation are \$10,000 or greater, an order shall be issued by the Hearing Authority before work begins.

- (A) After having required corrective actions performed, the City shall serve the real property owner with written notice summarizing all costs and expenses incurred with respect to such actions, which amounts the real property owner shall reimburse to the City.
- (B) The City shall have a lien against the subject real property for an amount that reflects all costs incurred by the City for repairing, altering or improving, or vacating and closing, removing, or demolishing any dwelling or structure. The City may perfect said lien by filing notice of same in the Office of the County Clerk of Jefferson County. A copy of the filed notice of lien shall be sent by Certified Mail to the real property owner.
- (C) The City may institute a civil action in the Circuit Court of Jefferson County against the Owner and/or other responsible party for all costs and expenses incurred by the City with respect to the subject Property, including reasonable attorney fees and court costs incurred in the prosecution of the civil action.
- (D) Not less than ten (10) days prior to instituting a civil action as provided in this section, the Enforcement Authority shall send notice to the Owner by certified mail, return receipt requested, advising the Owner of the Enforcement Authority's intention to institute such action.
- (E) Upon issuance of an order by the Enforcement Authority or Hearing Authority, notice to the Owner shall follow the manner of serving notice as set forth in IC 36-7-9-25.
- (F) If any Owner desires to contest any demand brought forth pursuant to this section, the Owner may seek relief in the Circuit Court of Jefferson County subject to applicable laws and procedures.

## **PENALTY**

(A) An Owner of a Property that remains Vacant and/or Abandoned for at least 90 consecutive calendar days after determination by the Enforcement Authority may be liable for a civil penalty in the amount of \$500 per Vacant and/or Abandoned Structure, not to exceed \$5,000 per structure per year,

unless:

- (1) Documentation has been filed and approved by the Enforcement Authority that indicates the owner's intent to eliminate the Vacant and/or Abandoned Structure status of the Property;
- (2) The Owner is current on all property taxes and special assessments; and
- (3) At least one of the following applies:

(a) The structure is the subject of a valid building permit for repair or rehabilitation and the Owner is proceeding diligently and in good faith to complete the repair or rehabilitation of the structure.

(b) The structure is maintained in compliance with this chapter and other application statutes, laws, or ordinances; and

(c) The Owner can demonstrate that a diligent and good faith effort to implement actions approved by the Enforcement Authority.

(B) If the structure continues to remain Vacant or Abandoned beyond the initial ninety (90) days described in subsection (A) and the Owner does not meet any of the exceptions set forth in this section, the Enforcement Authority may continue to assess penalties on each structure in the following amounts:

(1) One thousand dollars (\$1,000) for the second ninety (90) calendar day period each structure remains Vacant or Abandoned.

(2) One thousand five hundred dollars (\$1,500) for the third ninety (90) calendar day period each structure remains Vacant or Abandoned.

(3) Two thousand dollars (\$2,000) for the fourth and each subsequent ninety (90) calendar day period thereafter for each structure that remains Vacant or Abandoned.

A civil penalty under this section may not exceed \$5,000 per structure per year.

### **NON-REVERTING FUND**

An account is established for the deposit of monies from donations, appropriations from City accounts, fees, penalties, and any other lawful source for the purposes of defraying costs related to the administration and enforcement of the Registration and Abatement of Vacant and Abandoned Structures Ordinance.

This account shall be named the Vacant and Abandoned Structures Non-Reverting Fund, and all funds contained in the account shall be expended only for the exclusive purpose of paying expenses related to the administration and enforcement of the Registration and Abatement of Vacant and Abandoned Structures Ordinance.

The account shall be non-reverting and exist perpetually unless terminated by a subsequent ordinance enacted by the Common Council.

If the account is terminated by a subsequent ordinance enacted by the Common Council, the remaining balance of the terminated account shall revert to the general budget of the Common Council.

The foregoing ordinance shall become effective upon passage. This ordinance was adopted by the Common Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Shirley Rynearson, Clerk-Treasurer

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA TO REPEAL AND REPLACE SECTION 70.04 OF THE CITY OF MADISON CODE (CHAPTER 70, SECTION 70.04)**

WHEREAS, IC 9-21-1-3/3.3 gives local governments the authority to regulate the operation of low-speed vehicles (LSVs), golf carts, and off-road vehicles (ORVs) on local roadways.

WHEREAS, on August 18, 2009, the Common Council of the City of Madison passed an Ordinance that allowed the use of golf carts on city streets.

WHEREAS, on August 6, 2020, the Board of Commissioners of Jefferson County, Indiana passed a county-wide ordinance permitting golf carts on county owned roadways.

WHEREAS, on May 4, 2021, the Common Council of the City of Madison passed an Ordinance that expanded access for use of golf carts on city streets.

WHEREAS, the use of golf carts for transportation around the City is important to the quality of life of many of the citizens of Madison along with its many visitors.

WHEREAS, the current ordinance governing the use of golf carts and related vehicles in the City of Madison is outdated, lacking in clarity, not clearly aligned with state and federal regulations, and in need of updates and clarifications.

WHEREAS, the Mayor and the Common Council deem it appropriate to repeal and replace section 70.04 of the City of Madison City code, with the following revised regulations, regarding the use of golf carts and related vehicles, to ensure the safety of all road users, and to reinforce the quality-of-life benefits to the users of said vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Madison, Indiana, that Chapter 70, Section 70.04 be repealed and replaced to reflect attached Exhibit A.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_ day of \_\_\_\_\_2025.

PRESENTED BY:

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Shirley Rynearson, Clerk-Treasurer



## EXHIBIT A

### § 70.04 GOLF CARTS, LOW SPEED VEHICLES, AND OFF-ROAD VEHICLES.

The operation of a golf cart, low speed vehicle, or off-road vehicle within the City of Madison is strictly prohibited unless the golf cart, low speed vehicle, or off-road vehicle is operated and equipped in full compliance with this section.

(A)

Definitions:

“GOLF CART.” A four (4) wheeled vehicle with a maximum speed of twenty (20) miles per hour (mph), and as such, not regulated as a motor vehicle by the National Highway Traffic Safety Association (NHTSA), originally designed to transport one (1) or more individuals for the purpose of playing the game of golf or with a design that is based upon and evolved from said design. Additionally, any vehicle that is in accordance with the IC 9-13-2-69.7 definition of a ‘golf cart’ or the IC 14-19-1-0.5 definition of a ‘motorized cart’ or other current state or federal definitions of a similar vehicle may be considered a ‘golf cart’ for the purposes of this chapter.

“LOW SPEED VEHICLE (LSV).” A four (4) wheeled motor vehicle with a maximum speed between twenty (20) and twenty-five (25) miles per hour (mph) meeting the requirements of IC 9-13-2-94.5 and 49 CFR 571.500 (FMVSS 500) or the current relevant state/federal regulations. LSVs may also commonly be referred to as Neighborhood Electric Vehicles (NEVs), modified speed golf carts, or ‘street legal’ golf carts as long as they meet the requirements of the aforementioned state/federal regulations.

“OFF-ROAD VEHICLE (ORV).” A motor driven vehicle capable of cross country travel meeting the definitions of IC 14-8-2-185-b-4 for an all-terrain vehicle (ATV) or IC 14-8-2-184-b-5 for a recreational off-highway vehicle (ROV). This definition excludes other vehicle types defined by IC 14-8-2-185 as referenced by IC 9-13-2-117.3 or current relevant state law. ROVs as defined by this chapter may also commonly be referred to as Utility Terrain Vehicles (UTVs), side-by-sides, or Multipurpose Off-Highway Utility Vehicles (MOHUVs), among other designations. See also 16 CFR 1420.2(a), ANSI/SVIA 1 – 2023, ANSI/ROHVA 1-2023, and/or ANSI/OPEI B71.9-2022 or the current relevant revisions of the aforementioned regulations and industry standards.

(B) Golf carts, LSVs, and ORVs shall not be operated on Michigan Hill Road between Milton Street and Autumnwood Lane.

(C) Golf carts, LSVs, and ORVs may not be operated on State Roads 56, 62, or 7, U.S. Highway 421, Main Street in downtown Madison running from Jefferson Street to Cragmont St, Clifty Hollow Rd, or any federal highway at any time. Golf carts, LSVs, and ORVs may:

- (1) Cross Clifty Drive at the intersections of Wilson Avenue, Harry Nichols Drive, Cragmont Street, Demaree Drive (Franks Drive - North/East), and Ivy Tech Drive,
- (2) Cross Main Street only at intersections controlled by automatic stop lights,
- (3) Cross Highway 421 at a right angle at the intersection of Walnut Street and Aulenbach Avenue and at the intersection of 3<sup>rd</sup> Street (one-way),
- (4) And cross Highway 7 at a right angle at the intersection of Orchard Street and Green Road.

(D) Operators of golf carts, LSVs, and ORVs shall at all times yield the right-of-way to faster moving traffic and may not impede the regular flow of traffic.

(E) Golf carts and ORVs shall not be operated on streets and highways of the City of Madison, Indiana during one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with one or more operating headlights (one or more on the center line and/or equally disposed on each side of the front of the golf cart) and two operating tail lights with brake lights (one

on each side of the rear of the golf cart) which are visible from a distance of 500 feet. Headlights shall be aimable and/or have a low beam mode to allow for minimizing glare for other road users and shall be maintained and operated in such a manner.

(F) Operators of golf carts or ORVs not equipped with operating front and rear turn signals, shall give a continuous hand signal for a minimum of 100 feet or 5 seconds of their intention to turn off of the street they are traveling.

(G) LSVs shall be equipped with, in good working order, all required safety equipment per IC 9-13-2-94.5 and 49 CFR 571.500 (FMVSS 500) or current relevant state/federal regulations including, but not limited to, headlamps, tail lamps, stop lamps, and front and rear turn signals.

(H) Golf carts shall be identified as slow moving vehicles by a state approved triangular slow moving vehicle sign positioned a minimum of three feet and a maximum of five feet above the road surface, as near as practicable to the center of the golf cart, and clearly visible from the rear, in accordance with IC 9-21-9-2 or current applicable state law, at all times while being operated on city streets.

(1). The aforementioned slow moving vehicle signs shall comply with the standards and recommendations of the American Society of Agricultural Engineers (ASME), the American National Standards Institute (ANSI), and the Society of Automotive Engineers (SAE) in accordance with IC 9-21-9-5.

(I) Golf carts, LSVs, and ORVs shall not be operated on city sidewalks or city walking paths, including but not limited to, Heritage Trail. except for:

(1). Hatcher Hill

(J) The number of occupants in a golf cart, LSV, or ORV shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart.

(K) The operator and all occupants shall be seated in the golf cart, LSV, or ORV and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart, LSV, or ORV while the golf cart is in motion.

(L) Only persons over 16 years of age and holding a driver's license may operate a golf cart, LSV, or ORV.

(M) The operator of the golf cart, LSV, or ORV shall comply with all traffic rules and regulations adopted by the State of Indiana and the City of Madison which govern the operation of motor vehicles.

(N) All golf carts and ORVs operated on the city streets of the City of Madison shall be registered with the City of Madison and bear a registration sticker. The city shall collect a fee for said registration, which shall be set from time to time by the Board of Public Works and Safety. The City of Madison will provide a copy of the relevant rules and regulations to the owner(s) at the time the annual permit is issued.

(O) LSVs must be registered with the state Bureau of Motor Vehicles per IC 9-18.1-5-2 or current relevant state law. In the event that state law no longer requires registration of LSVs, they will be subject to the registration requirements of paragraph (M).

(P) ORVs purchased on or after January 1, 2010 must be registered with the state Bureau of Motor Vehicles per IC 9-18.1-14-1 or current relevant state law. (Q) The financial ability of the operator or owner notwithstanding, the operator of a golf cart must show proof of financial responsibility when operating a golf cart, LSV, or ORV.

(R) Liability insurance coverage for a golf cart, LSV, or ORV operated on city streets of the City of Madison shall be in an amount not less than the minimum required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

(S) ORVs may only be operated on the city streets of the City of Madison with special approval of the Board of Public Works if the corresponding approval/use is deemed to be beneficial to the City. Such approval may be granted for individuals, companies, organizations, special events, etc. with a scope and/or duration as defined per the full discretion of the Board; such approval may equally be revoked by the Board for any reason. The Board may choose to waive or amend the registration and insurance requirements of this chapter as it deems appropriate for such approvals.

(T) The authority to determine whether a vehicle meets the definition of a golf cart, LSV, or ORV under paragraph (A) of this section shall be at the discretion of the Mayor or his/her designee. This decision may be appealed to the Board of Public Works for final determination except as otherwise determined by state or federal regulation.

(U) Whoever shall violate any provision of this chapter for which another penalty is not provided by state law shall be fined as provided in [§ 70.99](#).

(Ord. 2009-10, passed 8-18-09; Am. Ord. 2020-8, passed 6-16-20; Am. Ord. 2021-4, passed 5-4-21)  
Penalty, see [§ 70.99](#)

## **§ 70.04 GOLF CARTS, LOW SPEED VEHICLES, AND OFF-ROAD VEHICLES.**

The operation of a golf cart, low speed vehicle, or off-road vehicle within the City of Madison is strictly prohibited unless the golf cart, low speed vehicle, or off-road vehicle is operated and equipped in full compliance with this section. ~~Golf carts may be operated on city streets except as restricted below.~~

- (A) ~~A golf cart shall not cross Clifty Drive at any point.~~

### Definitions:

“GOLF CART.” A four (4) wheeled vehicle with a maximum speed of twenty (20) miles per hour (mph), and as such, not regulated as a motor vehicle by the National Highway Traffic Safety Association (NHTSA), originally designed to transport one (1) or more individuals for the purpose of playing the game of golf or with a design that is based upon and evolved from said design. Additionally, any vehicle that is in accordance with the IC 9-13-2-69.7 definition of a ‘golf cart’ or the IC 14-19-1-0.5 definition of a ‘motorized cart’ or other current state or federal definitions of a similar vehicle may be considered a ‘golf cart’ for the purposes of this chapter.

“LOW SPEED VEHICLE (LSV).” A four (4) wheeled motor vehicle with a maximum speed between twenty (20) and twenty-five (25) miles per hour (mph) meeting the requirements of IC 9-13-2-94.5 and 49 CFR 571.500 (FMVSS 500) or the current relevant state/federal regulations. LSVs may also commonly be referred to as Neighborhood Electric Vehicles (NEVs), modified speed golf carts, or ‘street legal’ golf carts as long as they meet the requirements of the aforementioned state/federal regulations.

“OFF-ROAD VEHICLE (ORV).” A motor driven vehicle capable of cross country travel meeting the definitions of IC 14-8-2-185-b-4 for an all-terrain vehicle (ATV) or IC 14-8-2-184-b-5 for a recreational off-highway vehicle (ROV). This definition excludes other vehicle types defined by IC 14-8-2-185 as referenced by IC 9-13-2-117.3 or current relevant state law. ROVs as defined by this chapter may also commonly be referred to as Utility Terrain Vehicles (UTVs), side-by-sides, or Multipurpose Off-Highway Utility Vehicles (MOHUVs), among other designations. See also 16 CFR 1420.2(a), ANSI/SVIA 1 – 2023, ANSI/ROHVA 1-2023, and/or ANSI/OPEI B71.9-2022 or the current relevant revisions of the aforementioned regulations and industry standards.

- (B) Golf carts, LSVs, and ORVs shall not be operated on Michigan Hill Road between Milton Street and Autumnwood Lane.

~~— Per IC 9-21-5-8.5, LSVs may not be operated on Michigan Road between Autumnwood Lane and Clifty Drive due to the speed limit of forty (40) mile per hour (mph). If IC 9-21-5-8.5 is repealed or changed to allow LSVs to operate on roads with speed limits above thirty five (35) miles per hour (mph) or if the speed limit of Michigan Road in the aforementioned portion is changed to thirty five (35) miles per hour (mph) or lower, LSVs may operate on the aforementioned portion.~~

(C) Golf carts, LSVs, and ORVs may not be operated on State Roads 56, 62, or 7, U.S. Highway 421, Main Street in downtown Madison running from ~~the intersection of Jefferson Street to the top of Hanover Hill where the road reconnects with State Road 56~~ Cragmont St, Clifty Hollow Rd, or any federal highway at any time. Golf carts, LSVs, and ORVs may:

- (1) Golf carts may eCross Clifty Drive at the intersections of Wilson Avenue, Harry Nichols Drive, and Cragmont Street, Michigan Road, Demaree Drive (Franks Drive - North/East), and Ivy Tech Drive,
- (2) Golf carts may eCross Main Street only at intersections controlled by automatic stop lights, Additionally,
- (3) golf carts may eCross Highway 421 at a right angle at the intersection of Walnut Street and Aulenbach Avenue and at the intersection of 3<sup>rd</sup> Street (one-way),
- (4) And cross Highway 7 at a right angle at the intersection of Orchard Street and Green Road.

(D) Operators of golf carts, LSVs, and ORVs shall at all times yield the right-of-way to faster moving traffic, and may not impede the regular flow of traffic.

(E) Golf carts and ORVs shall not be operated on streets and highways of the City of Madison, Indiana during one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with one or more two-operating headlights (one or more on the center line and/or one equally disposed on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet. Headlights shall be aimable and/or have a low beam mode to allow for minimizing glare for other road users and shall be maintained and operated in such a manner.

(F) Operators of golf carts or ORVs not equipped with operating front and rear turn signals, shall give a continuous hand signal for a minimum of 2100 feet or 5 seconds of their intention to turn off of the street they are traveling.

(G) LSVs shall be equipped with, in good working order, all required safety equipment per IC 9-13-2-94.5 and 49 CFR 571.500 (FMVSS 500) or current relevant state/federal regulations including, but not limited to, headlamps, tail lamps, stop lamps, and front and rear turn signals.

(HG) Golf carts shall be identified as slow moving vehicles by a state approved triangular slow moving vehicle sign ~~with the top of the sign~~ positioned a minimum of five three feet and a maximum of six five feet above the road surface, as near as practicable to the center of the golf cart, and clearly visible from the rear, in accordance with IC 9-21-9-2 or current applicable state law, at all times while being operated on city streets.

- (1). The aforementioned slow moving vehicle signs shall comply with the standards and recommendations of the American Society of Agricultural Engineers (ASME), the American National Standards Institute (ANSI), and the Society of Automotive Engineers (SAE) in accordance with IC 9-21-9-5.

(~~I~~H) Golf carts, LSVs, and ORVs shall not be operated on city sidewalks or city walking paths, including but not limited to, Heritage Trail. except for:

(1). Hatcher Hill

(~~I~~J) The number of occupants in a golf cart, LSV, or ORV shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart.

(~~K~~J) The operator and all occupants shall be seated in the golf cart, LSV, or ORV and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart, LSV, or ORV while the golf cart is in motion.

(~~L~~K) Only persons over 16 years of age and holding a driver's license may operate a golf cart, LSV, or ORV.

(~~M~~L) The operator of the golf cart, LSV, or ORV shall comply with all traffic rules and regulations adopted by the State of Indiana and the City of Madison which govern the operation of motor vehicles.

(~~N~~M) ~~Beginning January 1, 2010, a~~All golf carts and ORVs operated on the city streets of the City of Madison shall be registered with the City of Madison and bear a registration sticker. The city shall collect a fee for said registration, which shall be set from time to time by the Board of Public Works and Safety. The City of Madison will provide a copy of the relevant golf cart-rules and regulations to the golf cart owner(s) at the time the annual permit is issued.

(ON) LSVs must be registered with the state Bureau of Motor Vehicles per IC 9-18.1-5-2 or current relevant state law. In the event that state law no longer requires registration of LSVs, they will be subject to the registration requirements of paragraph (M).

(PO) ORVs purchased on or after January 1, 2010 must be registered with the state Bureau of Motor Vehicles per IC 9-18.1-14-1 or current relevant state law. In the event that state law no longer requires registration of ORVs, they will be subject to the registration requirements of paragraph (M). ORVs purchased before January 1, 2010 and not subject to registration under IC 9-18.1-14-1 or other relevant state law shall be subject to the registration requirements of paragraph (M).

(~~Q~~PN) The financial ability of the operator or owner notwithstanding, the operator of a golf cart must show proof of financial responsibility when operating a golf cart, LSV, or ORV.

~~—(QO) Written proof of financial responsibility must be available either on the golf cart, LSV, or ORV or carried by the operator at all times.~~

(~~R~~P) Liability insurance coverage ~~on for~~ a golf cart, LSV, or ORV operated on city streets of the City of Madison shall be in an amount not less than the minimum required by Indiana law for motor vehicles operated on public highways in the State of Indiana.



(S) ORVs may only be operated on the city streets of the City of Madison with special approval of the Board of Public Works if the corresponding approval/use is deemed to be beneficial to the City. Such approval may be granted for individuals, companies, organizations, special events, etc. with a scope and/or duration as defined per the full discretion of the Board; such approval may equally be revoked by the Board for any reason. The Board may choose to waive or amend the registration and insurance requirements of this chapter as it deems appropriate for such approvals.

(ST) The authority to determine whether a vehicle meets the definition of a golf cart, LSV, or ORV under paragraph (A) of this section shall be at the discretion of the Mayor or his/her designee. This decision may be appealed to the Board of Public Works for final determination except as otherwise determined by state or federal regulation.

(U) Whoever shall violate any provision of this chapter for which another penalty is not provided by state law shall be fined as provided in § 70.99.

(Ord. 2009-10, passed 8-18-09; Am. Ord. 2020-8, passed 6-16-20; Am. Ord. 2021-4, passed 5-4-21) Penalty, see § [70.99](#)

References:

Federal Regs:

S571.3 Definitions

*Low-speed vehicle (LSV)* means a motor vehicle,

- (1) That is 4-wheeled,
- (2) Whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface, and
- (3) Whose GVWR is less than 1,361 kilograms (3,000 pounds).

Indiana Code:

**IC 9-13-2-73"Highway or street"**

Sec. 73. "Highway" or "street" means the entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel in Indiana. The term includes an alley in a city or town.

[Pre-1991 Recodification Citations: 9-1-1-2(q); 9-3-1-1 part; 9-4-1-14 part; 9-4-8-4 part.]

*As added by P.L.2-1991, SEC.1. Amended by P.L.198-2016, SEC.116.*

**IC 9-25-2-4"Public highway"**

Sec. 4. "Public highway" means a street, an alley, a road, a highway, or a thoroughfare in Indiana, including a privately owned business parking lot and drive, that is used by the public or open to use by the public.  
[Pre-1991 Recodification Citation: 9-2-1-15.]  
*As added by P.L.2-1991, SEC.13.*

#### **IC 9-13-2-69.7"Golf cart"**

Sec. 69.7. "Golf cart" means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.  
*As added by P.L.150-2009, SEC.2.*

#### **IC 9-13-2-94.5"Low speed vehicle"**

Sec. 94.5. "Low speed vehicle" means a four (4) wheeled electrically powered motor vehicle:

- (1) with a maximum design speed of not more than twenty-five (25) miles per hour;
- (2) with operational and equipment specifications described in 49 CFR 571.500;
- (3) that is equipped with:
  - (A) headlamps;
  - (B) front and rear turn signal lamps, tail lamps, and stop lamps;
  - (C) reflex reflectors;
  - (D) exterior or interior mirrors;
  - (E) brakes as specified in [IC 9-19-3-1](#);
  - (F) a windshield;
  - (G) a vehicle identification number; and
  - (H) a safety belt installed at each designated seating position; and
- (4) that has not been privately assembled as described in [IC 9-17-4-1](#).

The term does not include a golf cart or an off-road vehicle.

*As added by P.L.21-2003, SEC.1. Amended by P.L.9-2007, SEC.1; P.L.150-2009, SEC.3; P.L.262-2013, SEC.10; P.L.178-2019, SEC.35.*

#### **IC 9-13-2-117.3"Off-road vehicle"**

Sec. 117.3. "Off-road vehicle" has the meaning set forth in [IC 14-8-2-185](#).  
*As added by P.L.219-2005, SEC.2. Amended by P.L.1-2007, SEC.81.*

#### **IC 9-18.1-3-6Vehicles bureau may not register**

Sec. 6. The bureau may not register the following vehicles:

- (1) A vehicle that:
  - (A) is subject under rules adopted under air pollution control laws (as defined in [IC 13-11-2-6](#)) to:
    - (i) inspection of vehicle air pollution control equipment; and
    - (ii) testing of emission characteristics; and
  - (B) has not been:
    - (i) inspected; and
    - (ii) certified by an inspection station under [IC 13-17-5-5.1](#)(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.
- (2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under [IC 9-19-19](#).
- (3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.
- (4) A private bus that is designed or used to transport more than fifteen (15) passengers, including the driver, that does not have an unexpired certificate indicating compliance with an inspection program established under [IC 9-19-22-3](#).



(5) A school bus or special purpose bus that does not have an unexpired certificate of inspection under [IC 20-27-7-3](#).

(6) A farm wagon.

(7) A farm tractor.

(8) A golf cart.

(9) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

[Pre-2016 Revision Citations: 9-18-1-1(a); 9-18-2-12; subdivision (4) formerly 9-18-2-8(g); subdivision (5) formerly 9-18-2-8.5.]

*As added by P.L.198-2016, SEC.326. Amended by P.L.164-2018, SEC.1.*

### **IC 9-19-1-1 Application of article generally**

Sec. 1. (a) Except as provided in subsection (b) and as otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

(1) Implements of agriculture designed to be operated primarily in a farm field or on farm premises.

(2) Road machinery.

(3) Road rollers.

(4) Farm tractors.

(5) Vehicle chassis that:

(A) are a part of a vehicle manufacturer's work in process; and

(B) are driven under this subdivision only for a distance of less than one (1) mile.

(6) Golf carts and off-road vehicles when operated in accordance with an ordinance adopted under [IC 9-21-1-3\(a\)\(14\)](#) or [IC 9-21-1-3.3\(a\)](#).

(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

[Pre-1991 Recodification Citations: 9-8-6-2(c); 9-8-6-2(d).]

*As added by P.L.2-1991, SEC.7. Amended by P.L.98-1991, SEC.1; P.L.210-2005, SEC.27; P.L.150-2009, SEC.7; P.L.182-2009(ss), SEC.289; P.L.259-2013, SEC.14.*

### **IC 9-21-1-3 Powers of local authorities; effective date of ordinances**

Sec. 3. (a) A local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with sections 2 and 3.3(a) of this chapter, and within the reasonable exercise of the police power, may do the following:

(1) Regulate the standing or parking of vehicles and electric foot scooters.

(2) Regulate traffic by means of police officers or traffic control signals.

(3) Regulate or prohibit processions or assemblages on the highways.

(4) Designate a highway as a one-way highway and require that all vehicles operated on the highway be moved in one (1) specific direction.

(5) Regulate the speed of vehicles in public parks.

(6) Designate a highway as a through highway and require that all vehicles stop before entering or crossing the highway.

(7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or more entrances to the intersection.

(8) Restrict the use of highways as authorized in [IC 9-21-4-7](#).

(9) Regulate the operation of bicycles and electric foot scooters and require the registration and licensing of bicycles and electric foot scooters, including the requirement of a registration fee.

(10) Regulate or prohibit the turning of vehicles at intersections.

(11) Alter the prima facie speed limits authorized under [IC 9-21-5](#).

(12) Adopt other traffic regulations specifically authorized by this article.

(13) Adopt traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporations.

(14) Regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways in accordance with section 3.3(a) of this chapter.

(b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected.

[Pre-1991 Recodification Citation: 9-4-1-28(a); (c).]

*As added by P.L.2-1991, SEC.9. Amended by P.L.128-2002, SEC.2; P.L.21-2003, SEC.6; P.L.150-2009, SEC.11; P.L.182-2009(ss), SEC.291; P.L.259-2013, SEC.15; P.L.142-2019, SEC.4.*

### **IC 9-21-1-3.3Ordinances regarding use of golf carts on highway**

Sec. 3.3. (a) A city, county, or town may adopt by ordinance traffic regulations concerning the use of golf carts or off-road vehicles, or both on a highway under the jurisdiction of the city, county, or town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, county, or town under this section shall be deposited into the general fund of the city, county, or town.

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) may allow an operator of a golf cart or off-road vehicle to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and

(2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart or off-road vehicle.

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart or off-road vehicle is considered to be an ordinance violation.

*As added by P.L.150-2009, SEC.12. Amended by P.L.182-2009(ss), SEC.292; P.L.60-2012, SEC.1; P.L.259-2013, SEC.16.*

### **IC 9-21-8-57Operation of golf cart on highway**

Sec. 57. A golf cart or off-road vehicle may not be operated on a highway except in accordance with:

(1) an ordinance adopted under [IC 9-21-1-3\(a\)\(14\)](#) and [IC 9-21-1-3.3\(a\)](#) authorizing the operation of a golf cart or an off-road vehicle on the highway; or

(2) [IC 14-16-1-20](#) authorizing an off-road vehicle to operate on a highway.

*As added by P.L.182-2009(ss), SEC.293. Amended by P.L.259-2013, SEC.17.*

### **IC 9-21-9-0.5Applicability**

Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart or off-road vehicle.

(4) A motor driven cycle.

(5) An electric foot scooter.

(b) An ordinance adopted in accordance with [IC 9-21-1-3\(a\)\(14\)](#) or [IC 9-21-1-3.3\(a\)](#) may require a golf cart or off-road vehicle to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, county, or town.

*As added by P.L.143-2002, SEC.7. Amended by P.L.21-2003, SEC.9; P.L.150-2009, SEC.14; P.L.60-2012, SEC.2; P.L.259-2013, SEC.18; P.L.221-2014, SEC.43; P.L.142-2019, SEC.6.*

### **IC 9-21-9-2Slow moving vehicle emblem; display**

Sec. 2. Whenever a vehicle is moved, operated, or driven on a highway that is open for vehicular travel, the vehicle shall display a triangular slow moving vehicle emblem mounted as near as is practicable to the center of

mass and at an approximate height of not less than three (3) and not more than five (5) feet from level ground or pavement surface. The emblem shall be mounted so as to be entirely visible from the rear, day or night. The emblem and the emblem's position of mounting on the vehicle must meet the specifications established by rules adopted by the Indiana criminal justice institute.

[Pre-1991 Recodification Citation: 9-8-10-2.]

*As added by P.L.2-1991, SEC.9. Amended by P.L.39-1993, SEC.6.*

### **IC 9-21-9-3Slow moving vehicle emblem; restrictions on use**

Sec. 3. The use of the slow moving vehicle emblem described in section 2 of this chapter is restricted to the slow moving vehicles described in section 1 of this chapter. The use of the emblem on any other type of vehicle or stationary object on or along a highway is prohibited.

[Pre-1991 Recodification Citation: 9-8-10-3.]

*As added by P.L.2-1991, SEC.9.*

### **IC 9-21-9-5Design, materials, and mounting of emblems; adoption of rules; considerations**

Sec. 5. (a) The Indiana criminal justice institute shall adopt rules under [IC 4-22-2](#) establishing standards and specifications for the design, materials, and mounting of a standard slow moving vehicle emblem for the uniform identification of slow moving vehicles.

(b) In adopting rules under subsection (a), the Indiana criminal justice institute shall substantially adhere to the current recommendations of the American Society of Agricultural Engineers, the American National Standards Institute, and the Society of Automotive Engineers so that the slow moving vehicle emblem may be more universally recognizable and of adequate quality.

(c) The Indiana criminal justice institute shall adopt revisions to the standards and specifications adopted as required under subsection (a) as amendments are made to the recommendations of the American Society of Agricultural Engineers, the American National Standards Institute, and the Society of Automotive Engineers regarding the slow moving vehicle emblem.

[Pre-1991 Recodification Citation: 9-8-10-5.]

*As added by P.L.2-1991, SEC.9. Amended by P.L.39-1993, SEC.7; P.L.148-2005, SEC.4.*

### **IC 14-8-2-5.7"All-terrain vehicle"**

Sec. 5.7. "All-terrain vehicle", for purposes of [IC 14-8-2-185](#), means a motorized, off-highway vehicle that:

- (1) is fifty-five (55) inches or less in width when measured from outside of tire rim to outside of tire rim;
- (2) has a dry weight of one thousand five hundred (1,500) pounds or less;
- (3) is designed for travel on at least three (3) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

The term includes parts, equipment, or attachments sold with the vehicle.

*As added by P.L.86-2010, SEC.2. Amended by P.L.219-2014, SEC.5; P.L.164-2020, SEC.43.*

### **IC 14-8-2-185"Off-road vehicle"**

Sec. 185. (a) "Off-road vehicle", for purposes of [IC 14-16-1](#) and [IC 14-19-1-0.5](#), means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

- (1) A multiwheel drive or low pressure tire vehicle.
- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) An all-terrain vehicle (as defined in section 5.7 of this chapter).
- (5) A recreational off-highway vehicle (as defined in section 233.5 of this chapter).
- (6) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

- (1) A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in [IC 9-13-2-60\(2\)](#)).
- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in [IC 9-13-2-60\(2\)](#)).
- (4) A snowmobile (as defined by section 261 of this chapter).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart vehicle.
- (9) An electric bicycle (as defined in [IC 9-13-2-49.2](#)).

[Pre-1995 Recodification Citation: 14-1-3-1(f).]

*As added by P.L.1-1995, SEC.1. Amended by P.L.225-2005, SEC.6; P.L.150-2009, SEC.21; P.L.86-2010, SEC.3; P.L.256-2017, SEC.183; P.L.206-2019, SEC.12.*

#### **IC 14-8-2-233.5"Recreational off-highway vehicle"**

Sec. 233.5. "Recreational off-highway vehicle", for purposes of [IC 14-8-2-185](#), means 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 two thousand five hundred (2,500) 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.

*As added by P.L.86-2010, SEC.4. Amended by P.L.219-2014, SEC.13; P.L.164-2020, SEC.44.*

#### **IC 14-19-1-0.5"Motorized cart"**

Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

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

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

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in [IC 9-13-2-49.3](#));
- (2) a motorcycle (as defined in [IC 9-13-2-108](#));
- (3) a motor driven cycle (as defined in [IC 9-13-2-104.1](#));
- (4) an off-road vehicle; or
- (5) an electric foot scooter (as defined in [IC 9-13-2-49.4](#)).

*As added by P.L.225-2005, SEC.14. Amended by P.L.221-2014, SEC.86; P.L.142-2019, SEC.10.*



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

**Mike Braun, Governor**  
**Kent Abernathy, Commissioner**

February 28, 2025

Madison  
Bob G Courtney  
101 West Main Street  
Madison, IN 47250

RE: Community Crossing Matching Grant Fund 2025-1

Dear Bob G Courtney:

The Indiana Department of Transportation (INDOT) has completed the review and selection of projects for funding in the 2025-1 Community Crossings Matching Grant Fund Program. Your community has preliminarily been awarded \$1,500,000.00 in Community Crossings Matching Grant Funds based upon your estimates from your project application(s). A Community Crossings Matching Grant award letter will be included in the Local Roads and Bridges Matching Grant Agreement as Attachment B.

The Community Crossings Matching Grand Funds, which are administered by INDOT, will be used for funding up to 50 percent of the construction of your project or the purchase of materials. These grant dollars will enable you to help build and improve Indiana's infrastructure.

The state of Indiana looks forward to partnering with all Hoosier communities, both urban and rural, to invest in road and bridge infrastructure projects. Improvement to local roads and bridges will bring about economic development, create jobs, and strengthen local transportation networks for all of Indiana.

Sincerely,

A handwritten signature in black ink that reads "Mike Braun".

Mike Braun, Governor

A handwritten signature in black ink that reads "Kent Abernathy".

Kent Abernathy, INDOT Commissioner