

**AN ORDINANCE REGULATING GOLF CARTS**

BE IT ORDAINED by the Board of Commissioners of the Town of Cedar Point as follows:

Section I. Golf Carts

**Purpose and Authority**

The purpose of the ordinance is to regulate the operation of golf carts on any public street, road or highway within the jurisdiction of the Town of Cedar Point, under the authority of North Carolina General Statute 160A-300.6, in order to provide certain limited safety protections relating to golf cart operators, golf cart passengers and other users of streets and highways.

**Statement of Policy**

While the Town finds that regulations governing the operation of golf carts are necessary to address certain public safety issues, the Town notes that golf carts are not designed or manufactured for use on streets and roads and do not possess the same safety features required of motor vehicles. The Town does not advocate or endorse their operation on streets and roads, and specifically advises that the adoption of these regulations does not constitute a determination that the use of golf carts on streets or roads are safe for operators and passengers. Operators and passengers use golf carts at their own risk and peril, are advised to be attentive to motorists, bicyclists, pedestrians, these regulations, the motor vehicle laws of the state and the town and are urged to use appropriate personal safety equipment, including seat belts and child restraints.

**Definitions**

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

- (A) Golf Cart: A “golf cart” is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour. “Golf carts” do not include “low speed vehicles”, as defined by state law, which are subject to the registration, inspection, and other laws of the state relating to motor vehicles. “Golf carts” also do not include utility vehicles or motorized all –terrain vehicles, which are not eligible for use on public roads or for registration as motor vehicles under state law, or vehicles originally designed as golf carts which have been modified to operate at speeds greater than 20 miles per hour. (State law referenced GS20-4.01 (12a))
- (B) Public Streets, Roads and Highways: “Public Streets, roads, and highways” include the following roadways and rights-of-way: (1) municipal streets maintained by the Town (2) streets generally open to public use, and (3) public vehicular areas, the later being defined by G.S. 20-219.4.

## Regulations

Golf carts may be operated on public streets, roads, and highways (defined herein) within the Town of Cedar Point and on property owned or leased by the Town only in accordance with the following requirements and regulations.

- (A) **Driver's License Required.** Golf cart operators must have a valid driver's license, issued in their name and the license must be in their possession when operating a golf cart.
- (B) **Minimum Operator Age.** Persons operating a golf cart must be at least 16 years of age.
- (C) **Basic Safety Equipment.** Golf carts must be equipped with a rear view mirror and either (1) triangle reflector at least 12 inches high designed to designate a slow moving vehicle or (2) two reflectors, at least 3 inches in diameter, mounted on the rear of the vehicle.
- (D) **Operating Hours.** Golf carts may be operated on public streets, highways, or roadways only from dawn to dusk unless the golf cart is equipped with the following equipment: (1) two operating headlights on each side of the front of the cart, capable of illuminating for a distance of 200 feet and capable of being seen for a distance of 500 feet under normal atmospheric conditions; (2) 2 operating tail lights, one on each side of the rear of the cart, capable of being seen from 500 feet under normal atmospheric conditions.
- (E) **Vehicle Laws Compliance.** Golf cart operators shall observe and comply with all state and municipal laws and regulations relating to the operation of motor vehicles, including those relating to the possession and use of alcoholic beverages and illegal substances. No golf cart containing any open container of alcohol may be operated on public streets, roads or highways.
- (F) **Operation on Roadway.** Golf carts shall be operated at the far right edge of the roadway and shall yield the right-of way to overtaking motor vehicles at all times.
- (G) **Passenger Limitations.** The number of persons in a golf cart may not exceed the designed maximum capacity specified by the manufacturer. No persons may-and the operator shall not allow – any person to ride in or on any part of a golf cart not designed to carry passengers, including portions designed for storage or carrying of golf bags or other items. The operator and all occupants shall remain seated while the golf cart is in operation, and no part of an operator or occupant's body shall extend outside the golf cart while it is in motion, other than necessary hand signals by the operator to indicate turns.
- (H) **Speed; Proper Operation.** Golf carts shall not be operated at a speed greater than 20 miles per hour, shall not (in any case) be operated at a speed greater than is reasonable and prudent for existing conditions, shall not be operated in a careless or reckless or in a manner that endangers other persons, and shall at all times be operated in compliance with any law enforcement officer controlling traffic.

- (I) **No Operation on Sidewalks.** Golf carts shall not be operated on sidewalks at any time.
- (J) **Private Property.** Golf carts shall not be operated on private property, including but not limited to parking lots and other private vehicular areas, without the permission of the owner(s).
- (K) **Public Vehicular Areas.** If golf carts are operated within public vehicular areas (as defined by state law), they shall comply with any provisions of the state, local law and any posted traffic controls that apply to the operation of motor vehicles within such areas.
- (L) **Registration.** Golf carts must be properly registered as required by this section and must display, in the lower corner of the windshield on the driver's side or in the nearest feasible location, a current, valid registration sticker issued by the Town of Cedar Point.
- (M) **Permitted Operational Locations.** Golf carts may be operated only on streets with a posted speed limit of 25 miles per hour or less.
- (N) **Crossings.** Golf carts may not travel upon or cross streets, roads, or highways with a speed limit greater than 35 miles per hour.
- (O) **Parking.** Golf carts may be parked in the same manner and in the same places designated for parking of motor vehicles.
- (P) **Special Situations.** In special circumstances such as emergency situation, special events or other unusual circumstances the Town Administrator or his designee may temporarily authorize, direct, allow or prohibit the operation of golf carts in a manner different from the normal regulations of this ordinance.
- (Q) **Handicapped Parking.** Golf carts may park in handicapped parking spaces only if the operation or at least one passenger has a valid handicapped parking authorization issued by the state.

**Areas Prohibited for Use**

- (A) The use or operation of golf carts along all streets, roads, and highways with speed limits higher than 25 miles per hour except for those road crossings specifically permitted is prohibited.
- (B) The use or operation of golf carts on the following street(s), roads, or highways within the Town of Cedar Point is specifically prohibited:
  - i. NC Highway 24/Cedar Point Blvd.

**Registration**

- (A) **Applications.** All golf cart owners must annually complete a registration application in a proper manner, pay any applicable application and/or registration fees, provide the required proof of liability insurance and submit their golf carts for inspection by the Town Administrator or his/her designee. The registration application shall also include signed confirmation that the applicant

has read, understands and agrees to comply with town regulations regarding the operation of golf carts. Upon a determination that the application and the cart meet the town's requirements, the Town Clerk shall issue a registration sticker to the owner, accompanied by a copy of the requirements and regulations of this section.

- (B) **Insurance and Liability.** All golf cart owners shall provide proof of ownership, required proof of liability insurance, and a waiver of liability (in terms prepared by the Town) releasing the Town of Cedar Point from any and all liability that may arise from the operation of the golf cart within the jurisdiction of the Town of Cedar Point. The required liability insurance coverage shall be in an amount not less than required by North Carolina law for motor vehicles operated on public highways.
- (C) **Fees.** Fees for golf cart applications, inspections, and/or registrations shall be as determined annually by the Board of Commissioners. Such fees shall be non-refundable and shall not be pro-rated for partial years.
- (D) **Registration Period.** Golf cart registrations shall be valid for no more than 1 year and shall expire on June 30 of each year. Registrations may be issued at any time during the year but all registrations shall expire on the following June 30.

**Enforcement This ordinance shall be enforced by, and violators subject to , any one, all or a combination the following :**

- (A) **Infraction.** Any act constituting a violation of this ordinance or failure to comply with any of its requirements shall constitute an infraction under the provisions of Chapter 20 and/or Chapter 14 of the North Carolina General Statutes unless such violation is also a violation of the the "rules of the road" applicable to motor vehicles under the North Carolina General Statutes in which case the greatest penalty will apply.
- (B) **Civil Penalties.** Any act constituting a violation of this ordinance shall subject the offender to a civil penalty of \$50.00 plus any attorney fees, court costs, or other collection expenses incurred by the Town. If the offender fails to pay the penalty within 30 days of receiving written notice of the violation, the amount owed may be recovered by the Town in a civil action in the nature of debt. In addition, failure to pay a civil penalty shall constitute grounds for revocation of golf cart registration.
- (C) **Registration Revocation.** Three violations of this ordinance within any 12 month period shall constitute cause for revocation of a golf cart registration for a period of 1 year.
- (D) **Continuing Violations.** Each day that any of the provisions of this ordinance is violated shall constitute a separate offense.

**Severability**

If any section, subsection, sentence or term of this ordinance or any application thereof is adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of the ordinance or its application to other persons or circumstances.

**Effective date**

This ordinance shall be in full force and effect from and after November 1, 2010.

Adopted by the Town of Cedar Point Board of Commissioners in regular session, October 26, 2010.

Commissioner (s) \_\_\_\_\_4\_\_\_\_\_ voting for,

Commissioner (s) \_\_\_\_\_0\_\_\_\_\_ voting against, and

Commissioner(s) \_\_\_\_\_0\_\_\_\_\_ absent

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Harry L. Redfearn, Mayor

Attest:

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Barbara Sandlin, Town Clerk