

Ordinance 17-1064

Town of Carolina Beach
Town Council



An update to the Golf Cart Ordinance

DIVISION 2. - GOLF CARTS AND LOW SPEED VEHICLES

Sec. 16-73. - Policy statement.

This article is adopted to address the interest of public safety under the provisions of G.S. 160A-300.6, which provides the town authority to regulate the use of golf carts in the town that have not been outfitted with approved safety equipment and registered as required by state law. Generally, golf carts, hereinafter called "carts," that have not been outfitted and registered, are not designed or manufactured to be used on anything other than golf courses and the town in no way advocates or endorses their operation elsewhere in town. The town, by regulating such operation is merely trying to address obvious safety issues and adoption of this chapter is not to be relied upon as a determination that operation is safe or advisable if done in accordance with this chapter. All persons who operate or ride upon carts do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others including their passengers, other motorists, bicyclists and pedestrians. The town has no liability under any theory of liability for permitting carts to be operated in town. The owner and operators of a cart are responsible for any liability involved in using a cart. Without the adoption of standards for operation on public and private streets, there are ~~currently~~ no rules or regulations that address golf cart operation and by creating standards for limited operation on public these private streets within the town, the town is responding to citizen concerns regarding operation deficiencies. These regulations impose more stringent policies on cart operation. The town does not encourage cart operation and does not represent that operation of carts under these rules will render cart operation totally safe and without risk to the driver and passenger of said vehicles.

(Code 1986, § 9-55; Ord. No. 08-765, 11-10-2008)

Sec. 16-74. – Definitions

- (a) Golf Cart ("Cart") – A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.
- (b) Low Speed Vehicle – A four wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

Sec. 16-74~~5~~. - Rules and regulations for gGolf eCarts;~~town traffic code.~~

Carts ~~that are not equipped and registered as required by the state motor vehicle law~~ may only be operated within the town in accordance with the following rules and regulations. An individual who Operates a Cart~~ion of carts~~ in violation of these rules and regulations shall be subject ~~ed~~ to the penalty provisions of section 16-7~~63~~ or other criminal charges as allowed by law. ~~in egregious cases may constitute~~

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~~reckless driving as defined in North Carolina General Statutes.~~ The following rules and regulations apply to the operation of carts; town traffic code is as follows:

- (1) Carts shall only be driven on roads posted 35 miles per hour or less. This does not prohibit a cart from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) Carts must have liability insurance coverage.
- (3) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (4) Carts ~~operating 30 minutes before sunset and between the time of one-half hour after sunset and one-half hour before sunrise shall~~ must be equipped with ~~and have in use~~ headlights, ~~and tail lights reflectors located on the rear of the cart.~~ and turn signal lamps.
- (5) Carts shall be equipped with at least one fixed operational mirror allowing the operator to see behind the cart.
- (6) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry.
- (7) The operator of the golf cart must be at least 16 years of age and possess a valid driver's license.
- (8) Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads. State laws, as found G.S. 20-138, regarding use of alcoholic beverages apply to golf cart regulation in the town.
- (9) Seat belts are required for every person seated on the golf cart. Seat belts must be worn by all passengers including children.
- (10) All required safety equipment must be installed to NCDOT Specifications and in place before the golf cart is registered with the town.
- (11) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Carolina Beach which governs the operation of motor vehicles.

(Code 1986, § 9-56; Ord. No. 08-765, 11-10-2008; Ord. No. 10-823, 3-23-2010)

Sec. 16-76. - Rules and regulations for low speed vehicles

The operation of a low-speed vehicle is authorized with the following restrictions:

- (a) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (b) A low-speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- (c) A low-speed vehicle shall be registered and insured with the North Carolina Department of Transportation in accordance with G.S. 20-50 and G.S. 20-30.

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(d) The North Carolina Department of Transportation may prohibit the operation of low-speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.

(e) Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500.

Sec. 16-757. - Permit required.

- (a) No golf cart may be driven within the town without a permit being acquired from town hall and attached to the left, driver's front portion of the golf cart.
- (b) The Town Manager or his designee is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, the applicant shall be required to sign a statement certifying he has read the provisions of the town's ordinance on golf cart usage as set forth in section 16-745 and 16-76. The permit shall be in such form as the town may deem practicable for ease of visibility.

(Code 1986, § 9-57; Ord. No. 08-765, 11-10-2008)

Sec. 16-768. - Penalty.

- (a) Any person violating the provisions of § 16-768 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.
- (b) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.
- (c) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.
- (d) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (e) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

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(Code 1986, § 9-58; Ord. No. 08-765, 11-10-2008)

Secs. 16-7~~7~~9—16-95. - Reserved.

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk

Date Approved