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2
3 **AN ORDINANCE AMENDING THE TOWN CODE**
4 **OF THE TOWN OF MANTEO, NORTH CAROLINA TO ESTABLISH RULES**
5 **FOR THE OPERATION OF GOLF CARTS**
6 **Proposed Code of Ordinances Text Amendment 2022-05 COD**
7

8 **ARTICLE I. Purpose(s) and Authority.**
9

10 **WHEREAS**, pursuant to N.C.G.S. § 160A-300.6 the Town of Manteo (the
11 “Town”) may, by ordinance, (i) regulate the operation of golf carts, as defined in G.S. 20-
12 4.01(12b), on any public street, road, or highway where the speed limit is 35 miles per hour
13 or less within its municipal limits or on any property owned or leased by the Town; and
14 (ii) may require the registration of golf carts, charge a fee for the registration, specify who
15 is authorized to operate golf carts, and specify the required equipment, load limits, and the
16 hours and methods of operation of golf carts; and
17

18 **WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend
19 ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions,
20 detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the
21 city, and may define and abate nuisances within its jurisdiction. Pursuant to this authority
22 the Town has codified such ordinances within the Town’s Code of Ordinances (the “Town
23 Code”); and
24

25 **WHEREAS**, the Town desires to allow for the limited use of golf carts upon the
26 public streets and upon property owned by the Town within the Town’s jurisdiction in
27 accordance with the regulations provided via this ordinance amendment; and
28

29 **WHEREAS**, the Town further finds that in accordance with the findings above it
30 is in the interest of and not contrary to the public's health, safety, morals and general
31 welfare for the Town to amend the Town Code as stated below.
32

33 **ARTICLE II. Construction.**
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35 For purposes of this ordinance amendment, underlined words (underline) shall be
36 considered as additions to existing Town Code language and strikethrough words
37 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the

1 adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis
2 (“...”) shall remain as they currently exist within the Town Code.

3
4 **ARTICLE III. Amendment of Town Code.**

5
6 NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners
7 of the Town of Manteo, North Carolina, that the Town Code be amended as follows:

8
9 **PART I.** That Chapter 46 - Traffic and Vehicles, Article IV – Stopping, Standing and
10 Parking of the Code of Ordinances, Town of Manteo, North Carolina, is hereby
11 amended to add the following:

12
13 **Secs. 46-123 – 46-150 - Reserved.**

14
15 **PART II.** That Chapter 46 -Traffic and Vehicles of the Code of Ordinance, Town of
16 Manteo, North Carolina is hereby amended to add the following:

17
18 **Article V. – ROAD LEGAL GOLF CARTS**

19
20 **Sec. 46-151. - Definitions.**

21
22 For the purpose of this article, the following words and phrases shall have the
23 following meanings.

- 24
25 1. Golf cart: A vehicle meeting the more restrictive of: (i) the current
26 definition of a golf cart under N.C.G.S. 20-4.01(12b); or (ii) being
27 designed and manufactured for operation on a golf course for sporting
28 or recreational purposes and that is not capable of exceeding speeds of
29 20 MPH.
30
31 2. Driver’s license: A valid license to operate a motor vehicle issued by
32 North Carolina, any other state or the United States.
33
34 3. Financially responsible: Having liability insurance coverage for the
35 operation of a golf cart in an amount not less than that required by North
36 Carolina law for motor vehicles operated on public roads in the State of
37 North Carolina.
38
39 4. Road legal golf cart: A golf cart registered with, inspected by and
40 holding valid permits from the town’s police chief or his designee and
41 operated by a valid operator and maintained in accordance with the
42 requirements of this article.
43
44 5. Valid operator: A financially responsible person over 16 years of age
45 who holds a valid driver’s license.
46

1 **Sec. 46-152. - Operation of Golf Carts.**
2

3 (a) Operation of golf carts prohibited. Except as expressly allowed by this
4 article, the operation of golf carts upon the public streets, roads, or highways
5 and town owned or leased property within the town is prohibited.
6

7 (b) Operation of road legal golf carts allowed. A road legal golf cart may be
8 operated upon the public streets, roads and highways having a speed limit
9 of 35 miles per hour or less and upon town owned or leased parking lots
10 within the town. Golf carts shall not be operated upon U.S. Hwy. 64. Road
11 legal golf carts may cross U.S. Hwy. 64 at the perpendicular intersection of
12 other public roadways.
13

14 (c) Operation of road legal golf carts must be in accordance with the following
15 restrictions, requirements and regulations:
16

17 1. The operator and passengers shall be properly seated while the golf
18 cart is in motion, and the operator shall not transport in a negligent
19 manner.
20

21 2. An operator shall not allow the number of people in the golf cart to
22 exceed the maximum capacity specified by the manufacturer.
23

24 3. No golf cart may be operated at a speed greater than reasonable and
25 prudent for the existing conditions. No golf cart may be operated at
26 a speed greater than 20 miles per hour.
27

28 4. No golf cart may be operated in a careless or reckless manner.
29

30 5. Golf carts must be operated in accordance with all applicable state
31 and local traffic laws and ordinances, including all laws, regulations,
32 and ordinances pertaining to the possession and consumption of
33 alcoholic beverages and other illegal drugs.
34

35 6. Golf carts shall be subject to the same parking regulations as
36 traditional motor vehicles, and shall only be parked in the same
37 manner and in the same places designated for the parking of
38 traditional motor vehicles. Two golf carts may be parked in a
39 parking space that is designed for the parking of a single traditional
40 motor vehicle if the two golf carts will not obstruct traffic or travel.
41

42 7. Golf carts may only park in handicapped spaces if with a valid
43 handicapped placard or sticker that is clearly posted or displayed on
44 the golf cart.
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8. Golf carts shall not be used for the purpose of towing any person or object.
 9. The possession of open containers of alcohol and/or consumption of alcohol by the operator and/or passengers of a golf cart is prohibited.
 10. Golf carts shall be operated at the righthand edge of the roadway and must yield to all motor vehicle and pedestrian traffic.
 11. Golf carts shall not be operated on the shoulder of any public street, road, or highway, or upon any sidewalk, multi-use pedestrian path, or other similar area of the town.
 12. Golf carts shall not be operated upon any public street, road, or highway the town by any person who is not a valid operator.
 13. Golf carts shall not be operated upon any public street, road, or highway without a valid permit.
 14. Golf carts shall not be operated upon any public street, road or highway without all of the safety equipment required by this article being duly installed and operational.
 15. Golf carts shall not be operated between one half hour before sunset and one half hour after sunrise without displaying functioning headlights and taillights.
- (d) The operation of golf carts is not subject to the provisions of this section under the following circumstances:
- a. The operation is at a golf course, private club, or on private property and with the consent of the owner/operator of the applicable real property.
 - b. The operation is in connection with a parade, a festival, or other special event provided the consent of the sponsor and authorization of the town police chief is obtained and provided such golf cart is only used during and in connection with such event.
 - c. The use of the golf cart is by the Manteo Police Department while on official police business or by town officials, staff, contractors, or volunteers while on official town business.

1 **Sec. 46-153. – Registration, Required Equipment and Fees.**
2

3 (a) In order to obtain a permit for operation of a road legal golf cart, the golf
4 cart must be registered with and inspected by the town’s police chief or his
5 designee pursuant to reasonable procedures adopted by the town. The owner
6 of the golf cart must apply for a permit and provide proof of ownership and
7 proof of that they are financially responsible for the operation of the golf
8 cart.
9

10 (b) Upon registration, passing of inspection and payment of fees, a permit shall
11 be issued for a road legal golf cart. The permit shall be valid for a year from
12 the date of issuance. The golf cart must be re-registered and re-inspected
13 and new fees must be paid each year in order to be operated after the
14 expiration of a permit. Permits must be displayed at all times upon the road
15 legal golf cart. Permits are not transferrable from one golf cart to another.
16 Lost or stolen permits are the responsibility of the owner or permit holder.
17

18 (c) All road legal golf carts shall have at least the following minimum safety
19 features installed and operating correctly at the time of its inspection:
20

- 21 a. Two front headlights, visible from a distance of at least 250 feet;
- 22
- 23 b. Two taillights, with brake lights and turn signals, visible from a
24 distance of at least 250 feet;
- 25
- 26 c. A rear vision mirror;
- 27
- 28 d. At least 1 reflector per side;
- 29
- 30 e. A parking brake;
- 31
- 32 f. Seat belts for all seating positions;
- 33
- 34 g. A windshield; and
- 35
- 36 h. No more than 3 rows of seats.

37

38 (d) The town fee schedule shall include a reasonable fee, not less than \$25.00,
39 in order to cover the costs of registration, inspection and permitting of road
40 legal golf carts. Upon the second failure of an inspection, the fee must be
41 paid again to have a subsequent inspection performed.
42

43 **Sec. 46-154. – Impermissible Vehicles.**
44

45 This article only permits the use of golf carts within the town. All-terrain
46 vehicles, 4-wheel utility vehicles, go-karts, similar utility vehicles, and golf

1 carts that are modified so that they no longer meet the statutory definition of
2 golf cart may not be operated on the public roads, streets, and highways of the
3 town, unless such vehicles are otherwise registered and permitted under the
4 motor vehicle laws of North Carolina.

5
6 **Sec. 46-155. – Violations and Enforcement.**

7
8 In addition to or in lieu of any remedies or penalties available under North
9 Carolina law for the unlawful operation of golf carts as motor vehicles, the town
10 may consider the same as a violation of a provision of this article. Any person
11 violating any provision of this article shall be subject to a civil penalty in the
12 amount of \$50.00 for a first offense and up to \$500 for subsequent offenses.
13 Any person violating the town's parking ordinances with a golf cart shall be
14 subject to the penalties applicable to parking violations for motor vehicles.

15
16 **Sec. 46-156. – Limitations on Town Liability.**

17
18 The town shall in no way be liable for personal injuries, property damage or
19 deaths involving or resulting from the operation of a golf cart within the town's
20 jurisdiction. Any person who owns, operates, or rides on a golf cart on a public
21 street, road, or highway or upon town owned or leased parking lots within the
22 town does so at his or her own risk and peril and assumes all liability resulting
23 from their actions in relation to the operation of the golf cart.

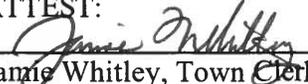
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25 **ARTICLE IV. Severability.**

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27 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
28 hereby repealed. Should a court of competent jurisdiction declare this ordinance
29 amendment or any part thereof to be invalid, such decision shall not affect the remaining
30 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
31 Town of Manteo, North Carolina which shall remain in full force and effect.

32
33 **ARTICLE VI. Effective Date.**

34
35 This ordinance amendment shall be in full force and effect from and after the 14th day of
36 November, 2022.

37
38
39 
40 Bobby Owens, Mayor

41 ATTEST:
42 
43 Jamie Whitley, Town Clerk

44 Date adopted: October 5, 2022

Motion to adopt by Commissioner Eddie Mann



1 Motion seconded by Commissioner Sherry Wickstrom
2 Vote: 6 AYES 0 NAYS
3