

TOWN OF WENDELL

NORTH CAROLINA

ORD # 0-17-2016

**AN ORDINANCE TO AMEND THE TOWN OF WENDELL CODE OF ORDINANCES
AS IT RELATES TO REGISTRATION AND USE OF GOLF CARTS ON THE
STREETS AND ROADWAYS**

WHEREAS, the Town of Wendell is committed to providing its citizens with transportation alternatives which promote safe vehicle travels along the streets within the corporate limits of the Town.

WHEREAS, the Town of Wendell desires to extend transportation options to its citizens by providing alternatives for local residents to travel to local businesses and places of recreation or sport in a fun, environmentally friendly way.

WHEREAS, The Town of Wendell finds and determines that establishment of a golf cart transportation plan will serve to expand options for residents wishing to use golf carts as a means of travel and encourage travel to local businesses and places of sport or recreation.

SECTION 1. NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina that Chapter 24 of the Wendell Code of Ordinances be amended to provide clear definition and guidance to ensure the safe operation of golf carts within the Town and to more specifically read as follows:

Section 132-149. - Reserved

Article V

Sec. 150 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

GOLF CART means a motor vehicle having not less than four wheels in contact with the ground and unmanned weight less than 1,300 pounds which is designed to be operated at

not more than 20 miles per hour and is designed to carry golf equipment. This does not include vehicles known as all-terrain vehicles (ATVs), Utility Task Vehicles (UTVS) or go-carts.

LOW SPEED VEHICLE means a four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

OPERATOR means a person having a valid North Carolina non-provisional driver's license (or a recognized similar valid license from another state) who is driving the golf cart and has full control of its operation and passengers.

State Law reference — § 20-4.01. Definitions.

Sec. 151 – Low Speed Vehicle

Low Speed Vehicles, as defined under North Carolina General Statute 20-4.01 and as equipped and regulated under North Carolina General Statute 20-121.1 shall be operated under the applicable state statutes and shall not be subject to this ordinance.

State Law reference — § 20-4.01. Definitions and 20-121.1.

Sec. 152 - Golf Cart Equipment

Golf Carts approved for operation under this ordinance must be the size and shape that conforms to industry standards for manufactured golf carts. Additionally, the golf cart must be equipped with the following:

- (a) Identification or serial number,
- (b) An unobstructed rear-view mirror and left side mirror, or a wide angle cross bar rear-view mirror,
- (c) Operating headlight(s) on the front of the golf cart and operating tail light(s) on the back of the golf cart. All lights must be visible from a distance of 500 feet, and
- (d) Rear triangle reflector that meets the applicable State Statutes.
- (e) Golf carts may have “lift kits” but no golf cart may be more than 22” high measured from the ground to the floorboard of the cart.

State Law reference — § 160A-300.6

Sec. 153. – Insurance Requirements

Every golf cart operated under this ordinance shall have in full force and effect, valid liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roadways. Valid liability coverage is that which is defined in North Carolina General Statute 20-279.21(b) as the minimum required.

State Law reference — § 160A-300.6

Sec.154. – Liability

Golf carts are not designed or manufactured to be used on public streets, and the town in no way advocates or endorses their operation on public streets and roadways. The town, by regulating such operation, is trying to address safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets and roadways is safe or advisable if done in accordance with this section.

All persons who operate or ride upon golf carts on public streets 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 and the town assumes no liability for permitting golf carts to be operated on public streets and roadways.

State Law reference — § 160A-300.6

Sec. 155. – Registration

Operators of golf carts operated under this ordinance must have a valid registration decal issued by the Town of Wendell prior to operating on the roads. This registration decal must be obtained by the owner through submittal of a golf cart registration, a valid North Carolina Driver's License, proof of ownership and liability insurance and a waiver of liability to the Wendell Police department who will then schedule an inspection of the golf cart.

The cost for the registration shall be \$100.00 and will be payable to the Town at the time of registration. The registration shall be valid for no more than one year and is to be renewed annually at which time the owner shall submit the above documents and shall schedule the vehicle for a subsequent inspection. All renewals shall occur in the same month of the calendar year. Registration fees shall not be prorated.

(a)The registration decal must be displayed on the lower left corner of the windshield (driver's side) or, in the absence of the windshield, the left front fender so as to be easily visible by law enforcement personnel.

(b) Lost or Stolen Registration decals are the responsibility of the owner and must be replaced before the golf cart is operated on a public road. The cost of a replacement shall be \$20.00.

State Law reference — § 160A-300.

Sec. 156 - Inspection.

No golf cart may be operated on any street or highway in the town without first passing an inspection which will be conducted prior to the issuance of a town registration decal.

Furthermore, no registration decal will be issued until the operator presents proof that the golf cart is fully insured, and the operator has a valid North Carolina driver's license or recognized valid driver's license from another state.

To pass the inspection for the town and to obtain a golf cart permit, the golf cart must have the following:

- (a) Headlight(s) and tail light(s);
- (b) Rubber or equivalent tires;
- (c) Operational steering gear, brakes, emergency or parking brake, rear-view mirror, adequately affixed driver seat(s);
- (d) Other requirements as set forth in Article V of this Section must be complied with.

State Law reference — § 160A-300.

Sec. 157 - Operation.

The following restrictions limiting the operation of golf carts in the town shall apply:

(1) Golf cart transportation is limited to those streets and highways within the town limits which have a posted speed limit of 35 miles per hour or less except as noted:

(a) Golf carts may not be operated on the following streets or roadways regardless of the speed limit:

- (1) Any portion of Wendell Blvd.
- (2) Any portion of US 231 (S. Selma Rd.)
- (3) Any portion of Wendell Falls Parkway.

(b) Golf carts may cross a road with a posted speed limit greater than 35 mph or one of the streets or roadways listed above. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle.

(2) Golf carts must be operated at the right edge of the roadway unless lane usage is necessary to make turns or travel through intersections.

(3) Golf Carts must yield to all vehicular and pedestrian traffic.

(4) Golf carts must be parked in accordance with the laws and ordinances which apply to any parked vehicle in the town.

(5) Golf carts are prohibited from traveling upon or parking on any sidewalk or multi-purpose path within the town.

(6) 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.

(7) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town which governs the operation of motor vehicles.

(8) In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.

(9) Golf carts are required to follow the rules and regulations of any other vehicle during special events and are not permitted to enter special event areas unless the golf cart is a part of the event and approved by the Chief of Police.

(10) No person shall operate a golf cart on a public street or highway in the town unless said person has a valid non-provisional North Carolina driver's license or a valid similar recognized, out-of-state license in accordance with North Carolina General Statute § 20-7. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.

(11) Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(12) Operators of Golf Carts are required to ensure that all occupants under the age of 18 are secured within the golf cart through the use of an appropriate passenger restraint system.

(13) Each golf cart owner must have proof of ownership, liability insurance and a completed waiver of liability releasing the Town from liability that may arise as a result of operation of a golf cart inside the Town. These documents must be in the golf cart at all times while in operation on public roads.

(14) If mechanical front and rear turn signal indicators are not installed on the golf cart, then hand signals are required for turns and stops.

(15) Golf carts meeting the requirements set forth below may operate at any time:

- a. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart;
- b. Two (2) operating tail lights, one on each side of the rear of the cart; and
- c. All four (4) lights must be visible from a distance of 500 feet.

(16) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog or other conditions;

State Law reference — § 160A-300.6

Sec.158 – Violations

Any operator of a golf cart in violation of either this Section or the motor vehicle laws of the State of North Carolina shall be charged the same as any other driver of any registered vehicle in the state.

Sec.159 – Penalties

Violations of this Section or the motor vehicle laws of the State of North Carolina shall result in fines and penalties as described in this section for similar violations made with registered vehicles or in the case of violations of the motor vehicle laws of the State of North Carolina, the penalties shall be the same as those set by applicable state statute.

Additionally, violation of either this Section or the motor vehicle laws of the State of North Carolina through a particular registered golf cart may be grounds for the inability to renew the registration which shall be at the discretion of the Chief of Police.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.


SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

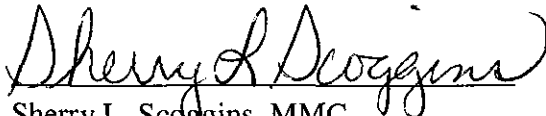
SECTION 5. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED this 11th day of July, 2016.

TOWN OF WENDELL


Virginia R. Gray,
Mayor

ATTEST:


Sherry L. Scoggins, MMC
Town Clerk

