

## 09-C-14

### An Ordinance to Amend The Town of River Bend Town Code

BE IT ORDAINED, by the Town Council of the Town of River Bend that Town Code, Title 7 “Traffic Code,” be amended by adding the following:

#### CHAPTER 7.03: OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

##### § 7.03.001 AUTHORITY TO REGULATE.

Pursuant to House Bill 121, as enacted by the North Carolina General Assembly and made effective October 1, 2009, the Town is authorized, by ordinance, to require the registration of, and regulate the operation of golf carts upon any public street or road within the town.

##### § 7.03.002 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 an electric or gas powered golf cart.

*Operate* means to drive, or be in physical control of a golf cart that is moving or has its key inserted and in the on position.

*Public streets and roads* are those roads owned and maintained by the Town.

##### § 7.03.003 OPERATION ON PUBLIC STREETS AND ROADS.

It is unlawful to operate a golf cart on a public street or road within the Town unless the following requirements are met:

- (A) The golf cart must display a valid registration sticker as provided in Section 7.03.004.
- (B) The golf cart may only be operated on streets and roads with a posted speed limited of 35 MPH or less. In no instance is it permissible to cross or travel upon any road, or right-of-way thereof, with a speed limit greater than 35 MPH (ie. Route 17).
- (C) No person may operate a golf cart unless that person is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. An operator of golf cart must be at least 16 years of age, with the exception

that operators under the age of 16 years may operate golf carts if they possess a valid learner's permit issued by the state of North Carolina and are accompanied by a licensed driver as required by state law.

- (D) Only the number of people the golf cart is designed to seat may ride on a golf cart and all passengers must be properly seated. Specifically, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (E) Children must be properly seated while cart is in motion and may not be transported in a negligent manner.
- (F) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
- (G) No golf cart may be operated in a careless or reckless manner.
- (H) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- (I) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- (J) Golf carts may be operated in bicycle lanes on the streets and roads provided they do not impede bicycle traffic.
- (K) Carts are not allowed to be driven on any sidewalks in Town.
- (L) Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.
- (M) Golf carts must be equipped with a rear vision mirror and rear reflectors.
- (N) Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. ~~Such equipment must include all safety devices as installed by said manufacturer and shall include reflectors.~~
- (O) No cart may be operated on Town roadways between one half hour after sunset and one half hour before sunrise unless equipped with two operating headlights (one 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 cart) which are visible from a distance of 500 Feet.
- (P) The operator must possess proof of liability insurance in an amount not less than required by North Carolina law for motor vehicles operated on a public highway in the State of North Carolina.

- (Q) The Chief of Police, or his designee, may prohibit the operation of golf carts on any street or road if the Chief determines that the prohibition is necessary in the interest of safety.

**§ 7.03.004 REGISTRATION REQUIRED.**

- (A) No golf cart may be driven on any street or road, or street or road right-of-way, within the Town of River Bend, other than on the golf course, or at properly designated cart crossings, without a permit being acquired from the River Bend Police Department and attached to said golf cart in a conspicuous place on the lower left windshield.
- (B) An annual fee of ten dollars (\$10.00) per cart will be charged by the River Bend Police Department for this permit sticker and to cover the costs of implementing and maintaining this Ordinance. The River Bend Police Chief retains the right to refuse to issue and/or revoke any permit sticker from any cart at any time for any reason that he/she feels is appropriate to ensure the safety and well being of the citizens of the Town of River Bend.

**§ 7.03.005 ENFORCEMENT AND PENALTY.**

- (A) Any act constituting a violation, except as provided in 7.03.005(B), of this Ordinance or failure to comply with any of its requirements shall subject the offenders to civil penalty of twenty-five dollars (\$25.00), plus the court costs and attorney fees incurred by the Town.
- (B) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public road or highway is not a violation of this ordinance, but a violation of state law, and is punishable as provided therein.
- (C) If the offenders fail to pay the penalty within ten (10) days of receiving final written notice of violation, the penalty may be recovered by the Town in a civil action in the nature of debt. Repeat offenders may have the privileges granted by this Ordinance revoked by the River Bend Police Chief and/or the Town Manager.

**§ 7.03.006 LIABILITY DISCLAIMER.**

This article is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating such operation is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts on public streets or roads 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 the public streets and roads under the special legislation granted by the state's

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legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

Adopted this 17th day of September, 2009.

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John R. Kirkland  
Mayor

Attest:

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Ann H. Katsuyoshi  
Town Clerk