

Town of Catawba

Ordinance 2020-9 Golf Cart Ordinance

WHEREAS, the Town Council of the Town of Catawba, pursuant to North Carolina General Statutes § 160A 300.6, is authorized, by ordinance, to regulate the operations of golf carts as defined in North Carolina General Statute § 20-4.01 (12b) on a public street, road, or highway where the speed limit is 35 mph or less within its municipal limits or on any property owned or leased by the Town; and

WHEREAS, the Town Council has concluded and hereby declare that it is in the public interest to regulate the operations of golf carts;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CATAWBA, NORTH CAROLINA:

Section 1: The Catawba Code of Ordinances is hereby amended by replacing Article XVI- Operation of Golf Carts on Town Streets and is therefore listed as follows;

ARTICLE XVI. - GOLF CARTS

Sec. 50-1. - Purpose, disclaimer, and assumption of risk.

- (a) The purpose of this article is to establish an ordinance within the town to promote the health, safety and welfare of golf cart drivers, passengers, and the general public. To this end the operation of golf carts must comply with applicable state laws and town regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.
- (b) Golf carts are not designed for nor manufactured to be used on public streets and the town neither advocates nor endorses the golf cart as a safe means of travel on public streets. The town shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.
- (c) Any person who owns, operates, or rides on a golf cart on a public street within the town does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Sec. 50-2. - Definitions.

- (a) *Golf 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 mph. (G.S. 20-4.01(12b)).
- (b) *Driver's license*: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
- (c) *Golf cart operator*: The individual driving or in physical control of a golf cart that is moving or has its key inserted and in the on position.
- (d) *Financial responsibility*: Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

Sec. 50-3. - Rules and regulations for operation.

- (a) Golf carts may be operated on the public streets owned or leased by the town with a posted speed limit of 35 mph or less subject to the provisions of this article. Notwithstanding anything to the contrary contained herein, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the town or to operate any golf cart at any place or in any manner not authorized herein.
- (b) No person may operate a golf cart unless that person is at least 18 years of age and is licensed to drive a motor vehicle upon the streets, roads, and highways of their home state. The operator must have the valid driver license in his/her possession while operating the golf cart. The operator must be a resident, property owner, authorized guest, or tenant of property with a physical address in the town.
- (c) The operator of the golf cart will comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Catawba governing the operation of motor vehicles and any additional rules and regulations specific to the operation of golf carts within the town.
- (d) Operators of golf carts registered for limited use, i.e. for clear visibility day time use only, and lacking stop and turn signal indicators must follow G.S. 20-154 and use proper hand signals to indicate the intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth:
 - (1) Left turn—Hand and arm horizontal, forefinger pointing.
 - (2) Right turn—Hand and arm pointed upward.
 - (3) Stop—Hand and arm pointed downward.

All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn.

- (e) 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.
- (f) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on a public street owned or leased by the town with a posted speed limit of 35 mph or less. 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. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.
- (g) Golf carts must cross all roads while staying in their lane of travel, i.e. no riding along a road or crossing at an angle.
- (h) Golf carts will not be operated on any sidewalk or bicycle path.
- (i) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
- (j) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- (k) Golf carts must abide by all parking rules and limits as they are set for all motor vehicles by the state or town. No parking on sidewalks or bicycle path is allowed.
- (l) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.
- (m) Any golf cart operator 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.

- (n) An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
- (o) Both the golf cart operator and all passengers will wear seat belts in accordance with state law. Child safety seats will be used as necessary in accordance with state law as well.
- (p) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:
 - (1) The operation of golf carts on private property, with the consent of the owner,
 - (2) The operation of golf carts on private streets,
 - (3) The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event, and
 - (4) The use of golf carts by town personnel, other governmental agencies, and/or public service agencies on official business.

Sec. 50-4. - Registration and permit requirements.

- (a) No golf cart will be operated on any public street within the town or on any property owned or leased by the town unless the golf cart has first been permitted with the town as required herein.
- (b) In order to register a golf cart and secure an annual permit for the town, the owner and golf cart must meet the following basic requirements:
 - (1) The owner must be at least 18 years old and possess a valid driver's license,
 - (2) The owner must possess and maintain liability insurance in an amount not less than required by state law for traditional motor vehicles operated on public streets in the state,
 - (3) The golf cart must not have been modified to exceed a speed of 20 mph, and
 - (4) The golf cart must have an identifiable identification number.
- (c) In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:
 - (1) Two operating front headlights and turn signals, visible from a distance of at least 250 feet,
 - (2) Two operating tail lights, with brake lights, visible from a distance of at least 250 feet,
 - (3) A rear vision mirror,
 - (4) At least one reflector per side,
 - (5) A parking brake, and
 - (6) Must be limited to a maximum of three rows of seats.
- (d) In order to register a golf cart and secure an annual permit to operate a golf cart during daylight hours and fair weather only, a golf cart must have the following safety features installed:
 - (1) A rear vision mirror,
 - (2) At least one reflector per side,
 - (3) A parking brake,
 - (4) Must be limited to a maximum of three rows of seats.

- (e) In order to register a golf cart and secure an annual permit, the owner must pay the annual registration and permit fee for golf carts of \$25.00, which may be amended as necessary and listed in the current Town of Catawba Fee Schedule.
- (f) All fees will be submitted to the police department prior to the issuance or renewal of the permit, along with the permit application itself. The golf cart shall be inspected by the police department for compliance with the provisions of this article. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.
- (g) Prior to the issuance of an initial or annual permit or annual renewal the owner and will also sign an acknowledgment that he/she has read, understands, and will abide by the provisions of this article.
- (h) A golf cart must display a valid and current annual town registration decal mounted in a visible location on the rear of the golf cart.
- (i) All-terrain vehicles, four-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of a golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on public streets within the town, unless such vehicles are registered and permitted under the motor vehicle laws of the state.
- (j) Golf carts do not qualify as electric personal mobility devices designed to assist handicapped or elderly individuals.

Sec. 50-5. - Penalties and remedies.

- (a) Any person violating the motor vehicle laws of the state, which shall also apply to golf carts registered under this article, shall be subject to the penalties prescribed in state law for any such violation.
- (b) Any person who knowingly allows a driver less than 18 years of age to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor.
- (c) Any person violating the provisions of this article or failing to comply with any of its requirements shall be required to pay a civil violation penalty to the town in the amount of \$50.00.
- (d) Any person violating the town's parking ordinances shall be subject to the penalties outlined for parking violations in this chapter.
- (e) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street is a violation of state law, and is punishable as provided therein.
- (f) The police department may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in three or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one year.
- (g) The police department may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation and/or denial of a permit shall be effective for one year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall either be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.
- (h) All revocation periods shall be effective from the date of the notification of revocation letter, provided that the revoked registration decal has been removed within 14 days of the date of notification. If the revoked registration decal is not removed within 14 days, then the revocation shall be effective,

however the one year period shall not begin until the date the registration decal is surrendered to, or seized by, the police department.

ADOPTED, this the 3rd day of August, 2020.



[Here Affix Municipal Seal]

Donald R. Robinson, Mayor

ATTEST:

Kathy W. Johnson, Town Clerk