

Town of North Topsail Beach

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Aldermen:
Suzanne Gray
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Stuart Turille
Town Manager

Carin Z. Faulkner, MPA
Asst. Town Manager/Town Clerk

Ordinance 2015-9

ORDINANCE REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS IN NORTH TOPSAIL BEACH

Introduced: August 6, 2015

Adopted: August 6, 2015

BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina that the Code of Ordinances be amended by inserting a new Article XI of Chapter 6, Public Safety and numbering the sections et seq. accordingly. New Article XI to read:

ARTICLE XI REGULATION OF GOLF CARTS

Section 6-166 Authority to Regulate

Pursuant to G.S. § 160A-300.6, the town is authorized, by ordinance, to regulate the operation of golf carts on any public street or road within the town.

Section 6-167 Policy Statement

The adoption of this golf cart ordinance is necessary to address the interests of public safety. Golf carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter "road(s)," and the Town of North Topsail Beach in no way advocates or endorses their operation on roads. The Town, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on 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 for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the Town.

Section 6-168 Liability Disclaimer

This subchapter is adopted to address the interest of public safety. Most golf carts are not designed or manufactured to be used on public streets. The Town in no way advocates or endorses their operation on public streets. By establishing guidelines that regulate the use of golf

carts, the town is merely trying to address safety issues that may be pertinent to golf cart usage. The adoption of this subchapter is not to be relied upon as a determination that operation of golf carts on public streets is safe or advisable, even if done in accordance with this subchapter. As with any other form of transportation, all persons who operate golf carts or any other vehicle do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others. 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.

Section 6-169 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- 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(12a).
- b) *Operate*: To drive or be in physical control of a golf cart on a public street.
- c) *Public Street*: Any public street or road within the corporate limits of the town, open to the general public and whose posted speed limit is 25 mph or less.
- d) *Registration Period*: July 1 through June 30 of each year.
- e) *Town*: The Town of North Topsail Beach, North Carolina.

Section 6-170 Liability Insurance

No golf cart shall be operated on any public street within the town without liability insurance coverage being provided for that golf cart. Any person who owns a golf cart that is operated within the town shall be responsible for procuring liability insurance sufficient to cover the risk involved in operating a golf cart on public streets.

Section 6-171 Required Equipment

- a) *Generally*. In addition to all other requirements stated herein, all golf carts operated within the town shall have the following equipment installed on them and the equipment shall be visible and/or operational at all times.
- b) *Specifically*.
 - (1) Two red reflectors (one for each side) of a diameter of not less than three inches, which are so designed and located as to height and which are maintained so that each reflector is visible for at least 500 feet under normal atmospheric conditions
 - (2) A low speed caution triangle with a minimum size of 12 inches or greater on all three sides that shall be made of reflective material and mounted on the rear of the vehicle and permanently installed.

- (3) Rear view mirror or side view mirrors, mounted on each side of the golf cart

Section 6-172 Registration, Inspection, and Fee Prior To Usage

- (a) All golf carts must complete a golf cart registration application and submit it to the Town of North Topsail Beach Police Department for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration sticker from the Town of North Topsail Beach. Golf carts must be registered to a physical address in the Town of North Topsail Beach. A vacation rental address may be used for registration.
- (b) Each owner must provide proof of ownership, liability insurance, and a completed waiver of liability releasing the Town of North Topsail Beach from liability that may arise as a result of operation of a golf cart inside the town. Copies of these documents must be in the golf cart at all times while in operation on public roads.
- (c) Applicants applying for a registration sticker to operate a golf cart under this article are, by virtue of their application, representing to the Town of North Topsail Beach that their golf cart is in good working order and meets all of the requirements of this article.
- (d) A fee will be charged by the Town Staff for each registration sticker issued. The fee is the amount set out in the fee schedule and maintained at Town Hall
- (e) The permit/registration sticker shall be valid for no more than one year and must be placed upon the required low speed caution triangle.
- (f) Town Staff is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, Town Staff shall require the applicant to sign a statement certifying that he or she has read the provisions of the Town's ordinance on golf cart usage as set forth in this article.
- (g) Lost or stolen permit/registration stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Section 6-173 Rules and Regulations

- a) Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 25 miles per hour. There are some public roads that experience more traffic than others. There are some public roads that do not have direct access to a road that has a speed limit less than 25 miles per hour and/or direct access to a parking area for golf carts. For public safety reasons certain public streets are not approved for use. Those streets are listed in Section 6-174.
- b) Golf carts may cross a road with a posted speed limit greater than 25 mph. However,

once this segment of road has been traversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 25 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.

- c) Golf cart drivers shall have a valid driver's license and in no case be under age 16.
- d) Golf cart drivers shall stay on the far right of the road and shall yield the right-of-way to overtaking vehicles.
- e) Golf carts must park in designated spaces. All parking rules and limits apply. No parking on sidewalks is allowed.
- f) No golf cart may be operated in a careless or reckless manner. 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 of greater than 20 mph.
- g) 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.
- h) 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 North Topsail Beach which governs the operation of motor vehicles.
- i) 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.
- j) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic. Golf carts shall not be operated on sidewalks or bike paths.
- k) Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by North Carolina law.
- l) Golf carts without lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate at any time:

1. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating tail lights, one on each side of the rear of the cart, all four (4) lights must be visible from a distance of 500 feet; and
 2. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.
- h) Golf carts may not be operated on public streets during inclement weather unless the golf cart is equipped with a windshield, operating wind shield wipers and head lamps.

Section 6-174 Streets and Roads not approved for use

Golf carts authorized for use under the provisions of this Ordinance shall not be operated on the following public streets that are within the Town of North Topsail Beach:

Utopia Lane	Bird Lane	24 th Avenue
23 rd Avenue	22 nd Avenue	17 th Avenue
16 th Avenue	Ocean Club Court	Bay Court
Tradewinds Drive	Bay Circle	Bay View Drive
Sandpiper Drive	Grant Drive	GYSGT DW Boatman
Coastal Drive	Oyster Lane	Port Drive
River Drive	River Road	Marina Way

Section 6-175 Exceptions

- 1) Any golf cart that complies with the requirements of state law, which make it a street legal golf cart and/or low speed vehicle and is therefore eligible for usage on public streets as prescribed by law, shall be exempt from the requirements of this subchapter as they are regulated by state motor vehicle laws;
- 2) The operation of golf carts on private property, with the consent of the owner;
- 3) The operation of golf carts within private, gated, or limited access communities, unless the streets of the community are dedicated for public use and maintained by the Town.

Section 6-176 Enforcement

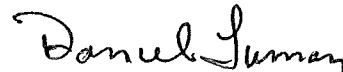
- a) Violation of any provisions of this article shall be punishable with a civil penalty in an amount set out in the fee schedule and maintained at Town Hall.
- b) The Town may refuse to register and issue a permit, or revoke an issued permit, for the operation of a golf cart if the application contains any material misrepresentation.

- c) Any person who knowingly allows an underage driver to operate a golf cart shall have their permit revoked. In addition, the Town may also refuse to issue a future permit to someone who allowed an underage driver to operate a golf cart on public streets.
- d) The Town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if equipment required by this article, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number removed.
- e) The Town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit for cart owners with a history of violations.

This ordinance shall be effective August 6, 2015.

Adopted this, the 6th day of August, 2015.

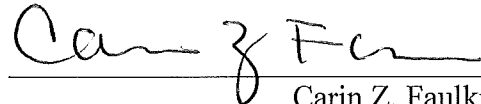
APPROVED:



Daniel Tuman
Mayor

(Seal)

ATTEST:



Carin Z. Faulkner
Assistant Town Manager/Town Clerk