

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CODIFIED ORDINANCE OF THE TOWN OF MAYSVILLE TO ALLOW GOLF CARTS ON CERTAIN PUBLIC STREETS

WHEREAS, the Town of Maysville adopted its codified ordinance on August 4, 2011 which includes Chapter 24 pertaining to traffic and vehicles on Town residential streets; and

WHEREAS, the Town of Maysville, in the interest of protecting the health, welfare, and safety of its citizens in residential areas, desires to regulate the use and requirements for operating a golf cart on its Town residential streets; and

WHEREAS, North Carolina General Statute §160A-300.6 allows municipalities to regulate the operation of golf carts, as defined in N.C.Gen.Stat. §20-4.01(12b) on any public road where the speed limit is 35 miles per hour or less within its municipal limits.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Maysville for the protection of public health, welfare, and safety and given due consideration of the matter, hereby amends the Town of Maysville Codified Ordinance to read as follows under the new Article IV of Chapter 24:

“ARTICLE IV: GOLF CARTS ON CERTAIN PUBLIC STREETS

Sec. 24-66. Purpose.

This article is adopted by the Board of Commissioners to establish a Golf Cart Ordinance within the Town to promote health, safety and welfare of persons operating cart(s) within the Town and to protect the safety of their passengers and other users of the Town residential streets.

Sec. 24-67. Findings; Authority.

(a) The Town finds and determines that:

- (1) Establishment of a Golf Cart Ordinance and transportation plan will serve to expand mobility to those persons not operating automobiles; and
- (2) The selected areas for golf car travel will be roads and highways within the Town limits of Maysville and with speed limits of 35 mph or less (unless otherwise stated) and will not cause an adverse impact upon traffic safety; and

- (3) The regulations and use of golf carts on streets and highways in the Town will fall under the provisions outlined throughout this ordinance and will require liability insurance sufficient to cover the risk involved in using a golf cart on the streets of the Town of Maysville.
- (b) The Town has statutory authority to adopt this Ordinance pursuant the provisions of N.C.Gen.Stat. §160A-300.6.

Sec. 24-68. Definitions.

For the purposes of this Article, 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 miles per hour, as defined in N.C.Gen.Stat. §20-4.01(12b). This does not include vehicles known as all-terrain vehicles (ATVs) or go-carts.
- (b) **Driver's License:** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
- (c) **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.
- (d) **Operator:** Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on the roads.
- (e) **Plan Area:** The area within the Town limits that golf carts will be allowed to travel which includes any public street or highway (not restricted elsewhere in this ordinance) within the Town limits with a speed limit of 35 miles per hour or less and controlled by the Town
- (f) **Town:** The Town of Maysville, North Carolina.

Sec. 24-69. Golf Cart Design Criteria.

- (a) Minimum golf cart vehicle design criteria and travel plan areas established:
- (1) In order for a golf cart to pass the Town inspection, it must meet the requirements or minimum standards of safety equipment as set forth in this Ordinance. 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.

(b) The following elements are minimum design and equipment requirements:

(1) The golf cart must be the shape and size that conforms to industry standards for manufactured golf carts; and

(2) The golf cart must be equipped and safely operated with:

- a) Either an unobstructed rear-view mirror and left side mirror, or a wide angle cross bar rear-view mirror;
- b) Head lights and tail lights if it is to be driven after dark and slow-moving vehicle emblems that conform to N.C.Gen.Stat. §20-129;
- c) 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.
- d) Golf carts must be equipped with 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 golf cart, all four of which must be visible from a distance of 500 feet. The owner of a registered golf cart must maintain the golf cart in good condition and state of repair at all times.
- e) Any other requirements as set forth by the Maysville Police Department for inspection to ensure safe operation under Section 24-70 below.

Sec. 24-70. Registration Process and Fee Prior To Usage.

- (a) Any person seeking to use a golf cart as permitted under this Article must complete a golf cart registration application and submit it to the Maysville Police Department for approval prior to usage on a public road. Before driving on public roads, the operator of a golf cart must have a validly issued registration from the Maysville Police Department. The cost for processing the application for the registration shall be \$20.00 which will be due at the time of registration and is to be renewed annually. Upon approval, a registration sticker issued by the Maysville Police Department must be displayed on the driver’s side front fender or windshield of the golf cart so that it is easily visible to law enforcement personnel. The registration sticker shall be valid for no more than one year. Lost or stolen registration stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.
- (b) Each owner must have proof of ownership and liability insurance. These documents must be in the golf cart at all times when the golf cart is being operated on any public road. Copies of such documents must be filed with the Maysville Police Department. All golf cart operators must present a valid driver’s license while operating a golf cart on a public road.

Sec. 24-71. Operation Restrictions – Rules and Regulations.

The following restrictions limiting the operation of golf carts in the Town and the following rules and regulations shall apply:

- (a) Only those golf carts that have the necessary safety equipment specified herein and have obtained the proper registration sticker from the Town may be operated under the provisions of this Article.
- (b) 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 (unless otherwise noted below).
 - (1) Golf carts may not be operated on the following streets or roadways regardless of the speed limit:
 - a) Any portion of US Highway 17.
 - b) Any portion of US Highway 58.
- (c) A golf cart operator must maintain his or her golf cart in a safe condition at all times.
- (d) The golf cart must have displayed a slow-moving vehicle emblem on the back of the cart.
- (e) Golf carts without headlights, taillights and brake lights may not be operated on municipal streets at any time.
- (f) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once the 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 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 controlled access facility other than at bridges which cross over or under a controlled access facility.
- (g) Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.
- (h) Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of 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.
- (i) Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads, and highways of North Carolina and then only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
- (j) 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.

- (k) 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.
- (l) An operator may not allow the number of people in the golf cart at any 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.
- (m) 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.
- (n) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
- (o) Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.
- (p) No golf cart shall be driven on any sidewalk at any time.
- (q) 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.
- (r) Golf carts without lights may be operated during daylight hours; however all golf carts shall have operable brake lights. 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 golf cart and two (2) operating tail lights, one on each side of the rear of the cart, including operable brake lights; and all four (4) lights must be visible from a distance of 250 feet; and
 - (2) If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

Sec. 24-72. Safety Inspection.

- (a) No golf cart may be operated on any street or highway in the Town without first passing a safety inspection which will be conducted prior to the issuance of a Town registration sticker. Furthermore, no registration sticker 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.
- (b) To pass the safety inspection for the Town and to obtain a registration sticker, the golf cart must have the following:

- 1) Headlights and taillights if the operator plans to drive after dark.
- 2) Rubber or equivalent tires;
- 3) Adequate steering gear, emergency or parking brake, rearview mirror, and adequately fixed driver's seat;
- 4) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks;
- 5) Speed governor if gasoline powered;
- 6) Golf carts with "lift kits" may not be more than 22" high measured from floorboard of car to the ground; and
- 7) Operable brake lights.

Sec. 24-73. Insurance Requirements.

Every golf cart and driver thereof shall have in full force and effect a valid insurance policy meeting the Financial Responsibility requirements set forth in N.C.Gen.Stat. §20-309 of the state motor vehicle laws and other applicable state law requirements.

Sec. 24-74. Liability Disclaimer.

This Ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and the Town does not advocate or endorse their operation on said roadways. The Town, by regulating such operation, is addressing obvious 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 golf carts on public streets or rides as a passenger in a golf cart, does so at their own risk and peril. Golf cart operators and drivers must be observant and attentive to the safety of themselves and others, including their passengers, other motorists, bicycles 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. Persons who operate a golf cart are responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roadways.

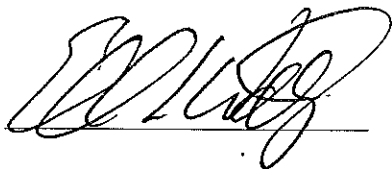
Sec. 24-75. Enforcement.

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes, the maximum penalty for which shall be Twenty dollars (\$20.00) and any other penalties and fines as provided by law.

Sec. 24-76. Penalty for Violations of This Article.

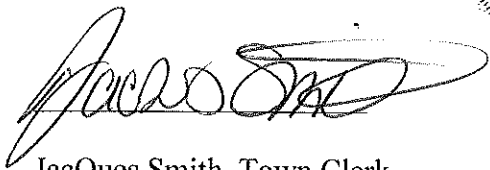
- (a) Generally. Any person violating any provision of this chapter for which no other penalty is provided shall be subject to the penalty provisions of this Section 24-76.
- (b) Notice to be affixed. Whenever a member of the Maysville Police Department or any other person authorized with the enforcement of the provisions of this chapter regulating the parking of vehicles shall find any of those provisions are being or have been violated by the owner or operator of the vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation
- (c) Responsibility for penalty. Upon receiving a notice of violation or citation of the parking regulations set forth in this Article IV, the owner or operator of the vehicle found in violation shall be responsible for penalties herein established.
- (d) Penalty
 - (1) Any penalty for a parking violation that is not paid within 15 days of issuance will accrue an additional penalty of \$5.00 (Five Dollars) per every 15 days it remains unpaid. After 15 days of issuance of a parking violation, a delinquent notice will be mailed to the registered owner of the vehicle
 - (2) The maximum total combined civil penalty for a single \$20 violation shall be \$50. When the maximum is reached for either a single violation, or three or more violations are committed by the same violator, the owner or operator may be notified in writing that the Town intends to pursue a civil action to collect the accrued civil penalty amount.”

Adopted the 5th day of October, 2017.



Edward Waltz, Mayor

Attest:



Jacques Smith, Town Clerk

