



TOWN OF MOUNT GILEAD

GOLF CARTS ON CERTAIN PUBLIC STREETS ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Mount Gilead (herein the "Board") deem it to be in the best interest of the public, health and safety of the citizens of the Town of Mount Gilead (herein the "Town") to permit golf carts to be driven on certain public streets of the Town subject to certain conditions and requirements necessary to protect the public safety, health and welfare of the citizens and residents of the Town.

WHEREAS, the establishment of a 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, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not being 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.

NOW THEREFORE, the Board of Commissioners of the Town of Mount Gilead adopts the following Ordinance:

New Article 74 shall be added to CHAPTER VII: TRAFFIC of the Code of Ordinances of the Town of Mount Gilead as follows:

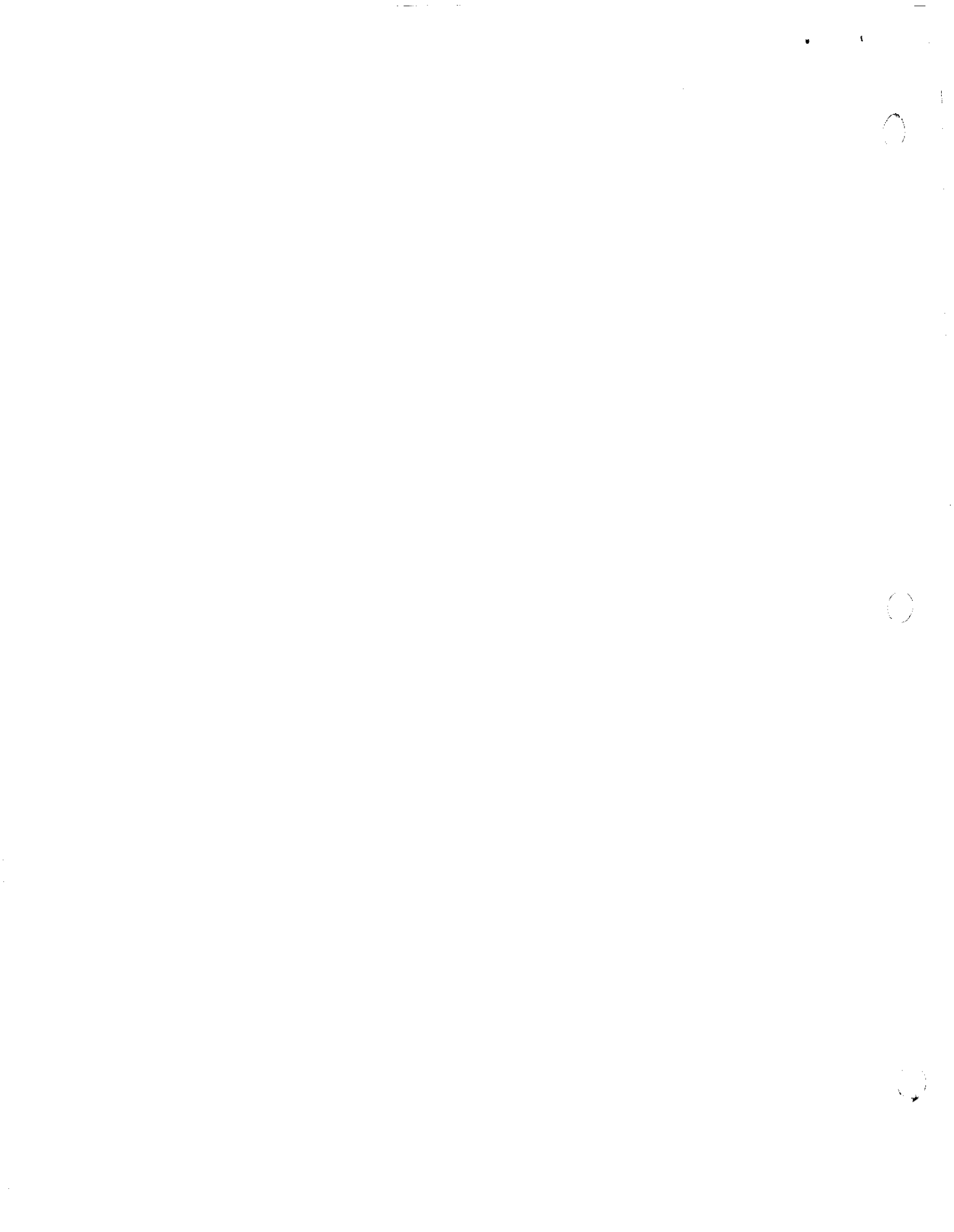
ARTICLE VI: GOLF CARTS ON CERTAIN PUBLIC STREETS

§ 74-1.0 PURPOSE.

The Ordinance established by this shall be 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 roads.

§ 74-2.0 FINDINGS; AUTHORITY.

1. The Town finds and determines that:
 - a. Establishment of a Golf Cart Ordinance and transportation plan will serve to expand mobility to those persons not operating automobiles



- b. The selected areas for golf car travel will be roads and highways within the Town limits of Mount Gilead and with speed limits of 35 mph or less (unless otherwise stated) and will not cause an adverse impact upon traffic safety; and
 - c. 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 Mount Gilead.
2. The Town has statutory authority to adopt this Ordinance pursuant the provisions of NCGS 160A-300.6.

§ 74-3.0 DEFINITIONS.

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

1. *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). This does not include vehicles known as all-terrain vehicles (ATVs) or go-carts.
2. *Driver's License*: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. *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.
4. *Operator*: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on the roads.
5. *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 hours or less and controlled by the Town.
6. *Town*: The Town of Mount Gilead, NC.

§ 74-4.0 GOLF CART DESIGN CRITERIA.

1. Minimum golf cart vehicle design criteria and travel plan areas established. 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.
2. The following elements are minimum design and equipment requirements:
 - a. The golf cart must be the shape and size that conforms to industry standards for manufactured golf carts; and
3. 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 G.S. 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 Mount Gilead Police Department for inspection in order to ensure safe operation under Section 10-6.7 below.

§ 74-5.0 REGISTRATION PROCESS AND FEE PRIOR TO USAGE.

1. 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 Mount Gilead 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 Mount Gilead Police Department. The cost for processing the application for the initial registration shall be \$50.00 which will be due at the time of registration. After the initial registration, the golf cart must be renewed annually at a cost of \$20.00. Upon approval, the registration sticker issued by the Mount Gilead 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.
2. 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 Mount Gilead Police Department. All golf cart operators must present a valid driver's license while operating a golf cart on a public road. The registration sticker shall be valid for no more than one year and must be visible on a golf cart operated on a public road. Lost or Stolen Registration Stickers are the responsibility of the owner and must be replaced before the golf cart is open operated on a public road.

§ 74-6.0 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:

1. 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;
2. 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);
 - a. Golf carts may not be operated on the following streets or roadways regardless of the speed limit:
 - 1) Any portion of Main Street (NC Highway 73).

- 2) Any portion of Julius Chambers Boulevard (NC Highway 109 North),
- 3) Any portion of Wadesboro Boulevard (NC Highway 109 South),
- 4) Any portion of Allenton Street (NC Highway 731),
3. A golf cart operator must maintain his or her golf cart in a safe condition at all times;
4. The golf cart must have displayed a slow-moving vehicle emblem on the back of the cart and
5. Golf carts without headlights and taillights may not be operated on municipal streets at any time.
6. 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 control access facility other than at bridges which cross over or under a control access facility.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.

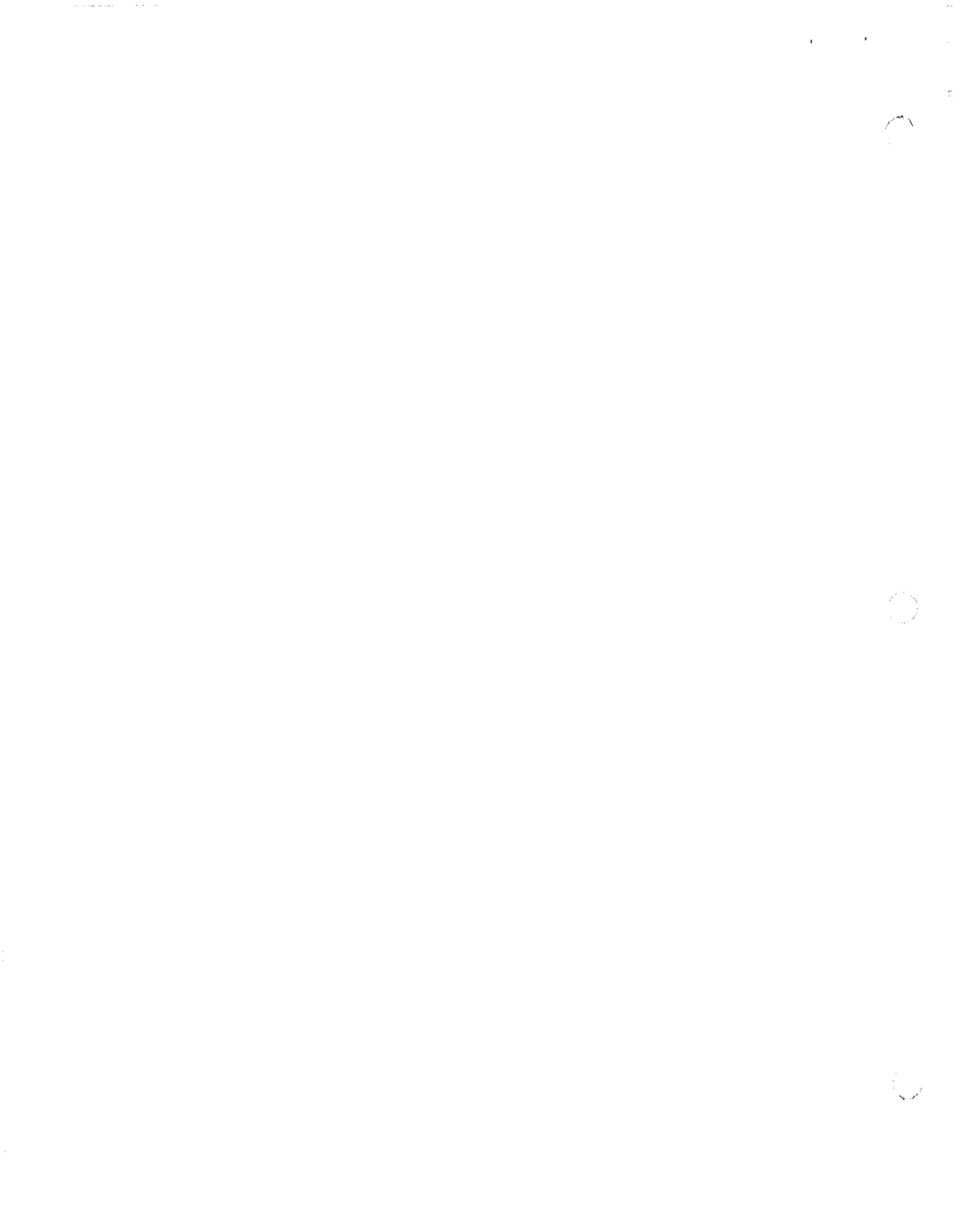


15. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.
16. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. 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.
17. Golf carts without lights may be operated during daylight hours. 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 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
 - b. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

§ 74-7.0 **OPERATION ON TOWN STREETS AND ROADS WITHIN THE PLAN AREA.**

It shall be unlawful to operate a golf cart on a public street or road within the Plan Area unless the following requirements are met:

1. Golf cart must display a slow moving vehicle emblem on the back of the golf cart;
2. Golf carts must display a valid Town registration sticker.
3. Golf carts must be operated in accordance with all applicable state and local laws and ordinances pertaining to the possession and use of drugs and alcoholic beverages;
4. Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions;
5. Golf carts shall not be operated in a negligent manner. For the purpose of this section (E), **TO OPERATE IN A NEGLIGENT MANNER** is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks;
6. The Town may prohibit operation of golf carts on any street or highway if the Town Board of Commissioners determine that the prohibition is necessary in the interest of safety; and
 - a. Golf carts may not be operated on any public street or roadway in the Town during one half hour after sunset to one half hour before sunrise and less equipped with the proper headlights and taillights listed above.
7. Golf carts must be parked in accordance with the laws and ordinances which apply to any parked vehicle in the Town.
8. Golf carts are strictly prohibited from traveling upon or parking on any sidewalk within the Town.
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 listed on the special event permit and a part of the event.



10. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.

§ 74-8.0 SAFETY INSPECTION.

1. 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.
2. To pass the safety inspection for the Town and to obtain a special use permit, the golf cart must have the following:
 - a. Headlights and taillights if the operator plans drive after dark.
 - b. Rubber or equivalent tires;
 - c. Adequate steering gear, emergency or parking brake, rearview mirror, adequately fixed driver's seat;
 - d. All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks;
 - e. Speed governor if gasoline powered; and
 - f. Golf carts with "lift Kits" may not be more than 22" high measured from floorboard of car to the ground.

§ 74-9.0 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 GS 20-309 of the state motor vehicle laws and other applicable state law requirements.

§ 74-10.0 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 in the Town in no way advocates or endorses their operation on public streets and roadways the Town by regulating such operation is merely trying to address 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 or run upon golf carts on public streets or rides do so at their own risk and peril and must be observant of inattentive 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 operates 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

§ 74-11.0 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 such other penalties and fines as by law provided. In addition, the special use permit of the violator shall be revoked for a period of one year.

§ 74-12.0 PENALTY FOR VIOLATIONS OF THIS ARTICLE

Any violation of the sections of this Article shall subject the violator to those civil penalties hereinafter set forth. Unpaid civil penalties may be recovered by the Town in a civil action in the nature of a debt against the violator

1. 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 74-12.0.
2. Notice to be affixed. Whenever a member of the Mount Gilead Police Department or other person authorized with the enforcement of the provisions of this chapter regulating 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.
3. Responsibility for penalty. Upon receiving a notice or citation serving as notice of violation of the parking regulations set forth in the sections the owner or operator of the vehicle found violation shall be responsible for penalties herein established.
4. Any penalty for parking violation that is not paid within 15 days of issuance will accrue an additional penalty of five dollars per 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
5. 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, owner or operator he or she may be notified in writing that the Town intends to pursue a civil action to collect the accrued civil penalty amount.

Ordinance voted on and adopted this 4th day of December, 2018.

