

AN ORDINANCE PERMITTING AND REGULATING
THE OPERATION OF GOLF CARTS ON PUBLIC STREETS
WITHIN THE CITY OF MORGANTON, NORTH CAROLINA

WHEREAS, there is public interest in having a means of local travel that is cost effective and energy efficient as an alternative to the use of motor vehicles; and

WHEREAS, N.C.G.S. 160A-300.6 now authorizes a city, by ordinance, to regulate the operation of golf carts on any public street, road or highway where the speed limit is 35 mph or less within its municipal limits or on property owned or leased by the City; and

WHEREAS, the City Council has determined that the safe, proper operation of golf carts on streets, roads and highways within the City is in the public interest and, if properly regulated, will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Morganton, North Carolina, as follows:

1. Chapter 1 entitled "General Traffic Regulations" of Part 7 of the Charter and Code of Ordinances is amended by adding a new article to be titled and to read:

Article W. Golf Carts

Sec. 7-1291. Purpose and Definitions.

(a) Purpose. The purpose of this article is to provide a means of travel that is not only convenient and safe, but conserves resources and protects the environment. Golf carts, if properly used, are an effective way to travel for short distances within the City. However, to insure the public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding vehicles, but should comply with special safety regulations intended to protect the operator and passengers in a vehicle that is primarily designed for operation on a golf course or recreational purposes. This article establishes the basic, minimum standards of care to be used by the operators of golf carts on public roads, streets and highways. Likewise, the public safety requires that golf

carts, used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of registration and inspection. The registration and inspection of golf carts is required in order to protect the public health, safety and welfare.

(b) Definitions. For purposes of this article, those definitions set out in N.C.G.S. 20-4.01 shall also apply throughout this article.

A "golf cart" is defined as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 miles per hour. The definition is republished here for convenience only and the definition set out in N.C.G.S. 20-4.01 (12), as amended from time to time, is controlling for all purposes.

Sec. 7-1292. Operation of Golf Carts Allowed; Exceptions.

(a) Allowed. The operation of golf carts on the public streets, roads and highways within the City and on property owned or leased by the City in compliance with the provisions of this article shall be permitted; however, it shall be unlawful to operate any golf cart that is not properly registered with the City or to operate any golf cart at any place or in any manner not authorized herein.

(b) Exceptions. The operation of golf carts is not subject to the provisions of this article under the following circumstances:

(i) the operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner, or

(ii) the operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the City, or

(iii) 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 and provided such vehicle is only used during such event.

(iv) the use of golf carts by the Department of Public Safety on official police business or the use of golf carts by City personnel for official business on City owned property and City leased property, including cemeteries, parks and greenways.

Sec. 7-1293. License Required. No person who is less than 16 years of age or who does not have a valid driver's license issued under or granted by the laws of North Carolina or some other state, may operate a golf cart on any public street, road or highway within the City or on any property owned or leased by the City. For purposes of this section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license, during the period of suspension or revocation.

Sec. 7-1294. Registration.

(a) Required. No golf cart may be operated on any public street, road or highway within the City or on property owned or leased by the City unless the golf cart has first been registered with the Morganton Department of Public Safety as required herein. The registration shall be renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued an biennial permit which shall be displayed in a prominent, visible place on the rear fender of the golf cart or at such other place as may be approved by the Department of Public Safety. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.

(b) Registration Fee. A registration fee in the amount of \$25.00, or such other amount as may be established and published in the Schedule of Fees and Charges adopted by the City Council from time to time, as amended, shall be paid to the City at the

time the application for registration is filed with the Department of Public Safety or for any renewal of the application.

(c) Application. The application for registration shall be made to the Director of Public Safety, or to some other person designated by him, on forms provided by the City. The application may, among other things, require the owner's name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart, proof of insurance and such other information as may be reasonably required as well as a release or disclaimer of liability by the City for accidents involving the registered golf cart.

(d) Procedures. The Director of Public Safety may establish written procedures, consistent with this article, setting out the process and the procedure, including the form of the application, the check list for items to be inspected and the type of sticker, plate or tag evidencing the issuance of the registration permit.

(e) Inspection. Prior to issuing the initial registration permit or any renewal thereof, the golf cart shall either be inspected or in place of inspection, the Department of Public Safety may require photographs submitted of the golf cart, to determine that:

(i) the golf cart is equipped with a rear vision mirror and at least two (2) red rear reflectors at least 3 inches in height and width, and

(ii) the golf cart is equipped with a reflective "slow moving sign" or "flag" on the rear of the cart, and

(iii) the brakes provided by the manufacturer of the golf cart are in proper working order, and

(iv) the golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard, and

(v) the golf cart is equipped with all mechanical systems and safety equipment required by this article.

(f) Denial and Revocation. The initial registration of a golf cart may be denied or subsequently revoked by the Director of Public Safety if it is determined that:

(i) the application contains any material misrepresentation, or

(ii) financial responsibility requirements of the State of North Carolina (liability insurance) has not been met, or

(iii) the golf cart is not in compliance with the requirements set out above, or

(iv) the golf cart has been altered or customized and no longer meets the definition of a golf cart, or

(v) equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number removed, or

(vi) other good cause shown including repeated violations of this article.

(g) Financial Responsibility. The owner of a golf cart required to be registered with the City for use on the public streets and highways of the City shall maintain in full force and effect and continuously throughout any period of registration, the financial responsibility in the minimum amounts and in the manner defined and described in Article 9A, Chapter 20 of the General Statutes of North Carolina, as amended, or any other law of the State of North Carolina requiring financial responsibility for the registration and/or operation of a motor vehicle.

(h) Disqualified Vehicles. ATV's, 4-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that it no longer meets the definition of a golf cart, may not be registered as a golf cart nor shall such vehicles be operated on the public roads, streets and highways within the City unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of North Carolina.

Sec. 7-1295. Manner of Operation. Golf carts shall not be operated on the public streets, roads and highways of the City, except in full compliance with the provisions of this section.

(a) Hours of Operation. Golf carts may be driven on approved public roads, streets and highways from sunrise until sunset, except that golf carts equipped with at least one operating headlight, having at least a 55 watt halogen, or equal, bulb on the front of the golf cart, and two (2) operating tail lights on either side of the rear of the golf cart, all of which are visible for a distance of not less than 250 feet, may be operated from one half hour before sunrise until one half hour after sunset.

Golf carts may not be operated when fog, smog, smoke or other conditions reduce visibility so that the golf cart is not visible for a distance of 250 feet.

(b) Streets. Golf carts may not be operated on any of the following streets or sections of any street except for the sole purpose of crossing such street either at a signalized intersection or at a perpendicular crossing at a through intersection:

(i) any street where the posted speed limit is more than 35 miles per hour, or

(ii) Kirksey Drive, or

(iii) Fleming Drive, or

(iv) Sanford Drive, or

- (v) Independence Boulevard, or
- (vi) Jamestown Road, or
- (vii) East Union Street (Highway 70)
east of its intersection with Fleming Drive, or
- (viii) North Green Street (Highway 181)
north or northwest of its intersection with
Sanford Drive, or
- (ix) North Carolina Highway 126, or
- (x) West Union Street west of its intersection
with Sanford Drive, or
- (xi) South Sterling Street (Highway 18)
south of its intersection of Fleming Drive, or
- (xii) Burkemont Avenue south of its
intersection with Fleming Drive.

Golf carts shall not be operated in any manner, for any purpose, on Interstate 40.

(c) Motor Vehicle Laws. All laws regarding the use of motor vehicles in the State of North Carolina and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed, except that no golf cart may be operated at a speed in excess of 20 miles per hour.

(d) Right-of-Way. The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.

(e) City Property and Sidewalks. Golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business.

Notwithstanding anything herein to the contrary, golf carts shall not be operated on property owned or leased by the City except with the express written consent of the City Manager and/or the Director of Public Safety and upon the terms and conditions as may be set forth in such written permission.

(f) Golf Cart Capacity. The seating capacity (normally no more than four (4) passengers) shall not be exceeded nor shall the operator or any passenger be permitted to stand while the golf cart is in operation.

(g) Commercial Purposes. Golf carts may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.

(h) Parking. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.

(i) Towing. 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.

(j) Cemeteries. Golf carts shall not be operated on any roadway or vehicle path within the cemeteries within the City except for official use by City personnel.

Sec. 7-1296. Disclaimer and Liability.

(a) Disclaimer. Golf carts are not designed for nor manufactured to be used on public streets and the City neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. The City in no way shall be liable for accidents, injuries or death involving the operation of a golf cart.

(b) Assumption of Risk. Any person who owns,

operates or rides upon a golf cart on a public street, road or highway within the City does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Sec. 7-1297. Violation. If any person shall violate this Article, he shall be guilty of a Class 3 Misdemeanor and shall be fined not more than \$100 or such other amount as shall be set forth in the Schedule of Fees and Charges adopted by the City Council from time to time, except that the owner or operator of a golf cart who shall violate a provision regulating the parking of vehicles shall be subject to a civil penalty in the amount set forth in the Schedule of Fees and Charges adopted by the City Council from time to time, including the imposition of larger civil penalties for multiple or repeat offenses within a specified period of time as provided in Section 7-1014(b). The civil penalty shall be assessed and collected as provided in Section 7-1014 of this Code.

2. It is the intention of the City Council and its is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the City of Morganton and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the _____ day of _____, 2009.

Mayor

Attest:

Clerk

NORTH CAROLINA

CERTIFICATION

BURKE COUNTY

I hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City Council of the City of Morganton at a duly convened and held Council meeting on September 14, 2009, at 6:00 p.m. in the Council Chambers in the City Hall of the City of Morganton.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of the City to be affixed, this the 16th, day of September, 2009.

CITY OF MORGANTON

(SEAL)

By: _____
Assistant City Clerk

* * *

NORTH CAROLINA

ACKNOWLEDGEMENT

BURKE COUNTY

I, _____, being a Notary Public of Burke County, North Carolina, do hereby certify that Carolyn E. Richardson, Notary Public and Assistant City Clerk for the City of Morganton appeared before me this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the _____ day of _____, 2009.

Notary Public

My Commission Expires: _____