

ORDINANCE # 31-2012

AN ORDINANCE TO AMEND THE MAIDEN CODE OF ORDINANCES
CHAPTER 20 TO ESTABLISH A GOLF CART ORDINANCE

WHEREAS, it is the desire of the Council of the Town of Maiden to continually update and revise the Maiden Code of Ordinances in accordance with the needs of the citizens of the Town of Maiden; and

WHEREAS, in order to protect the citizens of the Town and their properties; and

WHEREAS, the Town of Maiden has initiated text amendments to the Maiden Code of Ordinances:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAIDEN, NC:

The Town Council shall cause the Maiden Code of Ordinance to be amended to reflect the following text changes to Chapter 20, Article XIII.

Create Article XIII, Chapter 20-1300 through 20-1305 by adding the following:

Sec. 20-1300. Scope

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 of Maiden in no way advocates or endorses their operation on roads. The Town of Maiden, by regulating such operations 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 an attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Maiden has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the North Carolina State Legislature G.S. 160A-300.6. Any person who operates a cart must procure and maintain liability insurance sufficient to cover the risks involved in using a cart on public roads within the Town of Maiden.

- (A) Purpose: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Maiden to promote the health, safety and welfare of persons operating cart(s) within the Town of Maiden and to protect the safety of their passengers and other users of roads.
- (B) Definitions: For the purpose of this section, the following words and phrases shall have the following meanings.

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)
2. Driver's License: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. Operator: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads.
4. Golf Cart License: A sticker or tag provided by the Town that must be visibly displayed on the golf cart. Each golf cart will have its own license.
5. Financial Responsibility: Liability insurance coverage on a golf cart in an amount not less than that required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

Sec. 20-1301. Rules and Regulations

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

1. 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 or higher.
2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transverse, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less.
3. 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.
4. 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 issue to them by the State. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
5. 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.

6. 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 Maiden which governs the operation of motor vehicles.
7. Golf Carts are allowed to park in handicapped parking spaces if the drivers or at least one passenger has a valid handicap-parking sticker displayed on the golf cart.
8. 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.
9. 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.
10. Golf Carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
11. Golf Carts may only be operated between sunrise and sunset.
12. If a Golf Cart is not equipped with brake lights or turn signals, the operator must use standard hand signals to signal stopping and turning.

Sec. 20-1302. Golf Cart Operation

Golf Carts may not be operated within the Town of Maiden in the following manner or areas:

1. On public sidewalks, trails and greenways.
2. Along utility right of ways including but not limited to water/sewer right of ways, electric right of ways, and storm water right of ways.
3. No standing on Golf Carts.
4. Golf Carts shall not be operated on or across any public or private properties without the expressed written permission of the property owner.
5. Riders may not be transported in a negligent manner.
6. No Golf Cart shall operate on any street, roadway, or other public vehicle area that is closed due to special events, parades, or construction. The Chief of Police, or his designee, may prohibit the operation of golf carts on any street or road if the Chief determines that the prohibition is necessary in the interest of safety. The exception will be the July 4th parade.

Sec. 20-1303. Registration and Inspection

Registration, Inspection and Fee Prior to usage

1. All golf cart operators must complete a golf cart registration application and submit to the Town of Maiden Police Department for approval. Before driving on public roads, the operator of the golf cart must have a valid registration issued.
2. Each owner must have proof of ownership, and liability insurance, and completed a Waiver of Liability, releasing the Town of Maiden from liability that may arise as a result of operation of a golf cart inside the Town of Maiden. These documents must be in the golf cart at all times while in operation on public roads.
3. All golf cart operators must present a valid driver's license while operating a golf cart on public roads.
4. The registration sticker shall be valid for no more than one year, from January 1st to December 31st of each year, and must be visible on a golf cart operated on a public road.
5. Lost or Stolen stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.
6. The Maiden Police Chief retains the right to refuse to issue and/or revoke any permit sticker from any cart at any time for any reason he/she feels is appropriate to ensure the safety and well being of the citizens of the Town of Maiden.
7. All golf carts must meet the requirements or minimum standards of safety equipment as set forth in this ordinance. The cart must be inspected and approved by the Chief of Police or his designee prior to usage.

Sec. 20-1304. Technical Specification

Golf Carts operated in the Town of Maiden shall conform with the following technical specifications in order to receive and maintain a valid license.

1. Shall have a standard low speed traffic triangle or pennant displayed prominently on the rear of the vehicle.
 - A. Low speed caution triangle with a minimum size of 12 inches or greater on all three sides and shall be made of reflective material. Triangle shall be mounted on the rear of the vehicle and permanently installed.
2. One operational rearview mirror.
3. Shall have at least two (2) red rear reflectors measuring a total of six square inches of reflective area each. A reflective rear light kit will suffice.


Sec. 20-1305. Enforcement and Penalty

Any act constituting a violation of this ordinance or failure to comply with any of its requirements shall subject the offenders to a civil penalty of fifty dollars (\$50.00), plus the court costs and attorney fees incurred by the Town. Notwithstanding the foregoing, persons who, while driving golf carts on public streets within the Town of Maiden, violate the "Rules of the Road" applicable to motor vehicles generally (as set forth in Part 10 of the N.C.G.S. Chapter 20), shall be subject to the same penalties applicable to the operators of such other motor vehicles.

- (A) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public road or highway is not a violation of this Ordinance, but a violation of state law, and is punishable as provided therein.
- (B) If the offender(s) fail to pay the penalty within ten (10) days of receiving a final written notice of violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. Repeat offenders may have the privileges granted by this ordinance revoked by the Chief of Police.

This ordinance shall become effective on September 1, 2012

Adopted this the 20th day of August, 2012.



Robert L. Smyre, Mayor

ATTEST:



Wendy Vanover, Clerk