

ORDINANCE # 10-14-19
ESTABLISHING A GOLF CART ORDINANCE FOR THE TOWN OF CRESWELL
NORTH CAROLINA

The Board of Commissioners of the Town of Creswell, does hereby find and determine that the establishment of a golf cart ordinance is necessary to address the interest of public safety. Golf Carts, hereinafter "cart(s)," are not designed or manufactured to be used on public streets and roads, hereinafter "road(s)," and the Town of Creswell 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 motorist, bicyclists, and pedestrians. The Town of Creswell 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 is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the roads of the Town of Creswell.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Creswell, North Carolina that the following Golf Cart Ordinance be approved, and reads as follows:

- (A) **PURPOSE:** The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Creswell to promote the health, safety and welfare of persons operating cart(s) within the Town.
- (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.
 2. **Driver's License:** A valid license issued to operate a motor vehicle issued by North Carolina or any other state. A learner's permit and/or a limited provisional license are not a Driver's License for the purpose of this ordinance.
 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 highway in the State of North Carolina.
 4. **Operator:** Only persons over 16 years of age and holding a driver's license may operate a golf cart on roads.

Section 1. Rules and Regulations

1. Carts may be driven on roads only from dawn to dusk unless the cart is equipped with two operating headlights (one on each side of the front of your golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) and with functioning mechanical turn signal indicators all of which are visible from a distance of 500 Feet.
2. Cart operators may only drive carts on roads within the municipal limits of the Town of Creswell that have a posted speed limit of thirty-five (35) miles per hour or less. Carts shall not be operated at a speed greater than 20 miles per hour or at a speed greater than reasonable and prudent for the existing conditions.
3. Carts must be equipped with rear vision mirror and a rear triangle reflector of the same type required by North Carolina Law. In addition, the Carts must include all safety devices as installed by the manufacturer.
4. Cart operators must have a valid Driver's License in their name, and must carry their Driver's License on their person at all times while operating a golf cart.
5. 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. These documents must be in the golf cart at all times while in operation on public roads.
6. Cart operators will stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
7. 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. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion, except that if the golf cart does not have a functioning mechanical turn signal, the operator shall use hand signals required before making turns.
8. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, traffic rules, 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.

9. Cart operators shall adhere to all traffic flow patterns, and will operate on the right side of the roadway.
10. Carts shall not be operated, parked, or stopped on sidewalks or public pathways.
11. Carts shall not be operated on private property, without the permission and consent of the property owner.
12. If the Cart does not have functioning mechanical turn signal indicators, hand signals are required before making turns.
13. Carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions.
14. Carts shall not be operated on or alongside any road with a posted speed limit greater than thirty-five (35) miles per hour, except that the Cart may cross over roads with posted speed limits of greater than thirty-five (35) miles per hour, when such road intersects with a road with a speed limit of thirty-five (35) miles per hour or less within the municipal limits of the Town of Creswell. In such circumstances, an operator shall use an abundance of caution and cross in a manner that is the most direct route in order to decrease the crossing distance, i.e. no riding along a road or crossing at an angle, in order to continue operating the cart on the road with a speed limit of thirty-five (35) miles per hour or less within the municipal limits of the Town of Creswell.
15. This Ordinance shall apply to the operation of Golf Carts on any public street, road or highway within the municipal limits of the Town of Creswell or on any property owned or leased by the Town. Only those Carts having the required safety equipment specified herein, and have obtained the proper permit from the Town of Creswell may be operated on roads under the provisions of this Ordinance.

Section 2: Registration, Inspection, Permit and Fees:

1. Permits will be issued to operators/owners of Golf Carts by the Town of Creswell, upon the submission of an application and upon passing a safety inspection. There must be a separate application and inspection of every Golf Cart.
2. Cart owners must have submitted a Golf Cart registration application, must have proof of liability insurance, and a completed Waiver of Liability, releasing the Town of Creswell, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the Town of Creswell, prior to inspection. A current Waiver of Liability must be on file with the Town of Creswell, and must be renewed annually with the issuance of any new permit.

3. All cart operators must present a valid driver's license, and proof of golf cart ownership with the application. Golf Cart ownership may be proven by the Owner's execution of a Golf Cart Ownership Affidavit, which form is available upon request. The \$25.00 annual permit fee must be paid with the submission of the application.
4. Upon receiving and processing a completed application, a safety inspection shall then be performed by the Fire Chief of Creswell Volunteer Fire Department, or his designee, to determine the minimum safety requirements as set forth by this ordinance has been met prior to the issuance of a permit. The \$10.00 inspection fee is due at the time of inspection.
5. Permits will be issued annually, and are valid from January 1st to December 31st of each calendar year. The following fees shall apply:

1. Inspection by Fire department (Per Occurrence)	\$10.00 Annually
2. Permit Fee	\$25.00 Annually
6. Lost or Stolen Permits are the responsibility of the owner. A report must be filed in the event of a Lost or Stolen Permit. The Town of Creswell will have the discretion in determining whether a Permit may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a Permit, the Town of Creswell may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit is issued.
7. Any person who operates a cart in the Town of Creswell and fails to receive or properly display a Town of Creswell Permit will be subject to all applicable state laws, in addition to being in violation of this ordinance. To properly display a Town of Creswell Permit as used in this ordinance includes the placement of Stickers issued by the Town Office to show compliance with the ordinance, in an unobstructed location on both the front and back of the Cart.
8. The completed forms and proof of insurance will be maintained by the Creswell Town Office.

Section 3: Denial or Revocation of a Permit

The Fire Chief of Creswell Volunteer Fire Department, or his designee may deny the issuance and/or revoke a permit for:

1. Failure to maintain required Golf Cart insurance;
2. Failure to maintain required safety equipment in good working order;
3. Operating a Golf Cart in a careless and reckless manner;

4. Operation of a Golf Cart while under the influence of an impairing substance;
5. Violations of state laws and local ordinances; and/or
6. Failure to pay fines for violations of this ordinance.

Section 4: Penalty:

A violation of this ordinance shall be an infraction, and subject to a penalty not to exceed \$50.00. Each day that any of the provisions of this ordinance is violated shall constitute a separate offense.

Section 5: Severability:

If any section, subsection, sentence or term of this Ordinance or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of the Ordinance or its application to any other person or circumstance. The Board of Commissioners does not intend a result through the enforcement of this Ordinance that is absurd, impossible for execution, or unreasonable. The Board of Commissioners intends that the Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.

Section 6: Enforcement:

It shall be the policy of The Board of Commissioners to issue a uniform citation against any person the officer has probable cause to believe has violated this Ordinance, whether the offending person is a juvenile or any other person. This shall primarily be carried out by the Washington County Sheriff's Office personnel.

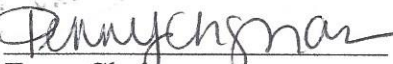
Section 7: Effective Date:

This ordinance shall take effect and be in full force to include all existing and future users from and after the 14th day of October, 2019.



Mayor, Town of Creswell

ATTEST:



Town Clerk

