

AMENDED AND RESTATED ORDINANCE REGULATING USE OF GOLF CARTS IN THE CITY OF SALUDA

(THE CITY OF SALUDA GOLF CART ORDINANCE)

WHEREAS, pursuant to Session Law 2006-27 and in accordance with N.C.G.S. 160A-300.6 as enacted by the North Carolina General Assembly, the City of Saluda is authorized, by ordinance, to require the registration of, and regulate the operation of golf carts upon any road within the City; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of the City that such regulations should be put in place to attempt to address obvious safety issues of golf cart occupants, other drivers and pedestrians; and

WHEREAS, on January 8th, 2007, the City of Saluda adopted a golf cart ordinance and from time to time subsequently amended, now wishes to make certain amendments to that ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina, that The City of Saluda Golf Cart Ordinance is amended and restated as follows:

Article 1 – Short Title

This ordinance shall be known and may be cited as The City of Saluda Golf Cart Ordinance.

Article 2 - Definitions

For the purpose of this ordinance, the following words, terms and phrases, shall have the following meanings, except where the context clearly indicates a different meaning:

1. *Golf cart* means 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. G.S. 20-4.01(12b)
2. *Driver's License* means a valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. *Financial Responsibility* means 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. *Operate* means to drive, or be in physical control of a golf cart that is moving or has its motor on.
5. *Operator* means only persons over 16 years of age and holding a valid driver's license.
6. *Road(s)* means public streets, roads and highways.

Article 3 – Operation on Roads

It is unlawful to operate a golf cart on a road within the City unless the operator has obtained a valid registration, permit, and sticker required under Section 5, below, and the following requirements are met:

1. The golf cart may only be operated on streets and roads that meet the requirements of Article 5 below.
2. All golf cart operators must present a valid driver's license while operating a golf cart on a road.
3. 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.

4. 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.
5. An operator shall not allow passengers to stand on a golf cart while it is in operation.
6. An operator shall require all passengers to wear a lap belt at all times while the golf cart is in motion.
7. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
8. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the City of Saluda which governs the operation of motor vehicles.
9. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
10. Golf carts without lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate at any time:
11. Golf carts having 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 cart, all four (4) lights must be visible from a distance of 500 feet; and
12. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.
13. Golf carts must have the 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. At a minimum, all golf carts must be equipped with the following safety equipment:
14. Rear view mirror;
15. Lap belts and child restraints.
16. A rear triangle reflector of the same type required by North Carolina law conspicuously affixed to the rear of the golf cart.
17. Any person who operates a golf cart must be responsible for all financial 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.

Article 4 - Roads Approved for Use

Golf carts authorized for use under the provisions of this Ordinance may be operated in the City on roads only where the following requirements are met:

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.
2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, 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. 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
3. Golf carts shall not be operated on the sidewalks.
4. Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

5. During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated on or upon other locations.
6. The Chief of Police and/or the City Manager, or their 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.

Article 5 – Registration and Sticker Required

1. All golf carts must complete a golf cart registration application and submit to the City of Saluda administration department for approval. No golf cart may be driven on a road within the City without a valid registration and sticker being acquired from the City of Saluda. The sticker must be attached to said golf cart in a conspicuous place. Registration documents must be in the golf cart at all times while in operation on roads. Stickers will be issued annually and shall be valid for one (1) year from the date of issue. Application fees for permits and stickers issued shall be as established by the Board of Commissioners of the City and set forth as Golf Cart Permit Fees on the City of Saluda Resolution Setting Schedule of Fees.
2. The City of Saluda Administration department are hereby authorized to issue a sticker, one per golf cart. The sticker shall be in such form as the City Hall staff deem practicable for ease of visibility. Before a sticker is issued, the applicant shall:
 - a. Sign a form supplied by the City Clerk certifying that he or she has read this Ordinance;
 - b. Demonstrate proof of ownership of the golf cart;
 - c. Demonstrate proof of financial responsibility;
 - d. Sign a completed Waiver of Liability supplied by the City Clerk, releasing the City of Saluda, its employees, and affiliates from all liability that may arise as a result of operation of a golf cart inside the City of Saluda; and
 - e. Have an inspection of the golf cart performed by the Chief of Police or the Chiefs designee to ensure that the golf cart contains the minimum standards of safety set forth above in this Ordinance. Fees for inspections shall be as established by the Board of Commissioners of the City and set forth as Golf Cart Permit Fees on the City of Saluda Resolution Setting Schedule of Fees.
3. Lost or stolen stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Article 6 – Enforcement

1. Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes; and
2. Some violations of the provisions of this Ordinance shall be deemed a non-criminal violation for which a civil penalty shall apply. Provisions for fees, enforcement and collections are set forth herein as follows:
 - a. Any owner or operator determined to be in violation of any of the provisions of this ordinance shall receive a civil citation as set forth in the City of Saluda Resolution Setting Schedule of Fees under Golf Cart permits Civil Citation, with the exception of violators of parking regulations or ordinances, which shall receive a civil citation for a penalty in the amount as set forth in the City

of Saluda Resolution Setting Schedule of Fees under Police Department Services, unless a different penalty is specified by state statute or specific notice. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by a police officer or other designated code enforcement officer. Notification shall be effective if a police officer or other designated code enforcement officer advised the suspected offender of the violation either in person, by certified mail to the violator's last known address, or by any other means provided for in the North Carolina Rules of Civil Procedure; provided notification of violation of parking regulations or ordinances may be by placing a parking ticket on the offending vehicle.

- b. When a police officer or a code enforcement officer determines that a previous violation for which a citation has been issued has not been corrected and penalties paid within thirty (30) days of service of citation, an additional citation shall be issued as set forth in the City of Saluda Resolution Setting Schedule of Fees under Golf Cart permits Civil Citation, with the exception of violators of parking regulations or ordinances, which shall receive a civil citation for a penalty in the amount as set forth in the City of Saluda Resolution Setting Schedule of Fees under Police Department Services.
 - c. If any civil penalty is not paid as described above, then any time after issuance of the penalty in this article, subsection 2.b., the City of Saluda shall use any and all remedies available for collections allowed by the State of North Carolina. Such action shall not stop further civil penalties from accruing.
 - d. Civil penalties are an additional remedy for code enforcement. In addition thereto, all remedies allowed in the North Carolina General Statutes and this Ordinance of the City of Saluda may be pursued by the City at the same time, without waiving the civil penalties authorized in this article.
3. Appeals - A person notified of a violation may appeal such determination to the Board of Commissioners. Such appeal must be filed in writing with the city not later than thirty (30) days after the receipt of the first notice issued in this Article, subsection 2.a. Failure to timely file an appeal shall constitute acceptance of the determination that a violation exists, and waiver of the right to appeal. If an appeal is timely filed, further action by the police officer or code enforcement officer shall be suspended until a ruling is issued by the Board of Commissioners. If the Board of Commissioners finds that a violation exists, enforcement under this chapter shall continue despite any further appeals by the violator. The fact that an appeal is pending under this chapter shall not prevent the City from pursuing other enforcement remedies allowed by law, and a finding by the Board of Commissioners that a violation does exist shall not be binding in any other separate enforcement proceeding brought by the City with regard to the same violation that the Board of Commissioners ruled upon.

Article 7 -Liability Disclaimer

The Amendment and Restatement of the Golf Cart Ordinance of the City of Saluda, NC is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on roads and the City in no way advocates or endorses their operation on roads.

The City, 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 golf carts on roads do so at their own risk and peril and must be observant and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City has no liability under any theory of liability and the City assumes no liability, for permitting golf carts to be operated on the public streets and roads under the special legislation granted by the State Legislature. Any person who operates a golf cart must procure liability insurance sufficient to cover the risk involved in using a golf cart on the road.

(Ord. 0-07-01, passed 01-08-06; Am. Ord. 0-08-09, passed 10-13-08; Am. Ord. O-18-___, passed __/__/2018)

Adopted this the __ day of _____, 2018

ATTEST

Tola Ellis, City Clerk

SEAL

Fred Baisden, Mayor

APPROVED AS TO FORM

Jana Berg, City Attorney