



## **ORDINANCE NO. 10-823**

### **An Ordinance Amending the Carolina Beach Code of Ordinances, Chapter 9 Motor Vehicles and Traffic, Article II Traffic Regulations**

The Town Council of the Town of Carolina Beach, hereby amend Chapter 9 Motor Vehicles and Traffic, Article II Traffic Regulations, as follows:

#### **9-55 POLICY STATEMENT**

160A-300.5 which provides the Town of Carolina Beach authority to regulate the use of golf carts in the town that have not been outfitted and registered as required by state law. Generally, golf carts, hereinafter called "carts" that have not been outfitted and registered are not designed or manufactured to be used on anything other than golf courses and the Town of Carolina Beach in no way advocates or endorses their operation elsewhere in town. The town, by regulating such operation is merely trying to address obvious safety issues and adoption of this chapter is not to be relied upon as a determination that operation is safe or advisable if done in accordance with this chapter. All persons who operate or ride upon carts 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 of Carolina Beach has no liability under any theory of liability for permitting carts to be operated in town. The owner and operators of a cart are responsible for any liability involved in using a cart. Without the adoption of standards for operation on private streets, there are currently no rules or regulations that address golf cart operation and by creating standards for limited operation on the private streets within Carolina Beach, the town is responding to citizen concerns regarding operation deficiencies. These regulations impose more stringent policies on cart operation. The town does not encourage cart operation and does not represent that operation of carts under these rules will render cart operation totally safe and without risk to the driver and passenger of said vehicles.

(Ord. No. 08-765, 11-10-08)

**Sec. 9-56. Rules and regulations.**

Carts that are not equipped and registered as required by the State Motor Vehicle Law may only be operated within the Town of Carolina Beach in accordance with the following rules and regulations. Operation of carts in violation of these rules and regulations shall be subjected to the penalty provisions of section 9-58 or in egregious cases may constitute reckless driving as defined in North Carolina General Statutes.

Carolina Beach--Traffic Code

- (a) Carts shall only be driven on roads posted thirty-five (35) miles per hour or less.
- (b) Carts must have liability insurance coverage.
- (c) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (d) Carts operating between the time of one-half hour after sunset and one-half (½) hour before sunrise shall be equipped with and have in use headlights and reflectors located on the rear of the cart.
- (e) Carts shall be equipped with at least one (1) operational mirror allowing the operator to see behind the cart.
- (f) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry.
- (g) The operator of the golf cart must ~~possess a valid driver's license, or must have a drivers permit and be accompanied by a licensed driver.~~ be at least 16 years of age and possess a valid Driver's license or Driver's permit.
- (h) North Carolina laws as found G.S. § 20-138, regarding use of alcoholic beverages apply to golf cart regulation in the Town of Carolina Beach.

(Ord. No. 08-765, 11-10-08)

Sec. 9-57. Permit required.

- (a) No golf cart may be driven within the Town of Carolina Beach without a permit being acquired from Town Hall and attached to the left, driver's front portion of the golf cart.
- (b) The town manager or his designee is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, the applicant shall be required to sign a statement certifying he or she has read the provisions of the town's ordinance on golf cart usage as set forth in section 9-56 above. The permit shall be in such form as the town may deem practicable for ease of visibility. (Ord. No. 08-765, 11-10-08)

Sec. 9-58. Penalty.

Violation of sections 9-55 through 9-58 shall be a misdemeanor and punished with a fine of fifty dollars (\$50.00) for each violation.

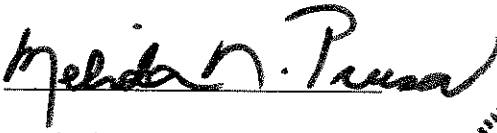
(Ord. No. 08-765, 11-10-08)

Sec. 9-59-9-79. Reserved.

ADOPTED THIS 23rd DAY OF March 2010.



Joel A. Macon, Mayor

Attest: 

Melinda N. Prusa, Town Clerk

