

AN ORDINANCE PERMITTING AND REGULATING
THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES
ON PUBLIC STREETS
WITHIN THE TOWN OF DUCK, NORTH CAROLINA

Ordinance #18-03

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 traditional motor vehicles; and

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

WHEREAS, N.C.G.S. §20-121.1 provides that low-speed vehicles (as such term is defined by N.C.G.S. ' 20-4.01(27)(g)) that are registered and insured may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less; and

WHEREAS, N.C.G.S. §160A-174(a) provides that a town may by ordinance prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens, and may define and abate nuisances; and

WHEREAS, N.C.G.S. §160A-300 empowers a town, by ordinance, to prohibit, regulate, divert, control and limit vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the Town; and

WHEREAS, N.C.G.S. §160A-296 gives a town general authority and control over all public streets, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, N.C.G.S. §20-160(b) provides that no person shall drive any motor vehicle upon a sidewalk or sidewalk area; and

WHEREAS, the Duck Town Council has determined that the regulation and proper operation of golf carts and low-speed vehicles on public streets, roads, and highways and their respective shoulders, as well as on the sidewalks, pedestrian paths, and similar areas within the Town, is in the public interest and, if properly regulated, will promote the public health, safety and welfare; and

WHEREAS, the establishment of an ordinance regulating the use of golf carts and low-speed vehicles is necessary to address the interests of public safety.

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

1. Section 70.01 of the Duck Code of Ordinances is hereby amended to include the definitions of golf cart, low-speed vehicle, and motorized vehicles, as follows (*new provisions or portions are italicized below for clarity*):

70.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CENTRAL VILLAGE COMMERCIAL AREA. The area of the town adjacent to the east and west side of NC 12, generally between 1174 Duck Road and 1264 Duck Road, where the paved roadway section includes a 4 to 7 foot wide shoulder, which is directly contiguous to the vehicular travel lanes of NC 12, that is designed for use by pedestrians, bicyclists, and other human powered devices.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A self-balancing non-tandem two-wheeled device, designed to transport 1 person, with a propulsion system that limits maximum speed of the device to 15 mph or less and which are exempt from registration pursuant to G.S. §20-51(14).

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 miles per hour. The definition is republished here for convenience only and the definition set out in G.S. ' 20-4.01, as amended from time to time, is controlling for all purposes.

LOW-SPEED VEHICLE. A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour. The foregoing definition is republished here for convenience only and the definition set out in G.S. ' 20-4.01, as amended from time to time, is controlling for all purposes.

MOTORIZED VEHICLES. Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle, which term shall include golf carts and low-speed vehicles but shall not include mopeds or electric assisted bicycles.

MULTI-USE PEDESTRIAN PATH. A concrete or asphalt path that is at least 8 feet in width, situated adjacent to NC 12 but not contiguous with the roadway, that is constructed for the use of pedestrians, bicyclists, electric personal assistive mobility devices, and other non-motorized vehicles.

2. A new Section 70.04 shall be added to the Duck, NC Code of Ordinances as follows:

§70.04 GOLF CARTS AND LOW-SPEED VEHICLES.

(A) *Purpose.* The purpose of this Section 70.04 is to provide a means of travel that is convenient, conserves resources, and protects the environment. Golf carts and low-speed vehicles (defined in Section 70.01), if properly used, may be an effective way to travel for short distances within the Town. However, to help ensure the public safety and welfare, the operation of golf carts and low-speed vehicles must not only comply with normal regulations regarding motor vehicles, but shall also comply with the provisions of this Section 70.04. This Section 70.04 establishes the basic, minimum standards of care to be used by the users of golf carts and low-speed vehicles on public roads, streets, and highways and their respective shoulders. This Section 70.04 also prohibits the use of golf carts and low-speed vehicles on sidewalks, multi-use pedestrian paths, and similar areas of the Town.

(B) *Disclaimer.* Golf carts and low-speed vehicles might not be designed or manufactured to be used on public streets, and the Town neither advocates nor endorses the golf cart or the low-speed vehicle as a safe means of travel on public streets, roads and highways. The Town shall in no way be liable for accidents, injuries or deaths involving or resulting from the operation of a golf cart or low-speed vehicle.

(C) *Assumption of Risk.* Any person who owns, operates, or rides on a golf cart or low-speed vehicle on a public street, road, or highway within the Town does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart or low-speed vehicle.

(D) *Operation of Golf Carts and Low-Speed Vehicles.*

(1) Permitted Operation on Public Streets, Roads, and Highways.

(a) The operation of golf carts and low-speed vehicles on the public streets, roads, and highways where the posted speed limit is 35 miles per hour or less and on public parking lots within the Town shall be permitted; provided, however, it shall be prohibited to operate a golf cart or low-speed vehicle in a manner that is inconsistent with applicable laws and the provisions of this Chapter 70 of the Duck Code of Ordinances.

(2) Equipment, Insurance, and Registration.

(a) Any golf cart operated on the public streets, roads and highways of the Town must have the following safety features installed:

(i) Two operating front headlights, visible from a distance of at least 250 feet;

(ii) Two operating tail lights, with brake lights and turn signals, visible from a distance of at least 250 feet;

(iii) A rear vision mirror;

(iv) At least one reflector per side;

(v) A parking brake;

(vi) Seat belts for all seating positions on the golf cart;

(vii) A windshield; and

(viii) No more than three rows of seats.

(b) Any low-speed vehicle operated on the public streets, roads and highways of the Town shall be equipped as provided in G.S. " 20-121.1(2) and (5) and shall be registered and insured as provided in G.S. ' 20-121.1(3).

(3) Restrictions. The use of a golf cart or low-speed vehicle is prohibited within the Town unless the following requirements are met:

(a) The driver and passengers must be properly seated while the golf cart or low-speed vehicle is in motion, with seat belts properly fastened, and may not be transported in a negligent manner. The seating capacity, as determined by the number of seats with seat belts, shall not be exceeded.

(b) No golf cart or low-speed vehicle may be operated at a speed greater than reasonable and prudent for the existing conditions. No golf cart may be operated at a speed greater than 20 miles per hour. No low-speed vehicle may be operated at a speed greater than 25 miles per hour.

(c) No golf cart or low-speed vehicle may be operated in a careless or reckless manner.

(d) Golf carts and low-speed vehicles must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and consumption of alcoholic beverages.

(e) Golf carts and low-speed vehicles are subject to the same parking regulations as traditional motor vehicles, and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles; provided however, two golf carts or low-speed vehicles may be parked in a parking space that is designed for the parking of one traditional motor vehicle.

(f) Golf carts and low-speed vehicles are permitted to park in all public parking spaces within the Town. The Town encourages the use of one parking space for two golf carts or low-speed vehicles.

(g) Golf carts and low-speed vehicles may only park in handicapped spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed on the golf cart or low-speed vehicle.

(h) Golf carts or low-speed vehicles may not be used for the purpose of towing any person or object.

(i) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart or low-speed vehicle is prohibited.

(j) The operator of a golf cart or low-speed vehicle shall yield the right of way to traditional motor vehicles.

(4) Prohibitions. No golf cart or low-speed vehicle may be:

(a) Operated on the shoulder of any public street, road, or highway or upon any sidewalk, multi-use pedestrian path, or other similar area of the Town;

(b) Operated within the Town by any person who is less than 16 years of age; or

(c) Operated on or alongside of NC 12, provided, however, a golf cart or low-speed vehicle may cross NC 12 at a right angle when driving from a street on one side of NC 12 to a street that is directly opposite and on the other side of NC 12.

(5) Disqualified vehicles. This Section 70.04 only permits the use of golf carts and low-speed vehicles within the Town. All-terrain vehicles, 4-wheel utility vehicles, go-karts, similar utility vehicles, golf carts that are modified so that they no longer meet the definition of golf cart, and low-speed vehicles that are modified so that they no longer meet the definition of low-speed vehicles may not be operated on the public roads, streets and highways of the Town, unless such vehicles are otherwise registered and permitted under the motor vehicle laws of North Carolina.

(6) Exceptions. The operation of golf carts and low-speed vehicles is not subject to the provisions of this Section 70.04 under the following circumstances:

(a) The operation is at a golf course, private club, or on private property and with the consent of the owner/operator of the applicable real property, or

(b) The operation is within a gated or limited access community and the streets of the community are not dedicated for public use or maintained by the Town, or

(c) The operation is in connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided such golf cart or low-speed vehicle is only used during and in connection with such event; or

(d) The use of the golf cart or low-speed vehicle is by the Duck Police Department while on official police business or by Town staff, contractors, or volunteers while on official Town business.

(E) *Violation.*

(1) Any person violating the motor vehicle laws of North Carolina, which shall also apply to golf carts and low-speed vehicles operated within the Town, shall be subject to the penalties prescribed in North Carolina law for said violation.

(2) Any person who knowingly allows an underage driver to operate a golf cart or low-speed vehicle may be charged and subject to the penalties prescribed in North Carolina law for contributing to the delinquency of a minor.

(3) Any person violating the provisions of this chapter or failing to comply with any of its requirements shall be required to pay a civil violation in the amount of \$25.00.

(4) Any person violating the Town's parking ordinances shall be subject to the penalties applicable to parking violations.

(5) Operating a golf cart or low-speed vehicle while under the influence of an impairing substance (such as alcohol or drugs) on a public street or road is a violation of North Carolina law, and is punishable as provided therein.

(F) *Application.* For purposes of this Section 70.04, the term "public streets, roads and highways" shall mean only NC Highway 12.

3. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Duck 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 7th day of March, 20 18.



Mayor

Attest:



Town Clerk

