

AN ORDINANCE TO AMEND SECTIONS 70.01 AND 70.04 OF THE CODE OF ORDINANCES TO CLARIFY AND REVISE PROVISIONS REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN OF DUCK, NORTH CAROLINA

Ordinance No. 18-04

WHEREAS, previously the Town enacted Ordinance 18-03 to regulate the operation of golf carts on public streets within the Town; and

WHEREAS, subsequent to the adoption of Ordinance 18-03, it was determined that certain provisions of the Ordinance needed to be clarified and revised.

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 and restated in its entirety as follows (with additions and deletions indicated):

§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.

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 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. Section 70.04 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows (with additions and deletions indicated):

§70.04 GOLF CARTS.

(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 (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 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 on public roads, streets, and highways and their respective shoulders. This Section 70.04 also prohibits the use of golf carts on sidewalks, multi-use pedestrian paths, and similar areas of the Town.

(B) *Disclaimer.* Golf carts might not be designed or manufactured to be used on public streets, and the Town neither advocates nor endorses the golf cart 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.

(C) *Assumption of Risk.* Any person who owns, operates, or rides on a golf cart 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.

(D) *Operation of Golf Carts.*

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

(a) *Operation on NC Highway 12 Prohibited.* The operation of golf carts on NC Highway 12 shall be prohibited; provided, however, a golf cart may cross NC Highway 12 at a right angle when driving from a street on one side of NC Highway 12 to a street that is directly opposite and on the other side of NC Highway 12.

(b) *Operation on All Other Public Streets Permitted.* Except as to NC Highway 12 as provided in subsection (a) of this subsection, the operation of golf carts on all public streets, roads, and highways within the Town (i.e. streets, roads and highways maintained by the State or by the Town), where the posted speed limit is 35 miles per hour or less, shall be permitted; provided, however, it shall be

prohibited to operate a golf cart in a manner that is inconsistent with applicable laws and the provisions of this Chapter 70 of the Duck Code of Ordinances.

(c) *No Regulation of Golf Carts on Private Streets.* The Town does not have the statutory authority to regulate the operation of golf carts on streets and roads within the Town which are private, i.e. those streets and roads which are not maintained by the State or by the Town.

(2) Suggested Equipment.

(a) It is recommended that any golf cart authorized by this Section 70.04 to operate on the public streets, roads and highways of the Town should 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.

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

(a) The driver and passengers must be properly seated while the golf cart is in motion, and may not be transported in a negligent manner. The seating capacity, as determined by the number of seats, shall not be exceeded.

(b) No golf cart 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.

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

(d) Golf carts 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 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 may be parked in a parking space that is designed for the parking of one traditional motor vehicle.

(f) Golf carts 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.

(g) Golf carts may not be used for the purpose of towing any person or object.

(h) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.

(i) The operator of a golf cart shall yield the right of way to traditional motor vehicles.

(4) Prohibitions. No golf cart 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; or

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

(5) Disqualified vehicles. This Section 70.04 only permits the use of golf carts within the Town. All-terrain vehicles, 4-wheel utility vehicles, go-karts, similar utility vehicles, and golf carts that are modified so that they no longer meet the definition of golf cart 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. This subsection does not apply to the Town Police Department, Fire Department, Ocean Rescue or other Town staff or Town contractors using otherwise disqualified vehicles for official Town business.

(6) Exceptions. The operation of golf carts 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 in connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided such golf cart is only used during and in connection with such event; or

(c) The use of the golf cart 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 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 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 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.

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 4th day of April, 2018.



Mayor

Attest:


Town Clerk