

## **ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA ESTABLISHING A GOLF CART ORDINANCE**

Whereas, the Board of Commissioners of the Town of Erwin, do 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 Erwin 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 Erwin 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 Erwin.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, 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 Erwin 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.
  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.

## 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 the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 Feet.
2. Carts must be equipped with rear vision mirror and a rear triangle reflector of the same type required by North Carolina Law.
3. Cart drivers must have a valid driver license in their name.
4. Cart drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
5. The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. 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.
6. All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages.
7. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Erwin which governs the operation of motor vehicles.
8. Carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway.
9. Carts shall not be operated on sidewalks.
10. Carts shall not be operated on private property, without the permission and consent of the property owner.
11. No cart may be operated on the following streets: Denim, Old Post, 13<sup>th</sup> Street US 421. These roads may be crossed at a proper intersection.
12. Chicora Club Rd and all roads in Chicora Country Club are exempt from the Town of Erwin Golf Cart Ordinance.

## Section 2: Inspection and fees:

The inspection by the Chief of Police, or his designee, will cover the following safety requirements and every cart operating on Town of Erwin streets must have the following safety equipment.

1. Permits/Stickers issued to operators/owners of golf carts by the Erwin Police Department.
2. Each owner must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the Town of Erwin, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the Town of Erwin. A current Waiver of Liability must be on file with the Erwin Police department, and must be renewed annually.
3. All carts must meet the requirements or minimum standards of safety equipment as set forth in section one.
4. All cart operators must present a valid driver's license.
5. Permits/Stickers will be issued annually, and are valid from July 1<sup>st</sup> of each year. The following fees shall apply:
  1. Inspection by Police department                      \$10.00 Annually  
(Includes Permit/Sticker)
  2. Re-inspection by Police Department              \$5.00  
(If a cart fails the initial inspection)
6. Lost or Stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a Lost or Stolen Permit/Sticker. The Chief of Police will have the discretion in determining whether a Permit/Sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.
7. Any person who operates a cart in the Town of Erwin and fails to receive and properly display a Town of Erwin Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this ordinance.

8. Cart owners must complete the attached registration form, waiver of Liability form and provide a copy of the proof of liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the Erwin Police Department.

Section 3: Penalty:

Any act constituting a violation of this ordinance or a failure to comply with any of its requirements shall subject the offender, upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50.00. Each day that any of the provisions of this ordinance is violated shall constitute a separate offense.

Section 4: 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 5: Enforcement:

It shall be the policy of the Erwin Police Department 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.

