

STATE OF NORTH CAROLINA

ORDINANCE # 2018-0205 (50)

TOWN OF HALIFAX

AN ORDINANCE ALLOWING THE USE OF GOLF CARTS IN THE TOWN OF
HALIFAX, NORTH CAROLINA

The establishment of a golf cart ordinance by the Town of Halifax is necessary to address the interests of public safety. Golf carts are not designed or manufactured to be used or operated on public streets, roads or highways, hereinafter "road(s)", and the Town of Halifax in no way or fashion advocates or endorses their use or operation on roads. The Town of Halifax, by regulating such use or operation, is merely attempting to address obvious public safety issues, and the adoption of this ordinance is not to be relied upon or interpreted as determining that use or operation of golf carts on roads is safe or advisable if done in reliance on this ordinance. All persons who use, operate or ride upon golf 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 motorists, bicyclists and pedestrians. The Town of Halifax has no liability, and assumes none, under any theory of liability, for permitting the limited use of golf carts to be used and operated on roads under special legislation granted and enacted by the State Legislature of North Carolina. All owners and operators of golf carts must procure and maintain liability insurance sufficient to adequately cover and insure against the risks and perils involved in the use and operation of such golf carts.

A. PURPOSE: The purpose of this ordinance is to establish a golf cart ordinance within the Town of Halifax, North Carolina, to promote health, safety and welfare of its citizens, visitors, and guests; and to protect all persons who use the roads of the Town of Halifax.

B. DEFINITIONS: For the purposes of this ordinance, the following words and phrases shall have the following meanings:

1. Golf Cart: A battery-operated vehicle designed and manufactured primarily for sporting or recreational purposes, and that is not capable of exceeding speeds of 20 MPH, (NCGS 20- 4.01 (12a)); and for the purposes of this ordinance, a vehicle that is "inspection ready", i.e., containing and equipped with all operational and safety features and equipment, lights, headlamps, signals, reflectors and markings necessary for lawfully operating on the streets, roads, and highways of the State of North Carolina, and is in full compliance with the laws of North Carolina at the time that the golf cart is being operated. A golf cart does not qualify as an electric personal mobility device designed to assist handicapped or elderly individuals, and may not be operated as such.

2. Drivers License: A valid license issued by the State of North Carolina to operate a motor vehicle on the roads of this state.

3. Financial Responsibility: Liability insurance coverage, whether commercial or self-pay, on golf carts in an amount not less than that required by the State of North Carolina for motor vehicles operating on the public highways of the state.

4. Operator: Any individual driving or in physical control of a golf cart that is running, moving, or has its key inserted and is in the on position.

C. RULES and REGULATIONS:

This ordinance is to establish guidance in the interests of public safety:

1. Golf carts shall only be operated in the Town of Halifax by persons who are 18 years old and are in full compliance with the laws of the State of North Carolina and this ordinance of the Town of Halifax. This shall in no way authorize or sanction the use or operation of ATVs, Gators, Mules, go-carts, or any such other like vehicle not manufactured to be operated only on a golf course by any person, and such use or operation of ATVs, Gators, Mules, go-carts, or any such like vehicle is strictly forbidden.

2. Golf carts shall be operated at speeds not greater than 20 MPH, and always at speeds which are reasonable and prudent for existing conditions. They shall be operated at the right edge of the road whenever safe and prudent, and must yield to vehicular and pedestrian traffic. They shall not be operated on or alongside roads with a posted speed limit greater than 35 MPH, and they shall not be operated or parked on sidewalks or other pedestrian areas.. Golf carts shall not be used for the purpose of towing any person, cart, trailer, or vehicle of any kind, including a person on roller skates, skateboard, bicycle, or any other device. Occupancy shall be limited to the seats installed for that purpose.

3. Golf carts may cross a road with a posted speed limit greater than 35 MPH; however, when this segment of road has been traversed, golf carts are required to travel on or alongside roads with a posted speed limit of 35 MPH or less. Golf carts must cross in the most direct manner in order to limit crossing distance, i. e., no riding along or crossing at an angle. Under no circumstances are golf carts allowed to cross a controlled access facility other than at bridges which cross over or under a controlled access facility.

4. Owners and operators of golf carts must be responsible for, and assume the liability for and associated with, the use and operation of golf carts; and they must secure and maintain liability insurance coverage for said use and operation in an amount not less than that required by the laws of the State of North Carolina for motor vehicles used and operated on the public streets and highways of North Carolina.

5. Operators of golf carts must be at least eighteen (18) years of age or older, be licensed to drive upon the public streets and highways of North Carolina, be in compliance with any license restrictions, and be in possession of such valid license upon his person.

6. Prior to operating a golf cart, the owner must complete an application for registration provided by the Town of Halifax of any golf cart to be operated on the streets of the Town of Halifax. Upon submission by the owner of the completed application, a copy of a valid drivers license, and evidence of insurance as required by the laws of North Carolina, the golf cart shall be inspected for compliance with the provisions of this ordinance prior to the issuance of an annual permit for the golf cart. Upon full compliance with this ordinance, the owner shall be issued a unique annual registration decal which shall be prominently displayed on the rear of the golf cart at all times. The Halifax Town Board may establish and amend, from time to time, an annual fee for registration of golf carts. All golf carts operated in the Town of Halifax must be properly registered with, and permitted by, the Town of Halifax.

7. In order to register a golf cart and secure an annual permit from the Town of Halifax, each owner and golf cart must meet the following basic requirements:

a. The owner must be at least 18 years of age and possess at all times a current valid drivers license, a copy of which shall be kept on file by the Town of Halifax;

b. The owner must at all times possess and maintain liability insurance in an amount not less than that required by North Carolina state law for traditional motor vehicles operated on public streets and highways in the state, evidence of which shall be kept on file by the Town of Halifax; and

c. The golf cart must not have been modified to exceed speeds of 20 mph.

8. In order to register a golf cart and secure an annual permit from the Town of Halifax, a golf cart must be battery-operated, must have a vehicle ID number, and the following manufacturer or dealer-installed safety features installed and operable:

a. Two operating headlights and two operating taillights with brake lights and turn signals, all visible from a distance of at least 250 feet;

b. A rear vision mirror;

c. At least 1 reflector per side;

d. A parking brake;

e. Seat belts for all seating positions on the golf cart; and

f. A maximum limit of 3 rows of seats.

No golf cart shall be registered or permitted unless it, and the owner of it, are in full compliance with all requirements of this ordinance. Also, prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgement that he/she has read and understands all of the provisions of this ordinance, and will fully, and at all times, comply with all of its provisions. A copy of said acknowledgement shall be kept on file by the Town of Halifax.

9. Owners and operators of golf carts must adhere to, and comply with, all traffic laws, rules, and regulations enacted and adopted by the State of North Carolina, Halifax County, and the Town of Halifax governing the operation of motor vehicles; and further, must adhere to, and comply with, all applicable state and local laws, rules and regulations regarding the possession, use and transportation of alcoholic beverages and illegal substances. Under no circumstances shall operators of golf carts possess, use or transport alcoholic beverages or illegal substances. North Carolina laws regarding use or transportation of alcoholic beverages apply to the operation of all vehicles in the Town of Halifax, including golf carts.

10. Owners of golf carts are strictly liable for the operation of said golf carts by any person, and any owner who knowingly allows an underage operator or any other unauthorized operator under the ordinance, including operators consuming or transporting alcoholic beverages, to operate a golf cart on the streets of the Town of Halifax shall be subject to the penalties prescribed by the laws of the State of North Carolina and the ordinances of the Town of Halifax, including contributing to the delinquency of a minor.

11. A violation of any of the motor vehicle laws of the State of North Carolina or any of the provisions of this ordinance by the owner or operator of a golf cart on the streets of the Town of Halifax may result in prosecution and/or the imposition of a civil penalty of \$100.00 per occurrence and the revocation of the privilege of operating a golf cart on the streets of the Town of Halifax for a period of one year.

D. AUTHORITY:

NCGS 160A-300.6:

Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within the municipal limits or on any property owned or leased by the city.

E. INCLUSION IN CODE:

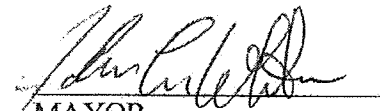
It is the intent of the Town Board of Halifax entered as hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the Town of Halifax, North Carolina; that the sections of this ordinance may be numbered or lettered to accomplish such inclusion, and that the word "ordinance" may be changed to "section", "article" or other word.

F. EFFECTIVE DATE:

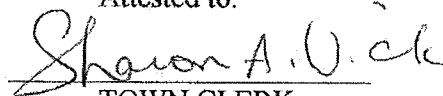
The provisions of this ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

Adopted this the 5th day of February, 2018.

TOWN OF HALIFAX


MAYOR

Attested to:


TOWN CLERK