

Chapter 74: Golf Carts

Section 74.01 Purpose and Policy Statements.

- (A) *Purpose.* The purpose of this ordinance shall be to establish a Golf Cart ordinance within the Town of Conway to promote the health, safety and welfare of persons operating golf carts within Town limits and to protect the safety of their passengers and other users of roads and streets within Town.
- (B) *Disclaimer and Assumption of Risk.* Golf carts are not designed or manufactured to be used on public streets, and the town neither advocates nor endorses using golf carts for operation 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. 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.

Section 74.02 Definitions.

- (A) *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 from the North Carolina General Statutes set out in N.C.G.S 20-4.01, as amended from time to time.

Section 74.03 Rules and Regulations for Golf Carts.

- (A) *Operation on public streets, roads, and highways.*
1. *Operation on public streets permitted.* The operation of golf carts on all public streets, roads, and highways within the town (specifically 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 provisions by the state or town.
 2. *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, specifically, those streets and roads which are not maintained by the state or town.
- (B) *Required Equipment.* It is required that any golf cart authorized by this section to operate on the public streets, roads, and highways of the town shall have the following safety features installed:
1. Two operating headlamps;
 2. Two operating taillights;
 3. A rear or side view mirror;
 4. At least one reflector per side;
 5. A parking brake;
 6. Brake lights, visible from 250 feet.
- (C) *Restrictions and Prohibitions.* The use of a golf cart is prohibited within the town unless the following requirements are met:

1. 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.
2. No golf cart may be operated at a speed greater than 20 miles per hour.
3. No golf cart may be operated in a careless or reckless manner.
4. 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.
5. Golf carts must follow all parking rules and regulations and 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.
6. The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
7. The operator of a golf cart shall yield the right-of-way to traditional motor vehicles, as well as pedestrians.
8. The operator of the golf cart must be at least 16 years of age and have a valid driver's license.

(D) *Disqualified Vehicles.* This section only permits the use of golf carts within the town. All-terrain vehicles, 4-wheel utility vehicles, go-carts, side by sides, similar utility vehicles, and golf carts that are modified so that they no longer meet the definition of a 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 section does not apply to the Town staff or town contractors using otherwise disqualified vehicles for official town business.

- (E) *Exceptions.* The operation of golf carts is not subject to the provisions of this section under the following circumstances:
1. The operation is at a golf course, private club, or private property and with the consent of the owner/operator of the applicable real property, or
 2. 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 carts is only used during and in connection with such event.

Section 73.04 Penalties.

- (A) 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.
- (B) 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.
- (C) Any person violating the provisions of this chapter or failing to comply with any of its requirements shall be subject to a civil penalty of \$50 for each separate or distinct offense. This civil penalty must be paid to the Town Hall within 30 days of the date of offense. Violation of this ordinance may also constitute a class 3 misdemeanor.