

Town of Winterville Golf Cart Ordinance

Whereas, the Board of Alderman of the Town of Winterville, do hereby find and determine that the establishment of a golf cart ordinance is necessary to address the interest of public safety. Golf carts, herein "cart(s)," are not designed or manufactured to be used on public streets and roads, hereinafter "road(s)," and the Town of Winterville 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 Winterville has no liability under any theory of liability, for permitting carts to be operated on roads under special legislation granted by the State Legislature.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Winterville, 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 Winterville 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 25 MPH.
 - 2. **Operator:** Only persons over 16 years of age may operate a golf cart.

Section 1. Rules and Regulations:

- 1. Carts may be driven on roads only from official sunrise to official sunset 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 a rear vision mirror and rear triangle reflector of the same type required by North Carolina Law.

3. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 25 miles per hour.
4. No golf cart shall be operated on any Town of Winterville street with a posted speed limit of greater than 35 mph. However, carts may cross over roads that have a posted speed limit of greater than 35 mph.
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. No passengers shall be carried on the part of a golf cart designed by carry golf bags.
6. Children must be properly seated while golf cart is in motion and may not be transported in a negligent manner.
7. All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages and all other illegal drugs.
8. 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 Winterville which governs the operation of motor vehicles.
9. Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker or placard.
10. Carts will adhere to all traffic flow patterns, and will operate on the far right side of the roadway and must yield to all vehicular and pedestrian traffic.
11. Carts shall not be operated on sidewalks.
12. Carts shall not be operated on private property without the permission and consent of the property owner.

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 the Town of Winterville streets must have the following safety equipment.

1. Permits/Stickers issued to operators/owners of golf carts by the Winterville Police Department.
2. In order to obtain a permit/sticker, each owner must present proof of ownership and sign a Disclaimer of Liability, releasing the Town of Winterville, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the Town of Winterville. A current Disclaimer of Liability must be on file with the Winterville 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. Permits/Stickers will be issued annually, and are valid from January 1st to December 31st of each year. Permits/Stickers must be attached to driver's side of golf cart. The following fees shall apply:
 - a. Inspection by Police Department \$10.00 Annually
(Includes Permit/Sticker)
 - b. Re-inspection by Police Department \$5.00
(If a cart fails the initial inspection)
5. 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 re-apply, and also re-submit any and all fees necessary, before a replacement Permit/Sticker is issued.
6. Any person who operates a cart in the Town of Winterville and fails to receive and properly display a Town of Winterville Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this ordinance.
7. Cart owners must complete the attached registration form. This form will be maintained by the Winterville Police Department.
8. The Winterville Chief of Police retains the right to refuse to issue and/or revoke any permit/sticker from any cart at any time for any reason that he feels is appropriate to ensure the safety and well-being of the citizens of the Town of Winterville.

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, sub-section, 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 Alderman does not intend a result through the enforcement of this Ordinance that is absurd, impossible for execution, or unreasonable. The Board of Alderman intends that the Ordinance be held inapplicable in such case, 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 Winterville Police Department to issue a written warning or a state 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.

This Ordinance shall be effective on February 1, 2010.

Adopted this 11th day of January 2010.



Douglas A. Jackson, Mayor

Attested to:



Tangi R. Williams, CMC, Town Clerk

ORDINANCE NO. O-2010- 201

**ORDINANCE AMENDING CHAPTER 112 OF THE CODE OF ORDINANCES
OF THE TOWN OF WINTERVILLE, NORTH CAROLINA**

BE IT ORDAINED by the Board of Aldermen of the Town of Winterville, North Carolina that Title XI Chapter 112 of the Code of Ordinances of the Town of Winterville is hereby amended as follows:

§112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Winterville Police Department. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation...

§112.04 STANDARDS FOR ISSUANCE.

(B) The application will be considered by the Winterville Police Chief or his/her designee within ten working days after receipt of the application...

§112.05 REVOCATION

Any license or permit granted under this chapter may be revoked by the Winterville Police Chief or his/her designee. Notice of revocation shall be given in writing, setting forth specifically the grounds or the complaint. The notice shall be mailed to the licensee at his or her last known address.

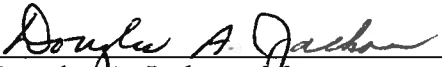
§112.07 EXHIBITION OF IDENTIFICATION.

(B) When application for a license has been approved by the Chief of Police or his/her designee, the Winterville Police Department shall issue a license to each peddler or solicitor licensed under this chapter...

§112.08 APPEAL FROM DECISION OF CHIEF OF POLICE.

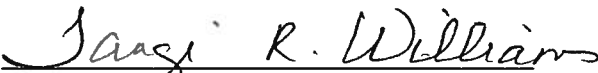
A written appeal from any decision of the Chief of Police or his/her designee must be filed with the Town Clerk within ten (10) days of receipt of notice of said decision. The appeal shall be heard by the Board of Aldermen at the next regularly scheduled Board meeting. The Board may reverse, affirm or modify the decision from which appealed. When an appeal is from a decision of the Chief of Police denying or revoking any license or permit, the decision shall remain in force until modified or reversed by the Board of Aldermen.

Adopted this the 11 day of January, 2010.



Douglas A. Jackson, Mayor

ATTEST:



Tangi R. Williams, Town Clerk