

**AN ORDINANCE REGULATING THE USE OF GOLF CARTS ON PUBLIC  
STREETS/ROADS WITHIN THE TOWN OF BATH, NORTH CAROLINA**

**WHEREAS**, there is public interest in having a means of local travel that is cost effective and energy efficient as an alternative to the use of motor vehicles; and

**WHEREAS**, N.C. Gen. Stat. § 160A-300.6 authorizes a municipality, by ordinance, to regulate the operation of golf carts, as defined in N.C. Gen. Stat. § 20-4.01(12a), on any public street, road or highway where the speed limit is 35 mph or less within its municipal limits or on property owned or leased by the municipality; and

**WHEREAS**, the Board of Commissioners has determined that the safe, proper operation of golf carts on streets, roads and highways within the Town is in the public interest and, if properly regulated, will promote the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Bath, North Carolina that the following Golf Cart Ordinance be approved and added to the Traffic Regulations detailed under Title 5 of the Code for the Town of Bath, and reads as follows:

**(A) PURPOSE:** The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Bath (the “Town”) to promote the health, safety and welfare of persons operating golf carts or carts within the Town. Golf carts, hereinafter sometimes referred to as “carts,” are not designed or manufactured to be used on public streets and roads, and the Town in no way advocates or endorses their operation on streets and 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 streets or roads is safe or advisable if done in accordance with this Ordinance. All persons must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Any person who owns, operates or rides upon 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. The Town 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 streets and roads of the Town.

**(B) DEFINITIONS:** For the purpose of this section, the following words and phrases shall have the following meanings.

1. Golf Cart: For purposes of this Ordinance, those definitions set out in N.C. Gen. Stat. § 20-4.01 shall also apply throughout. A “golf cart”, sometimes referred to as a “cart”, is defined as 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 N.C. Gen. Stat. § 20-4.01(12a), as amended from time to time, is controlling for all purposes.

2. Driver’s License: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

3. Operator: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart.

## **SECTION 1. RULES AND REGULATIONS, INCLUDING SAFETY REQUIREMENTS**

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 at least 500 feet.

2. Carts must be equipped with (i) a rear vision mirror, (ii) a rear triangle reflector of the same type, or a reflective "slow moving sign" or "flag" on the rear of the cart, (iii) the brakes provided by the manufacturer of the golf cart are in proper working order, and (iv) the golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard regarding the speed of the cart.

3. Cart drivers must have a valid driver license issued in their name to operate carts on the roads and streets of the Town.

4. Cart drivers shall 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 and traffic flow patterns shall be adhered to, including the possession and use of alcoholic beverages.

7. The operator of a golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Bath which governs the operation of motor vehicles.

8. Carts shall not be operated on sidewalks.

9. Carts shall not be operated on private property without the permission and consent of the property owner.

10. No cart may be operated on the following street(s), road(s) or highway(s): Bowen Avenue (Lawson's Walk). This/These road(s) may be crossed at a proper intersection.

11. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.

12. Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle.

13. Disqualified Vehicles. ATV's, 4-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that it no longer meets the definition of a golf cart, may not be registered as a golf cart nor shall such vehicles be operated on the public roads, streets and highways within the Town unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of North Carolina.

## **SECTION 2: REGISTRATION, INSPECTION AND FEES**

No golf cart may be operated on any public street, road or highway within the Town or on property owned or leased by the Town unless the golf cart has first been registered with the Town as required herein.

To evidence the registration, the owner shall be issued a permit which shall be displayed in a prominent, visible place on the front windshield or rear fender of the golf cart or at such other place as may be approved by the Town Administrator ("permit"). The permit may contain a registration number assigned for the particular golf cart.

Permits issued to operators/owners of golf carts are done so by the Town Administrator. A registration fee in the amount of \$10.00, or such other amount as may be established and published in the Schedule of Fees and Charges adopted by the Board of Commissioners from time to time, as amended, shall be paid to the Town at the time the application for registration is filed with the Town Administrator. Should a golf cart previously receiving registration and approval from the Town change ownership, the new owner of said cart shall apply for registration in his/her/their name and pay the associated registration fee stated hereinabove.

To obtain approval of an application for registration, each owner must have proof of ownership, proof of liability insurance for the cart and its operators, and a completed Waiver of Liability releasing the Town of Bath, its employees, and affiliates from all liability that may arise as a result of operating a cart in the Town of Bath.

Lost or Stolen permits are the responsibility of the owner. A written report detailing the occurrence must be filed with the Town Administrator in the event of a lost or stolen permit. The Town Administrator will have the discretion in determining whether a permit may be re-issued in this instance. If no record can be found of a previous application or the receipt of a permit, the Town Administrator may direct the applicant to reapply, and also resubmit any and all fees necessary before a permit is issued.

The inspection by the Town Administrator, or his designee, shall inspect the golf cart presented for registration to ensure that the safety requirements set forth in Section 1 of this Ordinance are met, and every golf cart operating on Town streets or roads must have the safety equipment and minimum standards stated in the same. Any cart presented for registration that does not meet said requirements shall not be approved for operation upon the streets, roads and highways of the Town.

## **SECTION 3: PENALTY**

Any person who operates a cart in the Town of Bath and fails to obtain and properly display a permit, or who fails to maintain their previously registered and approved cart in compliance with this Ordinance, will be subject to all applicable state laws, in addition to being in violation of this Ordinance.

Any act constituting a violation of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty not to exceed \$50.00 or such other amount as shall be set forth in the Schedule of Fees and Charges adopted by the Town from time to time. 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.

This Ordinance becomes effective the 1st day of March, 2011.

This the \_\_\_ day of \_\_\_\_\_, 2011.

**THE TOWN OF BATH**

**BY:** \_\_\_\_\_

**JAMES G. LATHAM, MAYOR**

**ATTEST:**

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**MARION E. CARSON, TOWN ADMINISTRATOR**