ORDINANCE
O-13-24

AN ORDINANCE AMEDING TITLE VII: TRAFFIC CODE
Chapter 70: GENERAL PROVISIONS
GOLF CARTS ON PUBLIC STREETS

WHEREAS, the City of Lincolnton Code of Ordinances currently premits the use of golf carts on public streets; and

WHEREAS, Lincolnton Police Department has asked for amendments to the current golf cart ordinance; and

WHEREAS, Ordinances are the written laws of a municipality, which have been adopted by its governing body and can be amended or repealed only through adoption of a new ordinance.

NOW, THEREFOR, BE IT ORDAINED by the City Council of the City of Lincolnton at Title VII: Traffic Code, Chapter 70, General Provisions: Golf Carts on Public Streets is rewritten as follows:

§ 70.30 PURPOSE.

This subchapter is intended to establish a golf cart transportation program for the city. This plan will extend the use of golf carts for transportation above and beyond that of use on public golf courses. This plan is aimed to assist functional travel needs for residents who may have no other form of transportation and to assist the city with its quest to attract persons who are considering retiring to the area.

(Ord. passed - -)

§ 70.31 FINDINGS; AUTHORITY.

(A) The city finds and determines that:

(1) Establishment of a golf cart transportation plan will serve to expand mobility to those persons not operating automobiles;

(2) The selected areas for golf cart travel will be roads and highways within the city limits of Lincolnton and with speed limits of 35 miles per hour or less (unless otherwise stated) and will not cause an adverse impact upon traffic safety; and

(3) The regulations and use of golf carts on streets and highways in the city will fall under the provisions outlined throughout this ordinance and will require liability insurance sufficient to cover the risks involved in using a cart on the streets of the city.

(B) Authority is contingent upon approval of legislation.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.32 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Lincolnton, NC.

GOLF CART. A motor vehicle having not less than four wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be operated at not more than 25 miles per hour and is designed to carry golf equipment. This does not include vehicles known as all terrain vehicles (ATVs), utility vehicles (UTVs) or go-carts.

GOLF CART OPERATOR. A person having a valid North Carolina driver’s license (or a recognized valid license from another state) who is driving the golf cart and has full control of its operation and passengers.

PLAN AREA. The area within the city limits that golf carts will be allowed to travel which includes any public street or highway (not restricted elsewhere in this ordinance) within the city limits with a speed limit of 35 miles per hour or less.

UTV. A UTV or Utility Vehicle is a vehicle having not less than four wheels in contact with the ground and is designed as a work type usually off road vehicle to assist with work related issues and projects. The only UTV's allowed on the streets of Lincolnton are those utilized by Law Enforcement, Fire Department, Public Works and Parks and Recreation when performing city work functions. Police UTV's will be clearly marked as a police type unit. No other ATV or UTV's are allowed on streets in the City Limits.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014; Ord. O-15-20, passed 10-1-2020)

Statutory reference:

Golf cart defined, see G.S. § 20-4.01(12b)

§ 70.33 GOLF CART DESIGN CRITERIA.

(A) Minimum golf cart vehicle design criteria and travel plan areas are hereby established. Golf Carts must meet the requirements or minimum standards of safety equipment as set forth in this ordinance. Golf carts must have basic equipment supplied

by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by North Carolina law.

(B) The following elements are minimum design and equipment requirements:

(1) The golf cart must be the shape and size that conforms to industry standards for manufactured golf carts; and

(2) The golf cart must be equipped and safely operated with:

(a) All other factory installed safety equipment

(b) All mechanical systems must be in good working order, including no gasoline or propane leaks for gas powered cart;

(c) Either a left side and right side mirror, or a wide-angle cross bar rear-view mirror;

(d) Head lights and tail lights if it is to be driven after dark, and slow moving vehicle emblems that conform to G.S. § 20-129;

(e) Rubber or equivalent tires;

(f) Adequate steering gear, brakes, emergency or parking brake;

(g) Speed governor if gasoline powered; and

(h) Golf carts may have “lift kits” but no golf cart may be more than 22 inches high measured from the ground to the floor board of the cart; and

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.34 REGISTRATION PROCESS AND FEE PRIOR TO USAGE.

(A) All golf carts must complete a golf cart registration application and submit to the City of Lincolnton for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration. The cost for the registration shall be established and published in the Schedule of Fees which will be paid at the time of registration and is to be renewed annually.

(B) Each owner must have proof of ownership, and liability insurance, and a completed waiver of liability, releasing the City from liability that may arise as a result of operation of a golf cart inside the City. Proof of liability insurance must be in the golf cart at all times while in operation on public roads.

(C) All golf carts must meet the requirements or minimum standards of safety equipment as set forth in this ordinance. Each owner must complete a Golf Cart Rules and Safety Regulations Acknowledgment form.

(D) All golf cart operators must present a valid driver's license while operating a golf cart on a public road.

(E) The registration sticker shall be valid from January 1 to December 31 each year. For example, all permits issued on or after January 1 and prior to December 31 of any given year will expire on December 31 of the year in which the registration sticker was issued.

(F) The registration sticker must be visible on a golf cart operated on a public road.

(G) Lost or stolen registration stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

(H) The initial registration of a golf cart may be denied or subsequently revoked by the City of Lincolnton if it is determined that:

(1) the application contains any material misrepresentation; or

(2) financial responsibility requirements (liability insurance) of the State of North Carolina have not been met; or

(3) the golf cart is not in compliance with the requirements set out in this ordinance; or

(4) safety equipment supplied by the manufacturer, has been removed from the golf cart or the vehicle identification/serial number has been removed; or

(5) other good cause shown, including repeated violation of this Chapter.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.35 OPERATION RESTRICTIONS.

The following restrictions limiting the operation of golf carts in the city shall apply:

(A) Only those golf carts that have the necessary safety equipment specified herein, and have obtained the proper registration sticker from the city may be operated under the provisions of this subchapter;

(B) Golf cart transportation is limited to those streets and highways within the city limits which have a posted speed limit of 35 miles per hour or less (unless otherwise noted below). Golf carts may not be operated on the following streets or roadways regardless of the speed limit:

(1) Any part of Main Street Hwy 27 from Flint Street East to the city limits (four lane).

(2) Any portion of US 321.

(3) Any portion of Generals Blvd.

(C) A golf cart operator must maintain his or her golf cart in a safe condition at all times;

(D) The golf cart must have displayed a slow moving vehicle emblem on the back of the cart; and

(E) Golf carts without lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate at any time:

(1) Golf carts having two operating headlights, one on each side of the front of the golf cart, and two operating tail lights, one on each side of the rear of the cart; all four lights must be visible from a distance of 500 feet; and

(2) If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

(F) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e., no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.

(G) This chapter does not apply to UTV type vehicles being utilized by city official in an official capacity such as Law Enforcement, Fire Department, Public Works and Parks and Recreation.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014; Ord. O-15-20, passed 10-1-2020)

§ 70.36 OPERATION ON PUBLIC HIGHWAYS.

It shall be unlawful to operate a golf cart on a public street or highway in the city unless the following requirements are met:

(A) Golf cart must display a slow moving vehicle emblem on the back of the golf cart;

(B) Golf carts must display a valid city registration sticker;

(C) No person shall operate a golf cart on a public street or highway in the city unless said person has a valid North Carolina driver's license or a valid, recognized, out-of-state license in accordance with G.S. § 20-7;

(D) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of drugs and alcoholic beverages. In addition, no golf cart containing any open container of alcohol shall be operated on public roads;

(E) Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags;

(F) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog or other conditions;

(G) Golf carts shall not be operated in a negligent manner. For the purpose of this division (G), TO OPERATE IN A NEGLIGENT MANNER is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways or parks;

(H) The city may prohibit the operation of golf carts on any street or highway if the City Council determines that the prohibition is necessary in the interest of safety;

(I) Golf carts may not be operated on any public street or roadway in the city during one-half hour after sunset to one-half hour before sunrise unless equipped with the proper headlights and tail lights listed above;

(J) Golf carts must be parked in accordance with the laws and ordinances which apply to any parked vehicle in the city;

(K) Golf carts are strictly prohibited from traveling upon or parking on any sidewalk within the city;

(L) Golf carts are required to follow the rules and regulations of any other vehicle during special events and are not permitted to enter special event areas unless the golf cart is listed on the special event permit and a part of the event; and

(M) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.37 SAFETY EQUIPMENT, REQUIRED.

(A) No golf cart may be operated on any street or highway in the city without the following safety features installed:

(1) Headlights and taillights if the operator plans to drive after dark;

(2) Rubber or equivalent tires;

(3) Adequate steering gear, brakes, emergency or parking brake, rear-view mirror, adequately fixed drivers seat;

(4) All other factory installed safety or mechanical systems, including no gasoline or propane leaks;

(5) Speed governor if gasoline powered;

(6) Golf carts with “lift kits” may not be more than 22 inches high measured from floorboard of cart to the ground; and

(7) Either a left side and right side mirror, or a wide-angle cross bar rear-view mirror.

(B) Furthermore, no registration sticker will be issued until the operator presents proof that the golf cart is fully insured, and the operator has a valid North Carolina driver’s license or recognized valid driver’s license from another state.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.38 INSURANCE REQUIREMENTS.

Every golf cart and driver thereof shall have in full force and effect, a valid insurance policy as set forth in G.S. § 20-309 of the state motor vehicle laws.

(Ord. passed - -)

§ 70.39 LIABILITY DISCLAIMER.

This section is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on public streets, and the city in no way advocates or endorses their operation on public streets and roadways. The city, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets and roadways is safe or advisable if done in accordance with this section. All persons who operate or ride upon golf carts on public streets, or rides, 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, bicycles and pedestrians. The city has no liability under any theory of liability and the city assumes no liability for permitting golf

carts to be operated on public streets and roadways. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roadways.

(Ord. passed - -)

§ 70.40 VIOLATIONS.

Any operation of a golf cart in violation of either this subchapter or the motor vehicle laws of the state shall be guilty of the same traffic law violations and charged the same as any other driver of any registered vehicle in the state and will lose its special use permit with the city for a period of not less than one year.

(Ord. passed - -; Ord. O-09-14, passed 11-6-2014)

§ 70.99 PENALTY FOR TITLE VII.

Any violation of the sections of this chapter set forth below shall subject the violator to those civil penalties hereinafter enumerated. Civil penalties that are not voluntarily paid by the violator may be recovered by the city by a civil action in the nature of a debt.

(A) Generally. Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Notice to be affixed. Whenever a member of the Police Department of the city or other person authorized with the enforcement of the provisions of this chapter regulating parking of vehicles shall find that any of those provisions are being, or have been violated by the owner and/or operator of the vehicle, the officer or person shall notify the owner and/or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation.

(C) Responsibility for penalty. Upon receiving a notice or citation serving as notice of violation of the parking regulations set forth in these sections, the owner and/or operator of the vehicle found in violation shall be responsible for penalties herein established.

(D) Penalty.

(1) Any penalty for parking violation that is not paid within 15 days of issuance will accrue an additional penalty of $5 per 15 days it remains unpaid. After 15 days of issuance of a parking violation, a delinquent notice will be mailed to the registered owner of the vehicle.

(2) The maximum total combined fines and penalties for a single $20 violation shall be $50. When the maximum is reached for either a single violation or receives three or

more for the same owner and/or operator, he or she will be notified in writing of the intent of the city to pursue claims through appropriate civil action or through referral to a collection agency. Once a civil action is initiated, any fees or costs, including but not limited to, attorney fees, involved in the civil action shall be added to the settlement in each action and shall be due and payable by the owner and/or operator.

(3) The penalty for any violation of § 72.02, Chapter 75 and Chapter 74, Schedule V shall be $20.

(Prior Code, § 13-12) (Ord. O-49-97, passed 4-10-1997; Ord. O-05-10, passed 12-2-2010)

This ordinance shall be effective upon adoption.

This the 1st day of August, 2024.

By: _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney