



THE TOWN OF

Holly Springs

Ordinance Number: 16-06
Date Submitted: April 5, 2016
Date Adopted: April 5, 2016

**AN ORDINANCE OF THE HOLLY SPRINGS TOWN COUNCIL
AMENDING THE HOLLY SPRINGS TOWN CODE TO ADD
DIVISION 7 TO CHAPTER 12, ARTICLE VII, TRAFFIC, VEHICLES AND PARKING**

BE IT ORDAINED by the Holly Springs Town Council that the Holly Springs Town Code of Ordinances is amended as follows:

PART 1:

That Chapter 12, Article VII, Traffic, Vehicles and Parking, of the Holly Springs Town Code be amended by adding Division 7, Golf Carts, and sections as provided herein:

DIVISION 7 – GOLF CARTS

Section 12-600. Operation of Golf Carts Permitted

The operation of golf carts on the public streets, roads and highways with a posted speed limit of twenty five (25) mph or less within the town in compliance with the provisions of this article shall be permitted. However, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the town or to operate any golf cart at any place or in any manner not authorized herein.

(a) Definitions

- (1) Golf Cart. A vehicle that is 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, which is in proper working order without modifications to the engine or motor.

(b) Exceptions. The operation of golf carts in the following circumstances is not subject to the provisions of this article:

- (1) The operation of golf carts on private property, with the consent of the owner;
- (2) The operation of golf carts within private, gated, or limited access communities, unless the streets of the community are dedicated for public use and maintained by the town;
- (3) The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event; and

- (4) The use of golf carts by town personnel, other governmental agencies, and/or public service agencies on official business.

Sec. 12-601. - Registration and permit requirements.

- (a) Registration and permit required. No golf cart may be operated on any public street, road, or public vehicular area within the town or on any property owned or leased by the town unless the golf cart has first been registered with the town and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.
- (b) Application and permit. The owner shall complete an application provided by the town, and the golf cart shall be inspected by designated town staff for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence the registration, the owner shall be issued a unique registration decal which shall be displayed on the rear of the golf cart. The town council may establish, and amend from time to time, an annual registration fee for golf carts.
- (c) Basic requirements. In order to register a golf cart, secure a permit, and lawfully operate a golf cart on the public streets, the owner, operator, and golf cart must meet the following basic requirements:
 - (1) The driver must be at least eighteen (18) years old and possess a valid driver's license;
 - (2) The owner must possess and maintain liability insurance in an amount not less than required by state law for traditional motor vehicles operated on a public highway in the state;
 - (3) The golf cart must be registered to a physical address in the town;
 - (4) The golf cart must not have been modified to exceed a speed of twenty (20) mph;
and
 - (5) The golf cart must have an identifiable identification number.
 - (6) The owner shall have the golf cart inspected annually by a designated member of the police department to ensure: (i) the golf cart is in proper working order; (ii) does not contain any modifications to the engine or motor, and (iii) the required safety features listed below are on the golf cart and are in proper working order. Such inspections shall take place at a time and place designated by the police department after a request by the owner.
- (d) Required safety features. In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:
 - (1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet;
 - (2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet;

- (3) A rear vision mirror;
 - (4) At least one (1) reflector per side;
 - (5) A parking brake;
 - (6) Seat belts for all seating positions on the golf cart;
 - (7) A windshield; and
 - (8) Must be limited to a maximum of three (3) rows of seats.
- (e) Acknowledgement. Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgment that he/she has read and understands the provisions of this article, and that the duty to properly maintain the golf cart is a duty of the owner and no reliance may be made as to the fitness of the golf cart as a result of obtaining a permit from the town. The town shall set the fee for the initial permit and annual renewal in the town's budget ordinance fee schedule.
- (f) Disqualified vehicles. All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on the public roads, streets, and highways within the town, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

Sec. 12-602. - Standards of operation.

It is unlawful to operate a golf cart on a public street, road, or highway within the town unless the following requirements are met:

- (1) A golf cart must display a valid town-issued golf cart annual registration decal.
- (2) A golf cart may be operated on all town owned public streets and roads in the town. These are essentially neighborhood streets and exclude the main roads in town which are under control of the North Carolina Department of Transportation ("NCDOT"), i.e., roads containing an "S.R." number on the street sign.
- (3) No golf cart may be operated on an NCDOT road or right of way of said road. Golf carts may cross a NCDOT road only at a controlled intersection (i.e., a traffic signal or stop sign) while obeying traffic rules for that intersection.
- (4) No person may operate a golf cart unless that person is at least eighteen (18) years of age and is licensed to drive upon the streets, roads, and highways of the state and then, only in accordance with such driver's license. An operator of a golf cart must be a licensed driver as required by the laws of their home state. The operator must have the valid driver license in his/her possession while operating the golf cart. The operator must be a resident, property owner, authorized guest, or tenant of property with a physical address in the town.
- (5) The driver and passengers must be properly seated while the golf cart is in motion, with seat belts properly fastened, and may not be transported in a negligent manner. The seating capacity with seat belts shall not be exceeded.

- (6) 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 twenty (20) miles per hour.
- (7) No golf cart may be operated in a careless or reckless manner.
- (8) 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.
- (9) Golf carts are subject to the same parking regulations as traditional motor vehicles, and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles.
- (10) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.
- (11) Golf carts may not be operated on any sidewalk, multi-use path, greenway or designated bicycle path, except for golf carts operated by governmental or public service agencies for official purposes.
- (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) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
- (14) The operator of a golf cart shall yield the right-of-way to pedestrians and traditional motor vehicles.

Sec. 12-603 - Penalties and remedies.

- (a) Any person violating the motor vehicle laws of the state, which shall also apply to golf carts registered under this article, shall be subject to the penalties prescribed in state law for said violation, or for a civil remedy as described herein.
- (b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor, or for a civil remedy as described herein.
- (c) Any person violating the provisions of this article or failing to comply with any of its requirements may be charged criminally (as set forth under sections (a) and (b), above, or may at the discretion of the charging officer, be issued a civil citation and issued a fine according to Section 12-517.
- (d) The operation of a golf cart, including parking of a golf cart is subject to the requirements of Division 6 of this Chapter of the Town Code.

- (e) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street or road is a violation of state law, and is punishable as provided therein. The charging officer does not have discretion to issue a civil citation for violation of this subsection.
- (f) The town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.

PART 2: REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of the Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.


PART 3. SEVERABILITY. If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

PART 4. INCLUSION IN CODE. It is the intention of the Town Council 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 Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

PART 5. EFFECTIVE DATE. The provisions of this ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

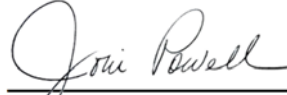
Adopted this, the 5th day of April, 2016.

TOWN OF HOLLY SPRINGS



Dick Sears, Mayor

Attested to:



Joni Powell, NCCMC, Town Clerk

