



**AN ORDINANCE AMENDING
CHAPTER 10, MOTOR VEHICLES AND TRAFFIC
ARTICLE I, SECTION 10-1, DEFINITIONS
ARTICLE X, OPERATION OF GOLF CARTS
SECTION 10-189. - REGISTRATION AND PERMIT REQUIREMENTS
OF THE TOWN OF ATLANTIC BEACH, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, Council and the Police Department have reviewed and compared various rules, regulations and fee options in effect in other municipalities; and

WHEREAS, the establishment of a golf cart ordinance is necessary to address the interests of public safety; and

WHEREAS, a public hearing was held at the regular scheduled meeting on July 23, 2018 and comments from the public were received;

THEREFORE, BE IT HEREBY ORDAINED by the Town of Atlantic Beach Town Council that the Code of Ordinances Chapter 10, Motor Vehicles and Traffic, Article I, Section 10-1 Definitions and Article X, Operation of Golf Carts shall be amended as follows:

Chapter 10 Motor Vehicles and Traffic

Article 1. Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

golf cart means 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 MPH. G.S. 20-4.01(12a).

driver's license means a valid license issued to operate a motor vehicle issued by North Carolina or any other state.

financial responsibility means liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

operator means only persons over 18 years of age and holding a valid driver's license may operate a golf cart on roads.

Article X Operation of Golf Carts

Section 10-189. – Registration and permit requirements.

- (a) No golf cart may be operated on any public street 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 (January 1 to December 31) thereafter in accordance with the provisions of this article.
- (b) The owner shall complete a golf cart registration application provided by the town and have the golf cart inspected by the town for compliance with the minimum safety standards provision 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 license plate and annual registration decal which shall be displayed on the rear of the golf cart (this location will be determined by the Police Department). The Town Council may establish, and amend from time to time, an annual registration/renewal fees for golf carts as specified in the approved Fee Schedule.

- (c) To register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:
- (1) The owner must be at least eighteen (18) years old and possess a valid driver's license
 - (2) The owner must be a resident, property owner, authorized guest, or tenant of property with a physical address in the town
 - (3) The owner must possess and maintain liability insurance in an amount not less than required by state law for traditional motor vehicles operated on public streets in the state
 - (4) The golf cart must not have been modified to exceed a speed of twenty (20) mph, and
 - (5) The golf cart must have a unique identification number
- (d) 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
 - (8) Must be limited to a maximum of three (3) rows of seats
- (e) 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.
- (f) 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 a golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on public streets within the town, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

Section 10-190. – Standards of operation.

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

- (a) A golf cart must display a valid town-issued golf cart license plate with a current annual registration decal mounted in a visible location on the rear of the golf cart and a town-issued safety regulations decal affixed to the windshield.
- (b) A golf cart may be operated on all public streets in the town, with the exception of the entire length of NC 58 (Ft. Macon Road) and the entire length of Atlantic Beach Causeway. Golf carts are strictly prohibited from traveling on NC 58 (Ft. Macon Rd.), however, golf carts are permitted to cross directly in a straight line from one side of NC 58 to the other side at the following crossings:
 - i. Triple S Marina and Henderson Blvd.
 - ii. Island Quay Drive and Island Quay Court
 - iii. Ocean Ridge Drive and Ocean Ridge Court
 - iv. Charlotte Avenue and NC 58 traffic light
 - v. Atlantic Station and the Town park traffic light
 - vi. For safety reasons, all other crossing areas are prohibited.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) No golf cart may be operated in a careless or reckless manner.
- (g) 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.
- (h) 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 unless cart-specific parking areas are established and available.
- (i) 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.
- (j) Golf carts may not be operated on any sidewalk or bicycle path, except for golf carts operated by governmental or public service agencies for official purposes.
- (k) 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.
- (l) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
- (m) The operator of a golf cart shall yield the right-of-way to traditional motor vehicles.

Section 10-191. – 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.
- (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.
- (c) Any person violating the provisions of this article or failing to comply with any of its requirements shall be required to pay a civil violation in the amount of fifty dollars (\$50.00).
- (d) Any person violating the town's parking ordinances shall be subject to the penalties outlined for parking violations.
- (e) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street is a violation of state law, and is punishable as provided therein.
- (f) The town may refuse to register and issue a permit for the operation of a golf cart, or may immediately 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.
- (g) The town may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and

reckless manner. Said revocation and/or denial of a permit shall be effective for one (1) year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall either be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.

- (h) All revocation periods shall be effective from the date of the notification of revocation letter, provided that the revoked registration plate is surrendered to the police department within fourteen (14) days of the date of notification. If the revoked registration plate is not surrendered within fourteen (14) days, then the revocation shall be effective, however the one (1) year period shall not begin until the date the plate is surrendered to, or seized by, the police department.

First reading on the 27th day of August, 2018. Second reading on the 24th day of September, 2018. Adopted and approved this the 24th day of September, 2018.

This Ordinance shall be effective November 1, 2018.

(seal)



TOWN OF ATLANTIC BEACH

ATTEST:



Katrina Tyer - Town Clerk



A. B. Cooper, III - Mayor