

AN ORDINANCE TO AMEND SECTION 70.05 OF THE CODE OF ORDINANCES TO CLARIFY AND REVISE PROVISIONS REGULATING THE OPERATION OF GOLF CARTS WITHIN THE TOWN OF DUCK, NORTH CAROLINA

Ordinance No. 24-05

WHEREAS, previously the Town enacted Ordinance 24-02 to regulate the operation of golf carts on public streets within the Town; and

WHEREAS, subsequent to the adoption of Ordinance 24-02, it was determined that certain provisions of the Ordinance needed to be clarified and revised.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Town of Duck, North Carolina, as follows:

1. Section 70.05 of the Code of Ordinances is hereby amended as follows (with additions and deletions indicated):

§ 70.05 GOLF CARTS

(A) Operation of Golf Carts Permitted

- (1) Purpose. The purpose of this section is to provide a means of travel that is convenient, conserves resources, and protects the environment. Golf carts, as defined in §70.01, if properly used, may be an effective way to travel for short distances within the Town. However, to help ensure the public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding motor vehicles but shall also comply with the provisions of this section. This section establishes required safety equipment, a registration and permit process, and the basic, minimum standards of care to be used by the users of golf carts on public roads, streets, and highways, and their respective shoulders. This section also prohibits the use of golf carts on sidewalks, multi-use pedestrian paths, and similar areas of the Town.
- (2) Disclaimer. Golf carts might not be designed or manufactured to be used on public streets, and the Town neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. The Town shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.
- (3) Assumption of risk. Any person who owns, operates, or rides on 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.

- (4) Operation on NC Highway 12 prohibited. The operation of golf carts on NC Highway 12 shall be prohibited; provided, however, a golf cart may cross NC Highway 12 at a right angle when driving from a street on one side of NC Highway 12 to a street that is directly opposite and on the other side of NC Highway 12.
 - (5) The operation of golf carts on public streets, roads and highways, except as to NC Highway 12 as provided in division (A)(4) of this section with a posted speed limit of 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.
- (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 streets, roads, or private property.
 - (2) The use of a golf cart in connection with a Town sponsored special event provided the golf cart is only used during such event.
 - (3) The use of golf carts by the Duck Police Department or the Duck Fire Department, while on official public safety business or by Town staff, contractors, or volunteers while on official Town business.
- (C) Registration and permit requirements.
- (1) 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 beginning on April 1, 2025, and thereafter in accordance with the provisions of this article.
 - (2) Application and permit. The owner shall complete an application provided by the Town and must self-certify that the golf cart is in compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart beginning on April 1, 2025. To evidence the registration, the owner shall be issued a unique registration decal which shall be displayed on the lower left corner of the windshield of the golf cart. The Town Council may establish, and amend from time to time, an annual registration fee for golf carts. For the first registration period of April 1, 2025 through March 31, 2026, the registration fee will be waived.
 - (3) 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:

- (a) Two operating front headlights, or a single headlight bar, visible from a distance of at least 250 feet, if the golf cart is operated between sunset and sunrise,
 - (b) Two operating taillights, with brake lights visible from a distance of at least 250 feet, if the golf cart is operated between sunset and sunrise,
 - (c) A rear vision mirror,
 - (d) At least one reflector per side, if the golf cart is operated between sunset and sunrise,
 - (e) An operable parking brake,
 - (f) Seat belts for all seating positions on the golf cart,
 - (g) A windshield; and,
 - (h) The golf cart is limited to a maximum of three rows of seats.
- (4) Acknowledgement. Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgement that he/she has read and understands the provisions of this article, that the golf cart is in proper working order, that the golf cart does not contain any modifications to the engine or motor, and that the golf cart is equipped with the required safety features listed in section (C)(3) above, 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 registration and permit, and annual renewal in the Town's fee schedule.
- (5) 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.
- (D) Basic requirements. In order to lawfully operate a golf cart on public streets, the owner and/or operator, and the golf cart must meet the following basic requirements:
- (1) The driver and passengers must be properly seated and shall have a seatbelt properly fastened about their body at all times while the golf cart is in motion, to

be effective on April 1, 2025. The seating capacity, as determined by the number of seats, shall not be exceeded.

- (2) No golf cart may be operated at a speed greater than 20 mph.
 - (3) No golf cart may be operated in a negligent, careless or reckless manner, or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb, or property of the passengers or of any other person.
 - (4) 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.
 - (5) 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; provided however, 2 golf carts may be parked in a parking space that is designed for the parking of 1 traditional motor vehicle.
 - (6) Golf carts may only park in handicapped spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed on the golf cart.
 - (7) Golf carts may not be used for the purpose of towing any person or object.
 - (8) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
 - (9) The operator of a golf cart shall yield all right-of-way to traditional motor vehicles.
 - (10) No golf cart may be operated on a public street without being equipped with a rear view mirror, an operable parking brake, seat belts for all seating positions on the golf cart, and a windshield, to be effective April 1, 2025.
 - (11) No golf cart may be operated on a public street between sunset and sunrise without being equipped with at least one reflector per side, two operating front headlights, two operating taillights, and operating brake lights, visible from a distance of at least 250 feet, to be effective April 1, 2025.
- (E) Prohibitions. No golf cart may be:
- (1) Operated on the shoulder of any public street, road, or highway, or upon any sidewalk, multi-use pedestrian path, Central Village Commercial Pedestrian

Sidewalk, Central Village Commercial Bicycle Lane, or other similar area of the Town; or

(2) Operated within the Town by any person who is less than 16 years of age.

(F) Violation.

(1) Any person who knowingly allows an underage driver to operate a golf cart may be charged and subject to the penalties prescribed in North Carolina law for contributing to the delinquency of a minor.

(2) Any person violating the provisions of subsection (C)(1) of this chapter shall be required to pay a civil violation in the amount of \$50.00.

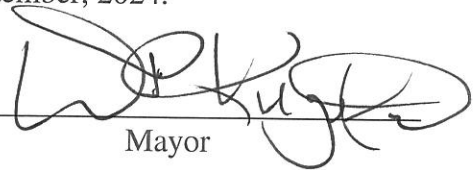
(3) Any person violating the provisions of this chapter, other than subsection (C)(1), or fails to comply with any of its requirements shall be required to pay a civil violation in the amount of \$25.00.

(4) Any person violating the Town's parking ordinances shall be subject to the penalties applicable to parking violations.

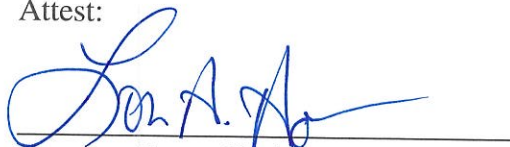
(5) Operating a golf cart while under the influence of an impairing substance (such as alcohol or drugs) on a public street or road is a violation of North Carolina law and is punishable as provided therein.

3. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Duck and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the 4th day of September, 2024.


Mayor

Attest:


Town Clerk

