

Town of Rockwell Golf Cart Ordinance

Chapter 77 (Effective: 11/10/2014)

Preamble

WHEREAS the NC General Assembly in Session 2009 ratified House Bill 121 allowing Local Government the option to allow the regulation of Golf Carts per N.C. G.S. 160-300.6

WHEREAS the Town of Rockwell desires to allow the operation of Golf Carts on designated public streets, roads, pathways, and highways within the Town of Rockwell's jurisdiction, and

WHEREAS the Town of Rockwell by adopting this Ordinance is not endorsing, nor is it advocating, the use of Carts on the public streets, road, paths, or highways within its jurisdiction, and

WHEREAS By adopting this Ordinance, the Town of Rockwell is merely regulating the operation of such vehicles by addressing public safety issues and concerns for all operators and passengers of Carts which operate within the Town of Rockwell's jurisdiction, do so at their own risk and peril, and

WHEREAS Golf Carts hereinafter referred to as "cart(s)", are not generally designed to be operated and used on public streets, roads, paths, or highways.

THEREFORE This Ordinance does not imply that operation of these vehicles on said streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this Ordinance but the Town of Rockwell in the interest of public safety wants to provides protection for the public and those that do operate said vehicles.

Section 77.10

a) Definitions

- 1.) "Carts": Golf Carts are defined as a vehicle designed and manufactured for the operation on a golf course for sporting or recreational purposes that is not capable of exceeding 20 miles per hour on a straight and level surface. Lawn mowers, tractors, four-wheelers, ATVs, or any other conveyance, other than those described herein are excluded from the provisions of this ordinance.
- 2.) "Permit of Operation": A sticker issued by the Rockwell Police Department that must be displayed, on the left side of any Carts (not on a windshield) operated within the Town of Rockwell
- 3.) "Low Speed Vehicle" (LSV): Low Speed Vehicles are defined as a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. N.C.G.S. 20-4.01 (27)h

Section 77.20 Rules and Regulations

Low Speed Vehicles (LSV) are exempt from this ordinance and therefore are regulated by NC General Statutes in Chapter 20-121.1

(a). Carts, All operators of said vehicles, and their passengers, must be observant of, and attentive to, the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others. The Town of Rockwell has **no** liability, under any theory of liability, for permitting the operation of Carts on streets, roads, paths, or highways under its jurisdiction as allowed by North Carolina General Statutes and special legislation granted by the North Carolina State Legislature, but governed by this Ordinance.

(b) Carts may only be operated on the streets, roads, paths, and highways within the Town of Rockwell in accordance with the following rules and regulations.

(1) Before Carts can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the Town of Rockwell, the owners thereof must purchase and maintain liability insurance in at least the minimum amount required by the State of North Carolina for a licensed motor vehicle which policy insures against personal injury and property damage of any nature, relative to the operation of said vehicles. Proof of insurance must be provided to the Rockwell Police Department at the time of application for a permit to operate said vehicles and must be carried by the operator at all times that said vehicles are in operation.

(2) Any person who operates a Cart in the Town of Rockwell takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on a Cart in the Town of Rockwell takes full responsibility for all liability associated with the "riding on" or the "sitting on" of said vehicles.

(3) Any person that owns or operates a Cart on the designated streets, roads, pathways, or highways within the Town of Rockwell's jurisdiction, shall be at least 16 years of age and hold a valid full unrestricted driver's license issued by a state within these United States, and, said operator shall have this driver's license on their person at all times while operating said vehicles.

(4) Carts may be operated during daylight or darkness hours, and must be is equipped with headlights, brake lights, turn signals, side reflectors, and a horn that have been approved by the Chief of Police.

(5) Carts may not be operated during inclement weather, when visibility is reduced or impaired by weather, smoke, fog, or other conditions or at anytime when there is insufficient light clearly to see a person or a vehicle on the roadway at a distance of 500 feet.

(6) Carts must be equipped with a rear vision mirror capable of providing the operator with a 200 feet clear rear sight picture, and shall also be equipped (on the rear of the vehicle) with a Low Speed Vehicle (triangular) placard that meets ASAE S276.4 standards, and shall be equipped with sufficient brakes, reliable steering, and safe tires.

(7) Carts may only be operated on **US Hwy 52 and NC Hwy 152** within the Town of Rockwell's jurisdiction when necessary to access a town street, road, or pathway, or a business or residential access point that is not readily accessible from a town back-street, back-road, or pathway. Any continuous travel on US Hwy 52 or NC HWY 152 highways is hereby prohibited and shall be subject to civil penalty or fine.

(8) Any person who operates a Cart within the Town of Rockwell's jurisdiction must adhere to all State of North Carolina traffic laws, and all laws governing the use of, or the possession of, alcoholic beverages and controlled substances.

(9) Cart operators must yield the right-of-way to pedestrians and overtaking vehicles at all times.

(10) All passengers, including children, must be properly seated while the Cart is in motion and shall not be transported in a negligent manner.

(11) The maximum occupancy of any Cart shall not exceed the manufacturer's design or recommended seating capacity.

(12) Carts shall not be allowed to operate on any town sidewalks, unless otherwise designated by the Chief of Police.

(13) Carts shall not be allowed to park in designated "Handicapped Parking Spaces" unless the operator, or one of the passengers of the vehicle, has a valid "Handicapped Placard" or sticker. This placard shall be appropriately displayed while the vehicle is so parked.

Section 77.30 Permit, Application, & Revocation

(a). All Carts operated within the Town of Rockwell's jurisdiction must display, on the left side of the vehicle (not on a windshield), a valid "Permit of Operation" sticker issued by the Rockwell Police Department. The initial application fee for said sticker shall not exceed \$50.00 per vehicle with a \$25.00 annual renewal thereafter, and said fee will be used for implementation and maintenance of this privilege. The Chief of Police shall have the right to refuse to issue and/or revoke any permit sticker and may remove said sticker from any Cart at any time and for any reason that he, or she, feels is appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of the Town of Rockwell.

(b). In all cases, the Chief of Police must approve the use of Carts on the streets, roads, pathways, or highways within the Town of Rockwell's jurisdiction. All permits approved shall be valid for the year of issuance with the annual period being from 1st January until 31st December of each year. The initial issue shall be valid thru the end of the current year.

(c). Inspection of lights, tires, and safety equipment on Carts shall be conducted at the Rockwell Police Dept, by the Chief of Police or his designee.

(c) Any person wishing to make application for a "Permit of Operation" for Carts shall complete the required application form distributed for the Rockwell Police Department by the Town Clerk, execute a release, indemnity and hold harmless agreement and shall pay the Town of Rockwell the annual non-refundable registration fee at the time the application is submitted to the Rockwell Police Dept. The fee must be paid even if a "Permit of Operation" is denied or revoked by the Chief of Police.

(1) Permit Application Form — The application form shall include the full name, address, and telephone number of the applicant; the applicant's date of birth; the applicant's driver's license information to include state of issuance and the driver's license number (shall be attached a photocopy of the applicant's driver's license to the application form); the name of the applicant's insurance company and the applicant's insurance policy number, along with the date of expiration of said policy; the date of the application; an executed "Release, indemnity and hold harmless agreement on the form approved by the Chief of Police and the applicants signature attesting to his or her reading and understanding of the Town of Rockwell's Ordinance governing the operation of Carts, within the Town of Rockwell's jurisdiction. As a condition to obtaining a "Permit of Operation", the Chief of Police may require an applicant to submit a certificate signed by a licensed physician to the effect that the applicant is able to safely operate a motorized Cart within the Town of Rockwell's jurisdiction.

(2) Any "Permit of Operation" may be revoked by the Chief of Police if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permittee cannot safely operate a Cart. A permit shall be revoked by the Chief of Police if it is found that the operator, or any person that the operator allows to operate said vehicle, driver's license has been suspended, revoked, or has expired. The Chief of Police shall issue a "notice of revocation" in the event that a permit is revoked and shall hand deliver said revocation notice to the permit holder, or the Chief of Police may send said notice by certified mail to the address of the permittee or applicant. The revocation shall be effective immediately upon hand delivery or three days after mailing by certified mail.

(3) Any party having a Permit of Operation revoked under the terms of this ordinance may apply for reinstatement in writing to the Chief of Police stating the reasons for reinstatement. The Chief of Police shall establish a hearing within fifteen (15) days of receiving a request for reinstatement and promptly notify the applicant of the time and place of the hearing. The Chief of Police may reissue the permit in his discretion if he is satisfied that the applicant has complied with the provisions of this ordinance, complied with the reasons for the original revocation and the interest of public safety would not be harmed by reissuing the permit.

Section 77.40 Penalty and Enforcement

- (a) Any person who violates any section or part of this ordinance, or fails to comply with any section or part of this Ordinance shall be held responsible for an infraction and shall be required to pay a civil penalty in the amount of \$50.00 pursuant to Chapter 1 Sec. 1-6.
- (b) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (c) If any court of competent jurisdiction holds any word, part, section, paragraph, or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

Defense Release, Indemnity, and Hold Harmless Agreement

As provided in Sections 77.20 and 77.30 of the Town of Rockwell’s Golf Cart Ordinance Chapter 77, any person operating a Golf Cart on designated streets, roads, pathways, or highways within the Town of Rockwell’s jurisdiction, does so at their own risk and peril, and must operate said vehicles with due caution and circumspection and with regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians.

The undersigned owner and registrant hereby agrees to indemnify, defend, and hold the Town of Rockwell, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators, and assigns, completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of an incident to the acts or omissions of the Owner and Registrant, its officers, agents, employees, contractors, subcontractors, subleases, licensees, invitees, or any third persons in the use of the Owner’s and Registrant’s Golf Cart, regardless of where the injury, death, or damage may occur. I furthermore attest that I received, read, and understand the Town of Rockwell’s Golf Cart Ordinance.

OWNER

Signature_____

Print Name_____

Permit Decal #_____

STATE OF NORTH CAROLINA

County of Rowan

Town of Rockwell

Sworn and subscribed before me this _____ day of _____, 20_____

_____ My Commission Expires:

Notary Public

TOWN OF ROCKWELL GOLF CART OWNER REGISTRATION

Golf cart owner's name(s): _____

Owner's DOB: _____

Owner's Physical Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Mailing Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Telephone No. Daytime: (_____ Night time: (_____

Owner's Driver License Number: _____ State: _____

Make of golf cart (Mfg): _____

Color of golf cart: _____ Model (Year): _____

Serial Number of golf cart: _____

Liability Insurance Provider: _____

Insurance Policy Number: _____

Insurance Expiration Date: _____

I have received, read and understand the "Golf Cart Ordinance." I have paid the registration fee for the above Cart and agree to additional assessments as may be required in support of this ordinance. I acknowledge that I will assume all liability, and am fully responsible for the operation of the above Cart/LSV on the streets, roads, pathways, and highways in the Town of Rockwell. I also acknowledge that the Town of Rockwell, in providing this privilege, is in no way endorsing the operation of this Cart on the streets, roads, pathways, or highways and does not and will not assume any liability in the operation of the Cart. I agree to indemnify' and hold harmless the Town of Rockwell for any and all liability arising from the use of this Golf Cart. I also understand that the Rockwell Police Department's interpretation of all the rules and regulations are final. I will insure that the assigned proof of compliance will remain attached to the driver's side of the Cart at all times. I furthermore insure that I will obey all the rules and regulations set forth by the Town of Rockwell and the State of North Carolina concerning the operation of a Cart within the town limits.

Signature: _____ Date: _____

Day & Night Operation Approval

Approved by: Hugh W. Bost, Jr., Chief of Police

Signature: _____ Date: _____

§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b), if any person shall violate an Ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 1 62A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

§ 10.99 General Penalty

Section 10.99 General Penalty, Enforcement of Ordinances, Continuing Violations

Unless otherwise provided herein, each violation of this code or any other Town Ordinance shall constitute a Misdemeanor as provided by section 14-4 of the North Carolina General Statutes, except as otherwise provided by statute and violation of such provisions of this Code or any other Town Ordinance shall be punished by fine or imprisonment as provided by law. Each day any violation of this Code or any other Town Ordinance shall continue shall constitute a separate offence, except as specifically provided.

Violations of this Code or any other Town Ordinance shall constitute either a misdemeanor, or at the election of the Town of Rockwell, shall subject the offender to a civil penalty upon issuance of a citation for said violation as hereafter provided. The civil penalty if not paid to the Town of Rockwell within 15 day of issuance, may be recovered by the Town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Code or any Town Ordinance, said civil penalties shall be in the amount of \$50.00 for each violation and each day any single violation continues shall be a separate violation.