

**ORDINANCE #08-19:**

**AN ORDINANCE AMENDING CHAPTER VII OF THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS IN THE VILLAGE OF PINEHURST**

**THAT, WHEREAS,** the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety and welfare of its citizens; and

**WHEREAS,** the Municipal Code has been subsequently amended from time to time as conditions warrant; and

**WHEREAS,** the Village Council of the Village of Pinehurst finds that unregulated use of golf carts on public streets and roads is detrimental to the safety of the citizens of Pinehurst;

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of Pinehurst, North Carolina, in work session assembled this 22<sup>nd</sup> day of July, 2008 as follows:

**SECTION 1.** That Chapter VII of the Pinehurst Municipal Code is hereby amended by adding Sections 7-4.4 through 7-4.9 to read as follows:

**CHAPTER 7-4.4. Operation of Golf Carts on Public Streets and Roads**

**Section 7-4.5: Authority to regulate**

Pursuant to Session Law, 2008-71 Senate Bill 1598, as enacted by the North Carolina General Assembly, the Village of Pinehurst is authorized, by ordinance, to require the registration of, and regulate the operation of golf carts upon any public street or road within the Village.

**Section 7-4.6: Operation on Public Streets and Roads**

It is unlawful to operate a golf cart on a public street or road within the Village of Pinehurst unless the following requirements are met.

- a. The golf cart may only be operated on streets and roads that meet the requirements below:
  - 1) Golf carts may not be operated on or alongside a public road or street with a posted speed limit greater than 35 MPH.
  - 2) Golf carts may not operate on or alongside NC 211 within the corporate limits, or on or alongside US 15-501 within the corporate limits. Golf carts may only cross NC 211 and US 15-501 at signalized intersections in the corporate limits.

- 3) Golf carts may cross directly over, but may not operate on or alongside NC 5, NC 2, Morganton Road, Page Road and Linden Road in the corporate limits.
- b. No person may operate a golf cart unless that person is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public streets and roads in the corporate limits.
  - c. Only the number of people the golf cart is designed to seat may ride on a golf cart, specifically passengers shall not be carried on the part of a golf cart designed to carry golf bags.
  - d. 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 20 miles per hour.
  - e. No golf cart may be operated in a careless or reckless manner.
  - f. Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
  - g. Golf carts may be operated only during daylight hours, with the exception of golf carts meeting the requirements set forth below which may operate for one hour before sunrise and one hour past sunset:

Two (2) lighted lamps, one on each side of the front of the golf cart, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such golf cart, and a red lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such golf cart.

In lieu of the red lamp, the golf cart may be equipped at the rear with two red reflectors of a diameter of not less than three inches which are so designed and located as to height and which are maintained so that each reflector is visible for at least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights.

- h. 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 alcoholic beverages.
- i. Golf carts must have the 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 a rear view mirror. Lights and reflectors are required if the vehicle is to be operated at any time before sunrise or after sunset, as

provided in Section (g). Golf carts must display a current, valid sticker, placed on the front and rear of the cart, issued by Pinehurst, LLC.

- j. Golf carts may only be operated on public streets and roads in the corporate limits when the purpose for such travel is for transport to and from, and play on a golf course in the corporate limits of Pinehurst. Golf carts may not be operated on public streets and roads in the corporate limits for any other purpose unless they are operated in conjunction with a parade being conducted pursuant to a valid temporary use permit issued by the Village of Pinehurst.

**Section 7-4.7: Streets and Roads approved for use**

Golf carts authorized for use under the provisions of this ordinance may be operated in the Village of Pinehurst on public streets and roads only within the corporate limits of the Village of Pinehurst.

Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated on or upon other locations.

**Section 7-4.8: Enforcement**

Violation of the provisions of this Ordinance shall constitute an infraction, the maximum penalty for which shall be fifty dollars (\$50.00). Notwithstanding the foregoing, persons who, while driving golf carts on public streets within the Village, violate the “Rules of the Road” applicable to motor vehicles generally (as set forth in Part 10 of N.C.G.S. Chapter 20), shall be subject to the same penalties applicable to the operators of such other motor vehicles.

**Section 7-4.9: Liability Disclaimer**

This ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets and the Village of Pinehurst in no way advocates or endorses their operation on public streets or roads. The Village, by regulating such operation is addressing obvious safety issues, and adoption of this ordinance is not to be relied upon as determination that operation on public streets is safe or advisable if done in accordance with this ordinance. All persons who operate or ride upon golf carts on public streets or roads 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, bicyclists, and pedestrians. The Village of Pinehurst has no liability under any theory of liability and the Village assumes no liability, for permitting golf carts to be operated on the public streets and roads under the special legislation granted by the state’s legislature. Any person who operates a golf cart is responsible for procuring liability insurance providing coverage in the amount of not less than \$300,000 per occurrence to cover the risk involved in using a golf cart on the public streets and roads.

**SECTION 2.** That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

**SECTION 3.** That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

**THIS ORDINANCE** passed and adopted this 22<sup>nd</sup> day of July, 2008.

(Municipal Seal)



VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: *George P. Lane*  
George P. Lane, Mayor

Attest:

*Linda S. Brown*  
Linda S. Brown, Village Clerk

Approved as to Form:  
*Michael J. Newman*  
Michael J. Newman, Village Attorney