

# Amendment to the Traffic and Motor Vehicle Section of the Carteret County Code of Ordinances

## Chapter 15- Traffic and Motor Vehicles

### By Adding:

#### **Sec. 15-38. – Operation of Golf carts on the Roadway**

##### **Sec. 15-38.1. - Purpose, disclaimer, and assumption of risk.**

- (a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy efficient. In order to promote the safety of drivers, passengers, and the general public in the unincorporated Carteret County, the operation of golf carts must comply with applicable state laws and county regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.
- (b) Golf carts are not designed for nor manufactured to be used on public streets and the county neither advocates nor endorses the golf cart as a safe means of travel on public streets. The County shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.
- (c) Any person who owns, operates, or rides on a golf cart on a public roadway within unincorporated Carteret County does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

##### **Sec. 15-38.2. - Golf cart, golf cart operator defined.**

A golf cart is 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 twenty (20) mph. A golf cart operator refers to the individual driving or in physical control of a golf cart that is moving or has its key inserted and in the on position.

##### **Sec. 15-38.3. - Operation of golf carts permitted.**

- (a) The operation of golf carts on certain public roadways designated on a list maintained by the Clerk to the Board of Commissioners with a posted speed limit of thirty-five (35) mph or less within the unincorporated County and on property owned or leased by the County 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 County or to operate any golf cart at any place or in any manner not authorized herein.

- (b) The operation of golf carts in the following circumstances is exempt, and 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 on private streets within a gated community,
  - (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 Sheriff's Department or Highway Patrol is notified, and provided the golf cart is only used during such event, and
  - (4) The use of golf carts by County personnel, other governmental agencies, and/or public service agencies on official business.

**Sec. 15-38.4 – Areas of permitted operation**

- (a) It shall be unlawful to operate a golf cart on the roadway in unincorporated Carteret County unless expressly permitted herein:

A complete list of areas in unincorporated Carteret County where golf carts are allowed on the roadway is kept and maintained in the Carteret County Clerk to the Boards Office.

**Sec. 15-35.5 - Golf carts do not qualify as electric personal mobility devices.**

Golf carts do not qualify as electric personal mobility devices designed to assist handicapped or elderly individuals. All golf carts operated on public roadways must be properly registered with and permitted by the County.

**Sec. 15-38.5. - Registration and permit requirements.**

- (a) No golf cart may be operated on any public roadway unless the golf cart has first been registered with the county and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of the article.
- b) The owner shall complete an application provided by the county and the golf cart shall be inspected by the County 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 an annual registration decal which shall be displayed on the

rear of the golf cart. The board of commissioners may establish, and amend from time to time, a registration fee for golf carts.

- (c) In order to register a golf cart and secure a permit, the owner and golf cart must meet the following basic requirements:
  - (1) The operator must 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 public streets in the state,
  - (3) The golf cart must not have been modified to exceed a speed of twenty (20) mph, and
  - (4) The golf cart must have an identifiable identification number.
- (d) In order to register a golf cart and secure a 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) Prior to the issuance of an initial permit or renewal, the county shall inspect the golf cart for compliance with the requirements of this article. No golf cart shall be registered and permitted unless it is in compliance with all requirements.
- (f) Prior to the issuance of an initial permit or renewal, the owner shall sign an acknowledgment that he/she has read and understands the provisions of this article.
- (g) 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 roadways within the County, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

### **Sec. 15-38.6. - Standards of operation.**

It is unlawful to operate a golf cart on a public roadway within unincorporated Carteret County unless the following requirements are met:

- (a) A golf cart must display a valid county-issued golf cart annual registration decal.
- (b) 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.
- (c) 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.
- (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 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.
- (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 used for the purpose of towing another cart, trailer or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- (k) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
- (l) The operator of a golf cart shall yield the right-of-way to traditional motor vehicles.

### **Sec. 15.38.7. - 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) 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 county 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 county 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 decal is surrendered to the Sheriff's Department within fourteen (14) days of the date of notification. If the revoked registration decal 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 decal is surrendered to, or seized by, the Carteret County Sheriff's Department.

List of Areas within unincorporated Carteret County where Golf Carts are allowed:

Harkers Island

- (1) On Harkers Island except no operation shall be allowed on Island Road from the Harkers Island Bridge on the West end of the Island to Davis Street on the East end of the Island. (Operation allowed on Island Road from Davis Street to Shell Point),
- (2) Golf Carts shall be allowed to cross Island Road at intersections.

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Chairman, Robin Comer  
Carteret County Commissioners

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Clerk to the Board, Rachel Hammer  
Carteret County Commissioners

## **ARTICLE IX EDUCATION**

### **Section 1. Education encouraged.**

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

### **Sec. 2. Uniform system of schools.**

(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

### **Sec. 3. School attendance.**

The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

### **Sec. 4. State Board of Education.**

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

### **Sec. 5. Powers and duties of Board.**

The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

### **Sec. 6. State school fund.**

The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so

much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

**Sec. 7. County school fund; State fund for certain moneys.**

(a) Except as provided in subsection (b) of this section, all moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

(b) The General Assembly may place in a State fund the clear proceeds of all civil penalties, forfeitures, and fines which are collected by State agencies and which belong to the public schools pursuant to subsection (a) of this section. Moneys in such State fund shall be faithfully appropriated by the General Assembly, on a per pupil basis, to the counties, to be used exclusively for maintaining free public schools. (2003-423, s.1.)