

TOWN OF BENSON - GOLF CART ORDINANCE

Rules and Regulations

Golf Carts may be operated on streets within the Town of Benson in accordance with the following rules and regulations:

- I. Golf Carts, and otherwise defined as Low Speed Vehicles, as defined by North Carolina General Statute 20-4.01(27)h, that are currently in compliance with ALL STATE LAWS related to their operation, registration, and insurance requirements, and are operated by licensed drivers will be exempt from this ordinance.
- II. Other Golf Carts and Low Speed Vehicles not in compliance with NC General Statutes that operate on a street or public vehicular area within the Town of Benson will be subject to an annual inspection by the Chief of Police, or his designee. After successfully completing the inspection process, the operator may receive a Town of Benson Golf Cart Permit/Sticker, which must be applied to the Golf Cart by the Chief of Police, or his designee, to insure that the Permit/Sticker is applied in the most conspicuous location on the Golf Cart.
- III. The inspection by the Chief of Police, or his designee, will cover the following safety requirements, and every Golf Cart operating on Town of Benson streets must have the following safety equipment:
 - a) Permits/Stickers will be issued to operators of ELECTRIC AND GAS POWERED GOLF CARTS.
 - b) Each owner must have proof of ownership, and a completed Waiver of Liability, releasing the Town of Benson, its employees, and affiliates from all liability that may arise as a result of operating a Golf Cart inside the Town of Benson. A current Waiver of Liability must be on file with the Town of Benson, and must be renewed annually.
 - c) All Golf Carts must meet the requirements or minimum standard of safety equipment, to wit: Rear View Mirror, Lap Belts and Child Restraints for use while the vehicle is in motion, and a Reflective "Slow Moving Vehicle" Sign Affixed on the Rear of the Golf Cart.
 - d) All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina drivers license. The medical or physical condition must be evidenced with a professionally certified mental phobia or physical condition which, although it prevents them from driving a licensed motor vehicle, would not prevent the safe operation of a golf cart and said certification must be provided from a medical professional. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina Identification card.
 - e) Golf Carts, by design, are equipped to seat a certain number of passengers. Each Golf Cart differs in that it may accommodate 2 to 6 passengers, generally. This section is designed to regulate overcrowding or reckless operation of a Golf Cart; therefore no passengers are permitted to stand on a golf cart while it is in operation.
 - f) All operators must provide a minimum of liability insurance on any Golf Cart prior to inspection.

- g) Permits/Stickers will be issued annually, and are valid from July 1st of each year. The following fees shall apply:

1. Inspection by Police Department (Includes Permit/Sticker)	\$35.00 Annually
2. Re-Inspection by Police Department (If a Golf Cart fails the initial inspection)	\$10.00

- h) Lost or Stolen Permit/Stickers are the responsibility of the owner. A Police report must be filed in the event of a Lost or Stolen Permit/Sticker. The Chief of Police will have the discretion in determining whether a Permit/Sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.

IV. Any person who operates a Golf Cart in the Town of Benson, and fails to receive or properly display a Town of Benson Permit/Sticker will be subject to the state law requiring registration, insurance, and any other applicable laws, in addition to being in violation of this ordinance.

V. Golf Carts will be subject to the traffic laws of North Carolina:

- a) All operators must adhere to ALL LAWS that apply to normal vehicle operation, to wit: Stop Signs, Stop Lights, One-Way Streets, etc. All alcohol laws will also apply.
- b) Golf Carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway.
- c) Golf Cart operators must yield the right of way to any overtaking vehicles.
- d) Golf Carts shall not be operated on sidewalks.
- e) Golf Carts shall not be operated on private property, without the permission and consent of the property owner.

VI. Golf Carts that are issued permits to operate under this ordinance may only be used from Sunrise to 30 minutes prior to Sunset. NO operation after 30 minutes prior to sunset is allowed.

VII. Liability Disclaimer - This ordinance is adopted to address the interests of public safety. Golf carts are not designed, or manufactured to be used on public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on a public street or public vehicular area is safe or advisable, if done in accordance with this ordinance. All persons who operate or ride upon golf carts on public streets or public vehicular areas 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 town has no liability under any theory of liability, and the town assumes no liability, for permitting golf carts to be operated on the public streets and public vehicular areas, under special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and public vehicular areas of the town.

Adoption

The Golf Cart Ordinance shall be added as adopted by the Board of Commissioners to Title VII, the Traffic Code of the Town of Benson Ordinances. The new chapter will be Chapter 78 - Golf Cart Requirements / Restrictions.

Penalty

Whosoever shall violate any provision of this code for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50. Each day that any of the provisions of this code are violated shall constitute a separate offense.

(See Section 70.99 Penalty - Town of Benson Code of Ordinances)