

TOWN of CARY

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PD11-002

STAFF REPORT

Operations Committee, July 1, 2010

Amendments to Town Code Pertaining to Operation of Golf Carts on Public Streets and Roads (PD 11-002)

Consideration for amendment to Town of Cary Ordinance Chapter 34: ARTICLE IX. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS: Sections; 34-276 Authority to regulate, 34-277 Definitions, and 34-278 Operation on public streets and roads
Speaker: Lt. Randall Rhyne

From: Pat Bazemore, Police Chief
Prepared by: Lt. Randall B. Rhyne
Approved by: Benjamin T. Shivar, Town Manager
Approved by: Michael J. Bajorek, Assistant Town Manager

Executive Summary: It is requested that Council approve the changes to Town of Cary Ordinance Chapter 34: ARTICLE IX, OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS: Sections; 34 – 276 Authority to regulate, 34 – 277 Definitions, and 34 – 278 Operation on public streets and roads

Discussion: These changes are necessitated by a recent enactment of the General Assembly, where all cities and counties are allowed to regulate golf carts on public streets. In order for our Town of Cary Ordinance to be consistent with the wording of the new NCGS 160A-300.6, staff requests that Council approve the following changes to Town of Cary Ordinance Chapter 34: ARTICLE IX. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS: Sections; 34 – 276 Authority to regulate, 34 – 277 Definitions, and 34 – 278 Operation on public streets and roads.

Ordinance Amendment

AN ORDINANCE OF THE TOWN OF CARY,
PROVIDING THAT THE CODE OF ORDINANCES, TOWN OF CARY,
BE AMENDED BY REVISING CHAPTER 34: ARTICLE IX. OPERATION OF GOLF CARTS ON
PUBLIC STREETS AND ROADS: SECTIONS: 34 – 276 AUTHORITY TO REGULATE, 34 – 277 DEFINITIONS,
AND 34 – 278 OPERATION ON PUBLIC STREETS AND ROADS
OF SAID CODE; PROVIDING FOR:

Chapter 34: ARTICLE IX. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

Sec. 34-276. Authority to regulate.

Pursuant to ~~Session Law 2001-485 as enacted by the North Carolina General Assembly,~~ **G.S. 160A-300.6**, the town is authorized, by ordinance, to require the registration of, and regulate the operation of electric powered golf carts upon any public street or road within the town.

Sec. 34-277. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart means an electric golf cart **a golf cart as defined by G.S. 20-4.01(12a).**

Operate means to drive, or be in physical control of a golf cart that is moving or has its engine on.

Public streets and roads are those roads defined in section 34-279 **and 34-280** below.

Sec. 34-278. Operation on public streets and roads.

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

- (1) The golf cart may only be operated on streets and roads that meet the requirements of section 34-279 or section 34-280 below.
- (2) 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. An operator of golf cart must be at least 16 years of age, ~~with the exception that operators under the age of 16 years may operate golf carts if they possess a valid learner's permit issued by the state of North Carolina and are accompanied by a licensed driver as required by state law.~~
- (3) 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.

- (4) 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.
- (5) No golf cart may be operated in a careless or reckless manner.
- (6) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- (7) Golf carts may be operated in bicycle lanes on the streets and roads permitted by section 34-279 and section 34-280 below provided they do not impede bicycle traffic.
- (8) Golf carts may be operated only during daylight hours, with the exception that golf carts equipped with operating lights and reflectors meeting the requirements set forth below may operate only between the hours of 7:00 a.m. to 10:00 p.m.:
- a. Two 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.
- b. 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.
- (9) 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.
- (10) Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. Such equipment must include all safety devices as installed by said manufacturer, including lights and reflectors if the vehicle is to be operated at any time before sunrise or after sunset, as provided in section 34-278.
- (11) The chief of police, or his designee, may prohibit the operation of golf carts on any street or road if the chief determines that the prohibition is necessary in the interest of safety.

Proposed Adoption Date: July 15, 2010

Proposed Effective Date: July 30, 2010

Fiscal Impact: None

Staff Recommendation: Staff recommends approval of the amendments.



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