

Town of Oakboro Golf Cart and Slow Moving Vehicle Ordinance

Town Ordinance – TO-110308-01 Adopted 11-03-2008

Section 1.0 Town Policy Statement

This Ordinance allows for the operation of Golf Carts and Slow Moving Vehicles on designated public streets, roads, pathways, and highways within the Town of Oakboro's jurisdiction. Golf Carts and Slow Moving Vehicles are defined as motorized pleasure vehicles that do not exceed 28 miles per hour on a straight and level surface. This Ordinance does not pertain to the operation of lawn mowers, tractors, four-wheelers, ATVs, or any other conveyance, other than those described herein. For the purpose of this Ordinance, John Deere "Gators", Husqvarna "HUV's", and any other manufacturers equivalent shall be considered as Slow Moving Vehicles. This Ordinance has been adopted in the interest of Public Safety. Golf Carts, hereinafter referred to as "cart(s)", and Slow Moving Vehicles, hereinafter referred to as "SMV(s)", are not generally designed to be operated and used on public streets, roads, paths, or highways. The Town of Oakboro by adopting this Ordinance is **no way** endorsing, nor is it advocating, the use of Carts or SMVs on the public streets, road, paths, or highways within its jurisdiction. By adopting this Ordinance, the Town of Oakboro is merely regulating the operation of such vehicles by addressing Public Safety issues and concerns and all operators and passengers of Carts and SMVs, which operate within the Town of Oakboro's jurisdiction, do so at their own risk and peril. 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. 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 Oakboro has **no** liability, under any theory of liability, for permitting the operation of Carts and SMVs 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.

Section 2.0 Defense Release, Indemnity, and Hold Harmless Agreement

As provided in Section 1.0 of the Town of Oakboro Ordinance TO-08004, any person or persons, operating or riding, Carts or SMVs on the designated streets, roads, paths, or highways under the jurisdiction of the Town of Oakboro, does so **at his or her own risk and peril**, and must operate said vehicles with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The Golf Cart or Slow Moving Vehicle owner and registrant must sign a release from liability for the Town of Oakboro which is as follows; The undersigned owner and registrant hereby agrees to indemnify, defend, and hold the Town of Oakboro, 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 or Slow Moving Vehicle, regardless of where the injury, death, or damage may occur.

Section 3.0 Rules and Regulations

Golf Carts and Slow Moving Vehicles may **only** be operated on streets, roads, paths, and highways within the Town of Oakboro in accordance with the following rules and regulations.

1. **Before** Carts or SMVs can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the Town of Oakboro, 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 Oakboro 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 or SMV in the Town of Oakboro 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 or SMV in the Town of Oakboro takes full responsibility for all liability associated with the **“riding on”** or the **“sitting on”** of said vehicles.
3. Any person that operates a Cart or SMV on the designated streets, roads, pathways, or highways within the Town of Oakboro's jurisdiction, **shall** be at least 16 years of age and hold a valid 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 or SMVs may **only** be operated during daylight hours, between sunrise and sunset, unless the vehicle is equipped commercially manufactured headlights, brake lights, and turn signals that have been approved by the **Chief of Police**.
5. Carts or SMVs 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 and SMVs **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 Slow Moving Vehicle placard that meets **ASAE S276.4** standards, and shall be equipped with sufficient brakes, reliable steering, and safe tires.

7. Carts and SMVs may **only** be operated on N.C. Highways 205, 138, 742, and St. Martin Road 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 these highways is hereby prohibited and shall be subject to civil penalty or fine. **The only exceptions** to this rule are for July 4th Celebration of each year and “Cruise-In” days. At such times, the Chief of Police shall designate those roads or streets which may be used on those occasions and the duration of their use.

8. Any person who operates a Cart or SMV within the Town of Oakboro’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 and SMV 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 or SMV is in motion and shall not be transported in a negligent manner.

11. The maximum occupancy of any Cart or SMV shall **not** exceed the manufacturer’s design or recommended seating capacity.

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

13. Carts or SMVs 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.

Section 4.0 Permit, Application, & Revocation

1. All Carts and SMVs operated within the Town of Oakboro’s jurisdiction **must** display, on the left side of the vehicle (not on a windshield), a **valid** “Permit of Operation” sticker issued by the Oakboro Police Department. The **non-refundable** annual fee for said sticker shall **not** exceed \$10.00 per vehicle, 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 or SMV 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 Oakboro.

2. In all cases, the Chief of Police must **approve** the use of Carts or SMVs on the streets, roads, pathways, or highways within the Town of Oakboro's jurisdiction. All permits approved shall be valid for the year of issuance.

3. Any person wishing to make application for a "Permit of Operation" for Carts or SMVs **shall** complete the required application form distributed **for** the Oakboro Police Department **by** the Town Clerk and **shall** pay the **Town Clerk** the annual **non-refundable** registration fee at the time of application. The fee **must** be paid even if a "Permit of Operation" is **denied or revoked** by the Chief of Police.

(A) **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 (**a photocopy of the applicant's driver's license shall be attached 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; and the applicants signature **attesting** to his or her reading and understanding of the Town of Oakboro's Ordinance governing the operation of Carts or SMVs, within the Town of Oakboro'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 or SMV within the Town of Oakboro's jurisdiction.

4. 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 or SMV. 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.

Section 5.0 Penalty and Enforcement

1. 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 penalty in the amount of \$50.00 pursuant to North Carolina General Statute 14-4(b). (See attached)

2. The Oakboro Police Department's **interpretation** of the above Ordinance, its rules and regulations, is **final**.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. 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 1.0 and 2.0 of the Town of Oakboro's Golf Cart and Slow Moving Vehicle Ordinance # TO-08004, any person operating a Golf Cart or Slow Moving Vehicle on designated streets, roads, pathways, or highways within the Town of Oakboro'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 Oakboro, 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 or Slow Moving Vehicle, regardless of where the injury, death, or damage may occur. I furthermore attest that I received, read, and understand the Town of Oakboro's Golf Cart and Slow Moving Vehicle Ordinance.

OWNER

WITNESS

Signature _____

Signature _____

Print Name _____

Print Name _____

Permit Decal # _____

State of North Carolina
County of Stanly
Town of Oakboro

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

My Commission Expires: _____

Notary Public

§ 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 162A, 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).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)