

**AN ORDINANCE AMENDING THE TOWN OF BAILEY
CODE OF ORDINANCES, TITLE VII:
TRAFFIC CODE**

WHEREAS, the Town of Bailey has adopted ordinances regulating traffic within the town's jurisdiction; and

WHEREAS, the North Carolina Legislature has given municipalities the power to regulate golf carts on public street and roads owned by the town within the municipal limits (N.C.G.S. §160A-300.6); and

WHEREAS, the Board of Commissioners of the Town of Bailey, do hereby find and determine that the establishment of a golf cart ordinance is necessary to address the interest of public safety. Golf carts, herein "cart(s)," are not designed or manufactured to be used on public streets and roads, hereinafter "road(s)," and the Town of Bailey in no way advocates or endorses their operation on 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 roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on 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 motorist, bicyclist, and pedestrians. The Town of Bailey has no liability under any theory of liability, for permitting carts to be operated on roads under special legislation granted by the State Legislature.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Bailey that the following chapter be added to Title VII of the Code of Ordinances;

ADD:

CHAPTER 78: REGULATIONS FOR GOLF CARTS

§78.01 PURPOSE OF REGULATIONS. The purpose of this Ordinance shall be to establish a Golf Cart Ordinance within the Town of Bailey to promote the health, safety and welfare of persons operating cart(s) within the Town.

§78.02 DEFINITIONS. For the purpose of this section, the following words and phrases shall have the following meaning.

(A) Golf Cart: 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 25 MPH

(B) Operator: Only persons over 16 years of age, and that have a valid driver license, may operate a golf cart.

(C) Financial Responsibility: Proof of Liability Insurance coverage on a golf cart in an amount not less than required by NCDMV for operation of a motor vehicle on NC Highways.

§78.02 RULES AND REGULATIONS:

- (A) Carts may be driven on roads only from official sunrise to official sunset unless the cart is equipped with two operating headlights (one on each side of the front of the cart) and two operating tail lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.
- (B) Carts must be equipped with a rear vision mirror and all occupants must be seated. No passengers shall be carried on the part of the cart designed to carry golf bags unless it has been converted to a seat. No one shall ride the cart standing up.
- (C) No golf cart shall be operated on any Town of Bailey street with a posted speed limit greater than 35 MPH. However, carts may cross over roads that have a posted speed limit of greater than 35 MPH.
- (D) Children must be properly seated while golf cart is in motion and may not be transported in a negligent manner.
- (E) All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages and all other illegal substances.
- (F) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Bailey which governs the operation of motor vehicles.
- (G) Carts will adhere to all traffic flow patterns, and will operate on the far right side of the roadway and must yield to all vehicular and pedestrian traffic.
- (H) Carts shall not be operated on sidewalks or on private property without permission of the property owner.
- (I) Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking placard.

§78.03 INSPECTION AND FEES.

The inspection by the Chief of Police, or his designee, will cover the following safety requirements and every cart operating on the Town of Bailey streets must have the following equipment.

1. Permits / Stickers issued to the owners of the golf carts by the Town Clerk.
2. In order to obtain a permit/sticker, each owner must fill out an application, present proof of ownership, proof of liability insurance and sign a Disclaimer of Liability, releasing the Town of Bailey, its employees and affiliates from all liability that may arise as a result of operating a cart inside the Town of Bailey. This disclaimer must be on file with your application and must be renewed each year.
3. All carts must meet the requirements or minimum standards of safety equipment as set forth in section one.
4. Permits / Stickers will be issued annually, and are valid from July 1st to June 30th of each year. Permits/Stickers must be attached to the front driver's side of the cart. The following fees will apply.
 - a. Inspection by the Police Department \$40.00 annually
 - b. Re-inspection by Police Department \$15.00
if a cart fails the initial inspection
5. 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 or not. If the Chief of Police determines that a Permit/Sticker should be re-issued a \$10.00 re-issuing fee will apply.
6. Any person who operates a cart in the Town of Bailey and fails to obtain and properly display their Permit/Sticker will be in violation of this ordinance.
7. Cart owners must complete a registration form that will be maintained by the Bailey Police Department.
8. The Bailey Police Chief retains the right to refuse to issue and/or revoke any permit/sticker from any cart at any time for any reason that he/she feels is appropriate to ensure the safety and well-being of the citizens of the Town of Bailey.

§78.04 PENALTY.

Any act constituting a violation of this ordinance or failure to comply with any of its requirements shall be a misdemeanor and subject to a fine not to exceed \$50.00 for each violation.

§78.05 SEVERABILITY.

If any section, sub-section, sentence or term of this Ordinance or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication to any other person or circumstance. The Bailey Board of Commissioners does not intend for a result through the enforcement of this Ordinance that is absurd, impossible for execution, or unreasonable. The Board of Commissioners intends that the Ordinance be held inapplicable in such case, if any, where its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.

§78.06 ENFORCEMENT.

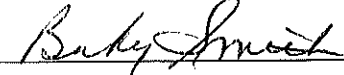
It shall be the policy of the Bailey Police Department to issue a written warning or a state citation against any person the officer has probable cause to believe has violated this Ordinance, whether the offending person is a juvenile or an adult.

Adopted this the 20 th day of July, 2015.



Timothy Johnson, Mayor

ATTEST:



Becky Smith, Town Clerk