

**ORDINANCE 16-005**

**AN ORDINANCE OF THE TOWN OF PIKEVILLE, NORTH CAROLINA, AMENDING CHAPTER 71 OF THE TOWN OF PIKEVILLE CODE OF ORDINANCES, SO AS TO ESTABLISH RESPONSIBILITY FOR OWNERS, PARENTS, AND/OR GUARDIANS OF CHILDREN UNDER THE AGE OF 16, WHO OPERATE A GOLF CART; PROVIDING SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, a review of Chapter 71 of the Town of Pikeville Code of Ordinances, revealed that there were no provisions establishing the responsibility for owners, parents, and/or guardians of children under the age of 16, who operate a golf cart; and

**WHEREAS**, in light of such acknowledgment by the Board of Commissioners of the Town of Pikeville, the Board has determined that it is in the best interests of the Town to amend Chapter 971 of the Town of Pikeville Code of Ordinances, so as to establish responsibility for owners, parents, and/or guardians of children under the age of 16, who operate a golf cart.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of the Town of Pikeville, North Carolina, as follows:

**Section 1.** The above Recitals are adopted as Findings of Fact for purposes of establishing a legislative rationale for this Ordinance.

**Section 2. Section 71.04 (Rules and Regulations)** of the Town of Pikeville Code of Ordinances is amended so as to read as follows:

**SECTION 71.04 RULES AND REGULATIONS.**

Carts that are not equipped and registered as required by the State Motor Vehicle Laws may only be operated within the town, in areas other than the golf course, in accordance with the following rules and regulations. Operation of carts in violation of these rules and regulations shall be subject to the penalty provisions of this chapter and/or to such other penalties as defined in state statutes and regulations.

(A) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles and pedestrian traffic.

(B) Carts operating between the time of one-half hour before sunset and one-half hour after sunrise shall be equipped with and have in use headlights and reflectors located on the rear of the cart.

(C) Golf Carts may be operated only between the hours of 6:00 a.m. and 10:00 p.m.

(D) Carts shall be equipped with at least one operational mirror allowing the operator to see behind the cart.

(E) 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.

(F) 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 set forth in division (B) above.

(G) No one is allowed to stand on a golf cart while it is in operation.

(H) The driver must be at least 16 years old and have a valid driver's license.

(I) 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.

(J) The Chief of Police or his or her 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.

(K) Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

(L) Golf carts shall not be operated on any public street, road or highway where the speed limit is more than 35 miles per hour.

**Section 3. Section 71.05(B) (Permit and Fee Required)** of the Town of Pikeville Code of Ordinances is amended so as to read as follows:

**Section 71.05 PERMIT AND FEE REQUIRED.**

(B) Town hall staff is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, town hall staff shall require the applicant to sign a statement certifying that he or she has read the provisions of the town's ordinance on golf cart usage as set forth in § 71.04 above and that in the event the applicant's golf cart is used in violation of said provisions that the owner of said golf cart may be prosecuted for aiding and abetting the violation of said provision as well as the violation of any state laws and/or regulations, including but not limited to violations of NCGS 20-32 (unlawful to permit unlicensed minor to drive) and NCGS 20-34. The permit shall be in such form as the town hall may deem practicable for ease of visibility. There will be an annual fee of \$5 for registration.

**Section 3.** Section 71.99 (Penalty) of the Town of Pikeville Code of Ordinances is amended so as to read as follows:

**Section 71.99 PENALTY.**

Violation of this chapter shall be a misdemeanor and punished with a fine of \$50 for each violation. In addition to being charged for the violation of the provisions set forth in § 71.04 above, violators may also be charged and/or punished for the violation of applicable state laws governing the operation of motor vehicles, including but not limited to: failing to stop at a duly erected stop sign or traffic light, careless and reckless driving, operating a motor vehicle while under the influence of an impairing substance, allowing an unlicensed minor to operate a motor vehicle.

**Section 4.** If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, provision, or portion shall be deemed a separate, distinct, and independent provision of such holding, and shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, provisions or portions thereof.

**Section 5.** This Ordinance shall become effective immediately upon its enactment.

**PASSED AND ENACTED** after first reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**TOWN OF PIKEVILLE**

**BY:** \_\_\_\_\_  
Glenn Hartman, Mayor

**(SEAL)**

**ATTEST:** \_\_\_\_\_  
Connie Witherspoon, Town Clerk