AGENDA

Public Safety Committee Meeting
Tuesday, August 4, 2015, 8:30 A.M.
Boardroom, 2nd Floor, City Hall

Committee Members: Chairwoman Pat Shelton, Joe Leonard, Raleigh York Jr.

Call to Order	**Chairwoman Pat Shelton**
Approval of Minutes	**June 2, 2015**

1. **Presentation on New Police Facility by: Little Diversified Architectural Consulting**
2. **Consideration of No Parking Ordinance on Park Avenue Article VIII Section 78-470**
3. **Discussion of Two (2) Proposed Noise Ordinances**
4. **Consideration of Golf Carts on City Streets**
5. **Update – Request for Signal at the Intersection of Liberty Drive, Forrest Drive and Cedar Lodge Drive**
6. **Police Department Update – Chief Insley**
7. **Fire Department Update – Chief Dailey**
8. **Additions**
9. **Adjournment**

A quorum of the council may be in attendance and may participate in the discussion, but not vote.

MINUTES

Public Safety Committee Meeting
Tuesday, June 2, 2015, 8:30 A.M.
Boardroom, 2nd Floor, City Hall

PRESENT: Mayor Joe G. Bennett; and Council Members: Chairwoman Pat Shelton; Ron Bratton; Neal Grimes; Joe Leonard; Scott Styers; Raleigh York Jr.; and City Manager Kelly Craver; Police Chief Jeff Insley; Public Services Director Morgan Huffman; Fire Chief Marty Dailey; Police Chief Jeff Insley; and Barney W. Hill.

The meeting was called to order by Chairwoman Pat Shelton. Joe Leonard made a motion to approve the minutes of April 7, 2015. Raleigh York seconded the motion.

1. **Discussion on Noise Ordinance**

Kelly reported that Officer Saintsing who has been working on this has been tied up in a court case for several weeks. There was a delay in the case, allowing him to be on staff last week. Kelly said the ordinance is not ready for consideration at this time and he would like see this in a more finalized form before it is brought to committee.
Kelly said that during this interim time he had done some further research with other cities. He reported that the vast majority of replies he received were that their ordinances were complicated and difficult to enforce. He particularly studied the City of Greensboro's ordinance. They have a very similar ordinance to ours when it comes to decibel readings having to do with residential areas versus commercial areas.
Kelly has asked PD to get someone from Greensboro who is trained to bring a decibel meter over here that is certified and current and do some decibel readings.

Chairwoman Shelton asked that Kelly get a copy of the Greensboro ordinance for Council's review. Kelly was also asked to find out if the DA would enforce the charges should any be made.

The Noise Ordinance will be presented at the next Public Safety Committee Meeting pending Officer Saintsing's involvement in the court case and his availability to complete it.

2. **Consideration of Retirement of K-9 Officer Ramos and Declaration of K-9 as Surplus**

Kelly explained that Council must declare the K-9 as surplus because he is a fixed asset and worth more than $5000. The K-9 can be assigned to his handler (for the fee of $1) once this is done. Ramos is 8 years old and beginning to have some health problems; 5 – 6 years is the average service of a K-9.

The item was moved to briefing.

3. **Consideration of Request for Stoplight at the Intersection of Forest Drive – Cedar Lodge Road – and Liberty Drive**

Chairwoman Shelton said this request came to her from a citizen who lives in the area. It is a very bad intersection with traffic coming at different angles depending on where the driver is in the intersection.
Scott wondered if a signal could be created for the intersection. Many drivers do not use turn signals at the stop signs which leaves others not knowing which way they are going due to the formation of the intersection itself.
Kelly reported that there have been 2 prior requests to the NCDOT for placement of a traffic light at this intersection. One was in 2002 when they refused at that point in time, and said it did not meet the manual of uniform traffic code devices requirements (there are 8) for a stop light there. There have been 8 accidents there since 2012 according to police reports. We also requested in 2002 to realign the intersection which was also denied. There is not enough space to allow for a round-a-bout, which was also suggested by a citizen.

Chief Insley reported that the department is already in the process of a traffic study and it will be ready next month, although accidents are primarily the state's interest.

Upon receiving the report, Kelly was directed to contact the state once again to request consideration of a traffic signal at this intersection.

4. **Police Department Update – Chief Insley**

Chief reported that violent crime has increased in the robbery and assault areas.
The most recent community meeting went very well, meetings are continuing and new partnerships are being formed. The concern now is the ease at which some of our youth are getting weapons.
A notice of violation from the FAA was received by the Chief concerning a drone which was spotted during the Memorial Day festivities at Cushwa Stadium. The individual flying the drone was identified and the drone was landed. Flying a drone over any crowd is in violation of FAA regulations. Chief will answer the violation.

5. **Fire Department Update – Chief Dailey**

Chief reported the department has been busy. He thanked those who attended the Emergency Operations Lunch & Learn. Chief received positive feedback from the attendees who appreciated the one on one conversation. Chief said the department would continue to work on the program.
Inspections have increased with the newly hired inspector on board, 69 inspections were done in the month of May, which is a big increase.
The department has completed testing fire hydrants.
ISO will be coming in soon to do their evaluation, the department hopes to maintain its' Class 3 rating.

6. **Additions**

None

7. **Adjournment**

With no further business to come before committee, the meeting was adjourned.

Memo

Date: July 27, 2015

To: Public Safety Committee

From: Kelly Craver, City Manager

Re: No Parking on Park Avenue

It has come to the attention of staff that the current city ordinance Chapter 78, Article VIII, Section 78-470 has a conflict in language: See Below:

> ***Sec. 78-470. - Schedule 10: Parking prohibited at all times.***
>
> ***Park Avenue, from the intersection of Main Street to East Guilford Street.***
> ***Park Avenue, west side, from East Main Street to East Guilford Street.***

This language prohibits parking on both sides and then just parking on the West Side. The Police Department has requested that this be corrected to only restrict parking on the West Side of Park Avenue. I am requesting that this ordinance to be amended to reflect that request and remove the confusing ordinance.

#1

Sec. 34-31. - Purpose and applicability of article.

(a) This article is set forth for the purpose of promoting the public health, safety and general welfare through the control of noises which occur in public places or which cross property or occupancy lines and which annoy or disturb humans or which cause or tend to cause adverse psychological or physiological effects on humans. From and after the effective date of the ordinance from which this article is derived, a person shall not make, cause to be made, allow to be made under their control, or continue to make any noise disturbance, or operate, use, cause to be used or operated, or allow to be used under their control, or otherwise create or allow to be created, sounds in such a manner as to create a noise disturbance by exceeding any of the sound levels as set forth in this article.

(b) No sound being created prior to the effective date of the ordinance from which this article is derived shall continue to be made after such effective date except in conformance with all the provisions of this article.

(Ord. No. 855-B, § 12-101, 6-17-91)

Sec. 34-32. Generally, prohibited.

(a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud, disturbing and unnecessary noise in the city, with the exception of construction work done pursuant to a federal, state, county or city contract which requires work to be performed during certain hours. Construction work under these conditions shall be exempt from the provisions of this section. For purposes of this section, the following definitions shall apply:

(1) ***Unreasonably loud.*** Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) ***Disturbing.*** Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(3) ***Unnecessary.*** Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

(b) The standards which shall be considered in determining whether a violation of this article exists shall include but shall not be limited to the following:

(1) The volume of the noise.

(2) The intensity of the noise.

(3) Whether the nature of the noise is usual or unusual.

(4) Whether the origin of the noise is natural or unnatural.

(5) The volume and intensity of the background noise, if any.

(6) The proximity of the noise to residential sleeping facilities.

(7) The nature and zoning of the area from which the noise emanates.

(8) The density of inhabitation of the area from which the noise emanates.

(9) The time of the day or night the noise occurs.

(10) The duration of the noise.

(11) Whether the noise is recurrent, intermittent or constant.

(12) Whether the noise is produced by a commercial or noncommercial activity.

(13) Whether the noise is of impulsive character (hammering, etc.).

(14) Whether the noise is of periodic character (hum, screech, etc.).

Comment [IJR1]: The standard to be used by all officers to determine if a violation has occurred

Sec. 34-33. Specific prohibitions.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:

(1) ***Blowing horns.*** The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time;

(2) ***Bells, gongs and sirens.*** The sounding of any bell, gong or siren upon any vehicle which disturbs the quiet or repose of persons in the vicinity thereof, other than police, fire or other emergency vehicles;

(3) ***Radios, stereos, etc.*** The playing of any radio, television set, record player, stereo, phonograph or other sound reproduction system, musical instrument or sound-producing or sound amplifying device on the premises of any dwelling,

hotel or motel room, in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m., if the sound generated is audible at a distance of thirty (30) feet or more from the dwelling's property line, or, in the case of a hotel or motel room, the unit's most outer boundary wall;

(4) ***Sound-producing equipment in vehicles.*** The playing of any radio, cassette player, compact disc, video tape or disc, or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, or on the premises of a private residence, if the sound generated or noise vibration therefrom is audible or can be felt at a distance of thirty (30) feet or more from the radio, cassette player, compact disc, video tape or disc, or other similar device that is sound producing the sound;

Comment [IJR2]: Current ordinance has a distance of 50 feet

(5) ***Pets.*** The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity;

(6) ***Use of Vehicles.*** The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair or so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise;

(7) ***Blowing whistles.*** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;

(8) ***Exhaust discharge.*** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(9) ***Compressed air devices.*** The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(10) ***Building operations.*** The erection (including excavation), demolition, alteration or repair of any building in a residential zone other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays of any day or in any zone other than a residential zone between the hours of 10:00 p.m. and 7:00 a.m. of any

Comment [IJR3]: Changed from district to zone

Comment [IJR4]: Changed from district to zone

day, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues;

(11) ***Noises near schools, etc.*** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, adjacent to any hospital, or any church during services, which unreasonably interferes with the working of such institution;

(12) ***Loading and unloading operations.*** The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers;

(13) ***Peddlers and vendors.*** The shouting and crying of peddlers, barkers, hawkers and vendors which disturb the quiet and peace of the neighborhood;

(14) ***Noises to attract attention.*** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise to any performance, show, sale, display or advertisement of merchandise;

(15) ***Loudspeakers or amplifiers.***

(a) It is prohibited within or from any commercial establishment or private entertainment or recreational venue to allow any loudspeaker or other mechanically-amplified device to be played so that the sound therefrom may be heard at a distance of thirty (30) feet or more from the facility's property line, between the hours of 2:00 a.m. and 7:00 a.m.

Comment [IJR5]: Addition

Comment [IJR6]: Addition

(b) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes;

(c) In the exercise of noncommercial free speech, loudspeakers or amplifiers may be used, subject to the following condition:

•It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the city, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of one hundred fifty (150) feet from the person speaking; city sponsored events and recreational games shall be exempt;

(16) ***Business noises.*** The conducting, operating or maintaining of any place of business located in any residential zone so as to cause loud or offensive noises to be emitted therefrom between the hours of 8:00 p.m. and 7:00 a.m.;

Comment [IJR7]: Changed from district to zone

(17) ***~~Guns,~~ fireworks, and combustibles.*** The firing of ~~guns~~, fireworks, gunpowder or other combustible substance in the streets or elsewhere, for the purpose of making a noise or disturbance, ~~except by permit from the police department.~~

Comment [IJR8]: Remove

Comment [IJR9]: Permit issued by the Fire Chief

(18) ***Garages; filling stations.*** The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m. shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 34-34. Off-Road Vehicles

a. No off-road vehicle shall create noise to a level that it becomes a public noise nuisance.
b. No off-road vehicle shall be operated within the city unless it is equipped with a factory-installed or functionally equivalent muffler in good working order and in constant operation.
c. No off-road vehicle shall be operated within 200 feet of a dwelling unless it is being operated legally on a public road or such dwelling is occupied by the operator of the off-road vehicle.
d. No off-road vehicle shall be operated in such a manner as to cause excessive noise longer than one hour per day beyond boundaries of the property on which the noise originates between the hours of 8:00 a.m. and 8:00 p.m.

Sec. 34-35. Enforcement and repeated violations.

Comment [IJR10]: In 1991 ordinance –penalty was Civil // In 2001 ordinance –penalty was made Ciminal

(a) Enforcement and repeated violations. Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions:

(1) A police officer may issue a citation as provided herein, subjecting the violator to a civil penalty of $100.00. A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of $200.00. All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of $300.00.

Comment [IJR11]: PD is proposing

(2) Failure to pay a civil penalty imposed under this section within 10 days may subject the offender to an additional $25.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the city in a civil action.

(3) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(4) In the alternative, pursuant to North Carolina General Statutes, section 14-4, a violation of this section may be considered a misdemeanor. Such a misdemeanor is punishable by a fine of not more than $500.00 or imprisonment designated for a Class 3 misdemeanor.

(5) A property owner shall be liable for the cost of abating the nuisance or remedying the health or safety hazard created by a tenant for a third or subsequent violation of this ordinance, as specified in section 34-36. A property owner shall be liable for the actual cost of the abatement or remedy, taking into account the cost of law enforcement personnel salaries, law enforcement equipment, administrative overhead, law enforcement recordkeeping, mailing and notification costs, and any other costs directly or indirectly attributable to the cost of abating the nuisance of remedying the health or safety hazard. In no case shall the cost assessed under this subsection be less than $100.00 for the third violation by the tenant (initial assessment of property owner), or less the $75.00 for any subsequent assessment for a violation by the same tenant. If costs assessed pursuant to this subsection are not paid by the property owner within 30 days of receipt of a statement of costs from the city, the costs may be placed as a lien on the property where the hazard existed.

(6) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

Sec. 34-36. Responsibility of property owner for violations by tenants.

No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this subsection, a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this article. The property owner shall be liable for the cost of remedying the nuisance or health or safety hazard in accordance with the provisions of section 34-35(5). A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing, via actual delivery or certified mail, of the first two ordinance violations. A property owner shall be liable for the cost of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided the third violation occurs at least 15 days from the date of actual receipt of notice of the second violation. It shall be a complete defense to a citation under this subsection if the owner of the real property involved can prove that he is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at specific location.

Comment [IJR12]: From 1991 City ordinance

Sec. 34-37. - Exemptions from maximum permitted sound levels.

The following are exempt:

(1) Sound emanating from scheduled outdoor athletic events.

(2) Construction operations in a manufacturing district from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.

(3) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells. For purposes of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.

(4) Noise resulting from any authorized emergency vehicle or operation.

(5) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been

granted by the city, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this article and according to any additional conditions stated on the permit.

(6) Unamplified and amplified sound at street fairs or park events conducted, sponsored or sanctioned by the city.

(7) All noises coming from the normal operation of properly equipped aircraft, not including scale model aircraft.

(8) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 et seq.

(9) Lawn mowers and agricultural equipment used between daylight hours (7:00 a.m. to 9:00 p.m.) when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.

(10) Unamplified and amplified sound at community concerts conducted sponsored or sanctioned by the city.

(11) Practice sessions or performances by marching bands.

(12) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

(13) Emergency work.

(Ord. No. 855-B, § 12-104, 6-17-91)

#2

Sec. 10-81. - Prohibited.

No person shall make, continue, or cause to be made or continued any excessive, unnecessarily or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the city.

Sec. 10-82. - Exemptions.

The following uses and activities shall be exempt from noise level regulations:

(1) Noises of safety signals, warning devices and emergency pressure relief valves.

(2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in the time of any emergency.

Sec. 10-83. - Standards.

The standards which shall be considered in determining whether a violation of this article exists shall include but shall not be limited to the following:

(1) The volume of the noise.

(2) The intensity of the noise.

(3) Whether the nature of the noise is usual or unusual.

(4) Whether the origin of the noise is natural or unnatural.

(5) The volume and intensity of the background noise, if any.

(6) The proximity of the noise to residential sleeping facilities.

(7) The nature and zoning of the area from which the noise emanates.

(8) The density of inhabitation of the area from which the noise emanates.

(9) The time of the day or night the noise occurs.

(10) The duration of the noise.

(11) Whether the noise is recurrent, intermittent or constant.

(12) Whether the noise is produced by a commercial or noncommercial activity.

(13) Whether the noise is of impulsive character (hammering, etc.).

(14) Whether the noise is of periodic character (hum, screech, etc.).

Sec. 10-84. - Enumerated.

The following acts among others are declared to be loud, disturbing and unnecessary noises in violation of this Code, but such enumeration shall not be deemed to be exclusive:

(1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is on the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(3) *Yelling, shouting, etc.* Yelling, shouting, hooting clapping or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or any other type or residence, or of any persons inside any building in the vicinity.

(4) *Exhaust.* The discharge into the open air of the exhaust of any internal combustion engine, motor boat or any other motor vehicle except through the muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) *Vehicles out-of-repair, etc.* The use of any automobile, motorcycle, motorscooter, go cart, or any other vehicle so out of repair, or so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including excessive noise coming through the exhaust thereof.

(6) *Sound reproduction devices.* No person shall cause, allow, or permit the operating or playing of any radio, tape player, or similar device that reproduces or amplifies sound in such a manner as to create noise at fifty (50) feet from the device or vehicle containing the device, when the device or vehicle is being operated in or on a public right-of-way or public space.

Sec. 34-41. - Off-road vehicles.

(a) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property, in such a manner that the sound level exceeds the maximum permissible levels set forth in section 34-39 for motorcycles, adjusted to a distance of 25 feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.

(b) This section shall apply to all recreational vehicles, whether or not duly licensed or registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.

(c) Use of such vehicles off-road, except for emergency purposes and except to attain access from private property to public rights-of-way, shall be completely prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 855-B, § 12-108, 6-17-91)

ORDINANCE # 31-2012

AN ORDINANCE TO AMEND THE MAIDEN CODE OF ORDINANCES CHAPTER 20 TO ESTABLISH A GOLF CART ORDINANCE

WHEREAS, it is the desire of the Council of the Town of Maiden to continually update and revise the Maiden Code of Ordinances in accordance with the needs of the citizens of the Town of Maiden; and

WHEREAS, in order to protect the citizens of the Town and their properties; and

WHEREAS, the Town of Maiden has initiated text amendments to the Maiden Code of Ordinances:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAIDEN, NC:

The Town Council shall cause the Maiden Code of Ordinance to be amended to reflect the following text changes to Chapter 20, Article XIII.

Create Article XIII, Chapter 20-1300 through 20-1305 by adding the following:

Sec. 20-1300. Scope

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf Carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter "road(s)," and the Town of Maiden in no way advocates or endorses their operation on roads. The Town of Maiden, by regulating such operations 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 andperil and must be observant of an attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Maiden has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the North Carolina State Legislature G.S. 160A-300.6. Any person who operates a cart must procure and maintain liability insurance sufficient to cover the risks involved in using a cart on public roads within the Town of Maiden.

(A) Purpose: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Maiden to promote the health, safety and welfare of persons operating cart(s) within the Town of Maiden and to protect the safety of their passengers and other users of roads.

(B) Definitions: For the purpose of this section, the following words and phrases shall have the following meanings.

1. 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 20 MPH. G.S. 20-4.01(12a)

2. Driver's License: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

3. Operator: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads.

4. Golf Cart License: A sticker or tag provided by the Town that must be visibly displayed on the golf cart. Each golf cart will have its own license.

5. Financial Responsibility: Liability insurance coverage on a golf cart in an amount not less that required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

Sec. 20-1301. Rules and Regulations

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

1. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour or higher.

2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transverse, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less.

3. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

4. Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license issue to them by the State. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.

5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

6. 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 Maiden which governs the operation of motor vehicles.

7. Golf Carts are allowed to park in handicapped parking spaces if the drivers or at least one passenger has a valid handicap-parking sticker displayed on the golf cart.

8. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.

9. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.

10. Golf Carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.

11. Golf Carts may only be operated between sunrise and sunset.

12. If a Golf Cart is not equipped with brake lights or turn signals, the operator must use standard hand signals to signal stopping and turning.

Sec. 20-1302. Golf Cart Operation

Golf Carts may not be operated within the Town of Maiden in the following manner or areas:

1. On public sidewalks, trails and greenways.

2. Along utility right of ways including but not limited to water/sewer right of ways, electric right of ways, and storm water right of ways.

3. No standing on Golf Carts.

4. Golf Carts shall not be operated on or across any public or private properties without the expressed written permission of the property owner.

5. Riders may not be transported in a negligent manner.

6. No Golf Cart shall operate on any street, roadway, or other public vehicle area that is closed due to special events, parades, or construction. 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. The exception will be the July 4th parade.

Sec. 20-1303. Registration and Inspection

Registration, Inspection and Fee Prior to usage

1. All golf cart operators must complete a golf cart registration application and submit to the Town of Maiden Police Department for approval. Before driving on public roads, the operator of the golf cart must have a valid registration issued.

2. Each owner must have proof of ownership, and liability insurance, and completed a Waiver of Liability, releasing the Town of Maiden from liability that may arise as a result of operation of a golf cart inside the Town of Maiden. These documents must be in the golf cart at all times while in operation on public roads.

3. All golf cart operators must present a valid driver's license while operating a golf cart on public roads.

4. The registration sticker shall be valid for no more than one year, from January 1st to December 31st of each year, and must be visible on a golf cart operated on a public road.

5. Lost or Stolen stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

6. The Maiden Police Chief retains the right to refuse to issue and/or revoke any permit sticker from any cart at any time for any reason he/she feels is appropriate to ensure the safety and well being of the citizens of the Town of Maiden.

7. All golf carts must meet the requirements or minimum standards of safety equipment as set forth in this ordinance. The cart must be inspected and approved by the Chief of Police or his designee prior to usage.

Sec. 20-1304. Technical Specification

Golf Carts operated in the Town of Maiden shall conform with the following technical specifications in order to receive and maintain a valid license.

1. Shall have a standard low speed traffic triangle or pennant displayed prominently on the rear of the vehicle.

    A. Low speed caution triangle with a minimum size of 12 inches or greater on all three sides and shall be made of reflective material. Triangle shall be mounted on the rear of the vehicle and permanently installed.

2. One operational rearview mirror.

3. Shall have at least two (2) red rear reflectors measuring a total of six square inches of reflective area each. A reflective rear light kit will suffice.

Sec. 20-1305. Enforcement and Penalty

Any act constituting a violation of this ordinance or failure to comply with any of its requirements shall subject the offenders to a civil penalty of fifty dollars ($50.00), plus the court costs and attorney fees incurred by the Town. Notwithstanding the foregoing, persons who, while driving golf carts on public streets within the Town of Maiden, violate the "Rules of the Road" applicable to motor vehicles generally (as set forth in Part 10 of the N.C.G.S. Chapter 20), shall be subject to the same penalties applicable to the operators of such other motor vehicles.

(A) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public road or highway is not a violation of this Ordinance, but a violation of state law, and is punishable as provided therein.

(B) If the offender(s) fail to pay the penalty within ten (10) days of receiving a final written notice of violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. Repeat offenders may have the privileges granted by this ordinance revoked by the Chief of Police.

This ordinance shall become effective on September 1, 2012

Adopted this the 20th day of August, 2012.

Robert L. Smyre

Robert L. Smyre, Mayor

ATTEST:

Wendy Vanover

Wendy Vanover, Clerk

I found this online at www.buggiesgonewild.com/road-golf-carts/16987-north-carolina. This is a forum for golf cart riders. I was looking specifically for North Carolina info, and this is what I came up with.

Pat

Re: North Carolina Laws

This is alot of info so get comfortable.....

Ok here goes.....In N.C. the ONLY way you can license a cart is it either has to be built new...Gem, Think, Tomberline..... or converted to Street Legal by a licensed manufacturer.
Way back when....about 7-8yrs ago, the average Joe could put the required equipment on his cart, have a local DMV officer inspect it, officer would issue a VIN# based on the carts serial#, and with proof of insurance, get your tags and be on your way.

Present day.....Individuals can still put all the equipment on their carts. Carts must be taken to a licensed manufacturer. If it meets the requirments, the manufacturer can issue the paperwork, and apply a VIN tag to the cart that now carries a 17 Digit # just like an automobile. With the paperwork, proof of insurance, and a safety inspection at any inspection station, you go and get your tags and you are on your way.

Here is where people get upset.....**No Gas Carts**.....The state of N.C. will not allow anyone to tag a LSV unless it is electric. If tags are issued for gas carts by a Tag Office that doesn't know better, the state sends a Trooper or DMV officer to your house to **seize** the tags off the cart.

Here is the equipment that by N.C. law MUST be on the cart.

Cart can only be used on secondary roads where the speed limit is 35mph or less.
Cart must be electric
Cart must run over 21mph but under 25mph
Cart must have seatbelts for all passengers
Cart must have rear and side view mirrors

Cart must have a 1Pc. Dot approved windshield- No Fold downs
Cart must have a windshield wiper...This is STUPID!
Cart must have a speedometer/odometer
Cart must have head,tail,turn,brake,tag,lights,4ways,and 3rd brake light
Cart must have DOT approved wheels and tires- **They won't pass a lifted cart**
Cart must have a Vin tag with 17 digit Vin# and all Paperwork. This is only available through a **N.C. licensed manufacturer**.

After upgrade is done, paperwork will reflect the year of the conversion as the year of the LSV. EXAMPLE: If you were to take your 2001 48volt CC in to be upgraded with no equipment on it. You would get paperwork listing cart as a 2009 Street Legal LSV. You would also find your wallet about $2,200-$2,500 lighter. That is what the two or three licensed manufacturers will charge you for the Upgrade.

I know because I had been a part of this for over 7years. Too much of a hassle. That's why I'm out of it now. Liability can bury you.

http://www.buggiesgonewild.com/members/bioniccartsandcustoms/

Re: North Carolina Laws

The list below defines the standard features of all our street legal golf cars:

Headlights and taillights with turn signals and brake lights
Third brake light
License plate light
Four sets of seatbelts
Speedometer
Horn
DOT Approved Tires
DOT Approved Windshield

Windshield Wipers
Amber reflectors on all corners of the vehicle
Minimum speed of at least 21 mph
Maximum speed of 25 mph
One drivers side external mirror
One internal mirror
17 digit Vehicle Identification Number, V.I.N

The VIN will need to be stamped by the Licensed Manufacture in NC. Most of them are located on the Coast of NC. The Golf Cart Outlet is located in Wilmington and Southport Area. If you have a lifted cart you will have to put Car tires on it or remove your lift kit.

http://www.buggiesgonewild.com/members/djockey21/

Model Ordinance of the County/Town/City, North Carolina Establishing a Golf Cart Ordinance

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter "road(s)," and the County/Town/City in no way advocates or endorses their operation on roads. The County/Town/City, 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 motorists, bicyclists, and pedestrians. The County/Town/City has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the County/Town/City.

(A) PURPOSE: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the County/Town/City to promote the health, safety and welfare of persons operating cart(s) within the County/Town/City and to protect the safety of their passengers and other users of roads.

(B) DEFINITIONS: For the purpose of this section, the following words and phrases shall have the following meanings.

1. 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 20 MPH. G.S. 20-4.01(12a).
2. Driver's License: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. Financial Responsibility: Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. Operator: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads.

Section 1: Rules and Regulations

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

1. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.

2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.

3. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor

vehicles operated on public highways in the State of North Carolina.

4. Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.

5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

6. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the County/Town/City which governs the operation of motor vehicles.

7. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.

    a. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.

8. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.

9. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.

10. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by North Carolina law.

11. Golf carts with out lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate at any time:
    a. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating tail lights, one on each side of the rear of the cart, all four (4) lights must be visible from a distance of 500 feet; and
    b. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

Section 2: Registration, Inspection and Fee Prior to Usage

1. All golf carts must complete a golf cart registration application and submit to County/Town/City Department for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration.

2. Each owner must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the County/State/Town/City from liability that may arise as a result of operation of a golf cart inside County/State/Town/City. These documents must be in the golf cart at all times while in operation on public roads.

3. All golf carts must meet the requirements or minimum standards of safety equipment as set forth above in this Ordinance.

4. All golf cart operators must present a valid driver/s license while operating a golf cart on a public road.

5. The registration sticker shall be valid for no more than (insert number here) year and must be visible on a golf cart operated on a public road.

6. Lost or Stolen Permit/Stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Section 3: Enforcement

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes, the maximum penalty for which shall be ($ insert dollar amount here)dollars.

Operation of Golf Carts on Public Streets in North Carolina

Legislation

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009
SESSION LAW 2009-459
HOUSE BILL 121
AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.
The General Assembly of North Carolina enacts:
SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:
"§ 153A-245. Regulation of golf carts on streets, roads, and highways.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within the county that is located in any unincorporated areas of the county or on any property owned or leased by the county.
(b) By ordinance, a county may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway."

SECTION 2. G.S. 160A-300.5 is repealed.
SECTION 3. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.6. Regulation of golf carts on streets, roads, and highways.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.
(b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway."

SECTION 4. Section 6 of S.L. 2001-356 is repealed.
SECTION 5. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, and S.L. 2007-259, reads as rewritten:
"**SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Towns of Beech Mountain, North Topsail Beach, and Seven Devils, and the City of Conover may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road

within the City or Town. By ordinance, the City or Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles."

SECTION 6. Section 1 of S.L. 2005-11, as amended by S.L. 2007-18, is repealed.

SECTION 7. Section 3 of S.L. 2005-11, as amended by S.L. 2006-149, S.L. 2006-152, and S.L. 2007-18, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies only to the Towns of Benson, Bladenboro, Chadbourn, Clarkton, Elizabethtown, Four Oaks, Rose Hill and Tabor City. Section 2 of this act applies only to Moore County."

SECTION 8. Section 9.4 of the Charter for the Town of Cary, as enacted by Section 1 of S.L. 2005-117, is repealed.

SECTION 9. S.L. 2006-27, S.L. 2006-149, S.L. 2006-152, S.L. 2007-18, S.L. 2007-72, S.L. 2007-336, and S.L. 2008-71 are repealed.

Page 2 Session Law 2009-459 SL2009-0459

SECTION 10. Section 5.2 of the Charter for the Town of Whispering Pines, as enacted by Section 1 of S.L. 2008-105, is repealed.

SECTION 11. This act becomes effective October 1, 2009. A county may adopt an ordinance under G.S. 153A-245, and a city may adopt an ordinance under G.S. 160A-300.6 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal herein of any act does not affect the rights or liabilities of a local government that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any county or city had adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 153A-245 or G.S. 160A-300.6 as enacted by this act, that ordinance shall remain in effect until amended or repealed by that county or city.

In the General Assembly read three times and ratified this the 30th day of July, 2009.

s/ Marc Basnight
President Pro Tempore of the Senate
s/ Joe Hackney
Speaker of the House of Representatives
s/ Beverly E. Perdue
Governor
Approved 12:26 p.m. this 7th day of August, 2009

I also found this information online regarding the use of golf carts on city streets. I have also included the model ordinance from the website of the NC General Assembly.

Pat

IS GOLF CART CRUSIN' LEGAL?

March 6, 2013 · by Bill Hamel

Well….that depends, but probably not.

I've gathered from my ramblings in and around the residential and resort communities of North Carolina that it has become progressively en vogue to own an electric golf cart to be used as an additional form of transportation. These 'home' golf carts are used for everything from the obvious like driving to and from the golf course, to joyriding, to maneuvering fishing equipment to and from the favorite fishing hole, to most any conceivable use in between. No doubt, there have been golf cart beer runs. Often these golf carts are used on or across public roads.

Attorneys at Horack Talley recently reviewed applicable laws in North Carolina related to the operation of golf carts on public streets. As a result of this investigation, we conclude that in order to legally operate a golf cart on the public streets in North Carolina, the golf cart must be properly registered with the State of North Carolina.

This means that a golf cart would need to be professionally altered to be more like an electric car than a golf cart in order to be properly registered. In addition, we do not believe golf carts can be legally operated on sidewalks that are part of public street right-of-ways.

There are exceptions or circumstances where these rules may not apply: 1) You are in a county or city that has adopted golf cart rules allowing operation on streets with speed limits no greater than 35 mph; or 2) you are in a private community with private roads not accessible to the general public.

Let's look a little further at the rules and their implications for your HOA.

Operation of Golf Carts on Public Roads:

The North Carolina General Statutes (N.C.G.S.) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 m.p.h. N.C.G.S. requires that any vehicle intended to be operated upon a public road of the State to be registered with the DMV. The DMV must refuse to issue registration to a vehicle that meets the definition of a golf cart.

Unregistered vehicles including golf carts can 'cross' public roadways to get to the other side, but 'cross' appears to be limited to the quickest and safest route from one side to the other and would be applicable to where cart paths cross public roads. We do not believe carts can actually 'use' the public roads outside of the designated cart path cross points.

According an attorney with the DMV, only golf cart manufacturers are able to convert golf carts into what can actually be registered with the DMV, and then, the vehicle is arguably no longer a 'golf cart' within the definition cited above. Presumably the golf cart becomes more like an electric car.

N.C.G.S. does allow counties and cities to adopt their own provisions regulating operation of golf carts on any public street, road or highway where the speed limit is 35 mph or less. Unless the county where you are operating a golf cart has adopted such provisions and you are in compliance with those provisions, golf carts may not be legally operated on the public roads.

There is a model ordinance available for review on the website of the North Carolina General Assembly:

https://connect.ncdot.gov/resources/safety/Teppl/TEPPL%20All%20Documents%20Library/A-5o.pdf

Operation of Golf Carts on Sidewalks:

N.C.G.S. prohibits operation of motor vehicles on sidewalks within the road right of way. 'Motor vehicle' is defined as "every vehicle which is self-propelled". Accordingly a golf cart qualifies as a motor vehicle and may not be legally operated on the sidewalks within the public right of way. This rule would not apply to sidewalks or paved trails outside of the public right of way.

Operation of Golf Carts on Private Roads:

Private communities that own and maintain their own roads wherein the roads are not open to the use of the public would presumably be an exception. Operation of golf carts on these 'private' streets would presumably be controlled by the owner of the street or any many cases by an HOA charged with governing the use of the 'private' streets.

What Should My HOA Do?:

Typically we advise HOAs to allow an issue like this one to be between the owners and law enforcement as HOAs are not in the business of enforcing public laws. HOAs, however, typically do have provisions in their Declarations that make it a violation of use restrictions to engage in activity that is unlawful. So many HOAs would have the power to use fines and other powers of enforcement to discourage unlawful use of golf carts on public streets or sidewalks within the public rights of way. In deciding whether to take a proactive role in preventing unlawful use of golf carts on public streets or rights of way an HOA should weigh interest of law enforcement in the issue, volume of golf cart use in the HOA, and risks associated with either being inactive or proactive on the issue.

If you live in an HOA or area that allows this type of use either by local ordinance or because you have streets that are not open to the use of the public, then you can grab your sweetheart, jump in your golf cart and head out to find a good place to watch the sunset.

http://carolinacommonelements.com/2013/03/06/is-golf-cart-crusin-legal-2/

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

July 10, 2015

Mr. W. Kelly Craver, City Manager
City of Thomasville
Post Office Box 368
Thomasville, North Carolina 27361-0368

Subject: Request for Signal Study and Safety Improvements at the Intersection of SR 2055 (Liberty Street), SR 2119 (Forrest Drive) and SR 2184 (Cedar Grove Road) in Thomasville

Dear Mr. Craver:

This is to acknowledge receipt of your letter dated June 30, 2015 relative to the above subject. By way of this letter, I am asking Division Traffic Engineer J.P. Couch to study this location to determine if a signal or other safety improvements are warranted. Mr. Couch will respond to you directly with the results of the study.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

S. P. Ivey, P.E.
Division Engineer

/spi

Attachments

cc: J.P. Couch, P.E., Division Traffic Engineer w/attachments
Chris Corriher, P.E., District Engineer w/attachments
Brian Thomas, P.E., Regional Traffic Engineer w/attachments

Division of Highways • Division Nine • 375 Silas Creek Parkway Winston-Salem, N.C. 27127
Tel: 336-747-7800 Fax: 336-703-6693