



MEMORANDUM

To: Mayor and Members of the City Council

From: Montré D. Freeman, City Manager
J Phillip Webster, Chief of Police

Date: September 22, 2023

Re: Discussion – Golf Cart and/or “Low-Speed Vehicle” regulations within the Elizabeth City Municipal Limits

BACKGROUND:

In 2014, the City Council considered implementing a City ordinance to govern the operation/ regulation of golf carts within city limits. Following much deliberation, the Council decided to table the topic; there was no further discussion until the August 13, 2018 meeting. Again in 2018, no action was taken by the City Council on this matter. On August 28, 2023, the potential for a golf cart ordinance was once again introduced.

ANALYSIS:

As directed by the City Council during the August 28, 2023 Regular Session, City staff began a review of NC General Statute, a model ordinance presented by NCDOT, ordinances from other jurisdictions and research articles.

In order to accurately consider the topic, an understanding of these two types of vehicles is necessary. Golf carts and low-speed vehicles are two distinct modes of transportation.

Golf Carts are regulated by General Statute, which states:

§ 20-4.01. Definitions (12b) 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 miles per hour.

§ 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(12b), 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. (2009-459, s. 3.)

A local ordinance must be enacted to operate a non-modified golf cart on a public street. A model ordinance (see attached) has been generated by NCDMV. The model ordinance carries warnings and disclaimers of golf cart use on roadways. The ordinance would place a burden on law enforcement to conduct inspections, issue registrations and collect liability waivers holding the City harmless in case of a collision resulting in an injury or death. In addition the department would be expected to regulate the use of golf carts on a routine basis to ensure carts are properly registered with the City and complying with the ordinance and NC General Statute.

Currently, golf carts may be operated in private communities with private roads.

Low Speed Vehicles are regulated by General Statute, which states:

§ 20-4.01. Definitions (27) (g.) Low Speed Vehicle. Low-speed vehicle. – A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

§ 20-121.1. Operation of a low-speed vehicle... on certain roadways:

- (1) These vehicles may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicles shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- (3) A low-speed vehicle shall be registered and insured in accordance with G.S. 20-50 and G.S. 20-309. The Department of Transportation may prohibit the operation of low-speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety. Low speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500. (2001-356, s. 5.)”

Low Speed and properly modified golf carts are authorized by general statute. The statute authorizes use of LSV's on local (municipal) roadways throughout the State. North Carolina Division of Motor Vehicles (NCDMV) oversees all registration, verification of liability insurance coverage, and compliance with vehicle safety standards. As with any other type of vehicle, local and State law enforcement agencies are responsible for citing moving, parking and standing violations and tag decal expiration.

In conducting research for this discussion it is worth noting that 154,608 individuals were injured in golf cart related accidents from 2007 through 2017. The injured ranged in ages from five months to 96 years of age. Falls and jumps from golf carts accounted for 47%

of the injuries, which is directly attributed to the open design, lack of safety equipment and rear-facing seats. LSV's are not considered in the same category as golf carts and have the required safety equipment as mandated by the National Highway Traffic Safety Administration (NHTSA), (Horvath et al., *Fun Ride or risky transport: Golf cart-related injuries treated in U.S. emergency departments from 2007 through 2017* 2020).

Allowing golf carts to operate in designated neighborhoods still brings along with it the potential for increased injury. One study reviewed (Xue & Xu, *How much do we know about low-speed vehicle and golf cart communities and crashes: A case study in nocatee, Florida* 2023) revealed an array of unwanted operator behaviors which included: low rate of seat belt usage (if equipped), baby/child sitting on front row, traffic law violations (disregarding stop signs, using pedestrian walkways and traveling on speed restricted roads) and aggressive driving (hard acceleration/ deceleration, not slowing when passing pedestrians, sharp turns and backing maneuvers).

If approved, the City will also want to consider appropriate signage, pavement markings, and intersection warnings/ modifications. In addition the use of bollards and signage to prevent carts from entering pedestrian only walkways (Xue & Xu, 2023).

STAFF RECOMMENDATION:

A licensed driver wishing to pursue travel by the means of a low-speed vehicle is already allowed to do so by NCGS §20-121.1 Operation of a Low-Speed Vehicle on Certain Roadways. Local government action to allow, restrict or disallow the operation of vehicles of this type is unnecessary.

Golf carts are built for use on golf courses and other off road recreational use and not intended for road usage. By ordinance, the City could mandate safety enhancements to the golf cart in order to operate on public streets and this would be a recommendation. The adoption of an ordinance to allow golf cart usage on public streets would place an additional regulatory burden on the Police Department. If enacted, a request would be made to add a regulatory officer position to the Police Department.

The department does not recommend the enactment of a golf cart ordinance for neighborhood usage or as a city wide ordinance.

If the City Council accepts this recommendation, no action is required

Xue, C., & Xu, D. (2023). How much do we know about low-speed vehicle and golf cart communities and crashes: A case study in nocatee, Florida. *Journal of Transportation Engineering, Part A: Systems*, 149(8). <https://doi.org/10.1061/jtepbs.teeng-7742>

Horvath, K. Z., McAdams, R. J., Roberts, K. J., Zhu, M., & McKenzie, L. B. (2020). Fun Ride or risky transport: Golf cart-related injuries treated in U.S. emergency departments from 2007 through 2017. *Journal of Safety Research*, 75, 1–7. <https://doi.org/10.1016/j.jsr.2020.10.002>

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.

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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

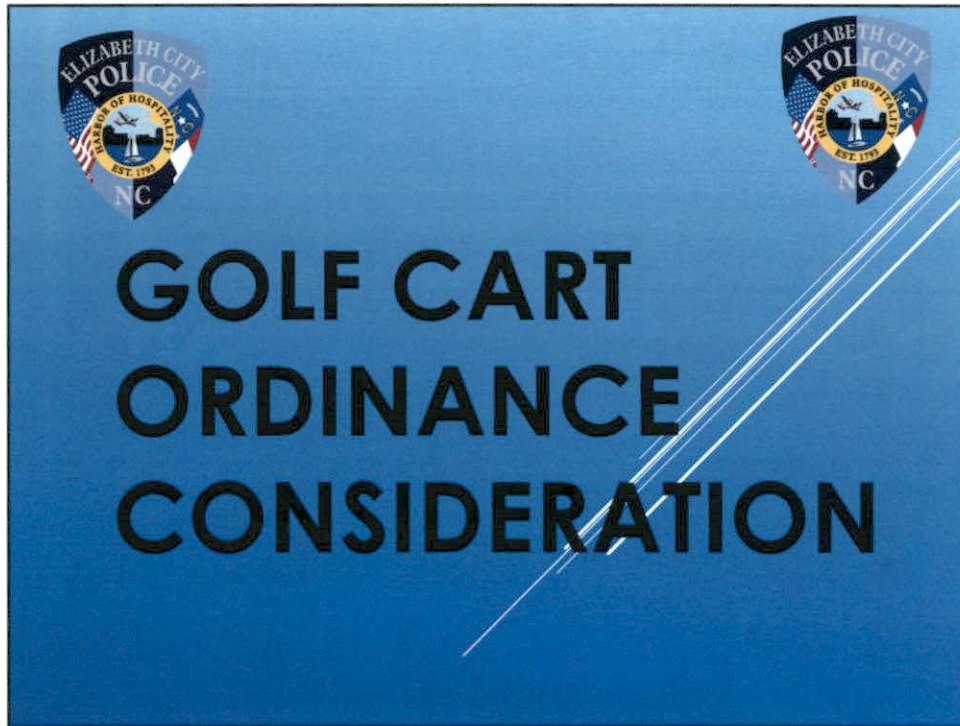
s/ Joe Hackney

Speaker of the House of Representatives

s/ Beverly E. Perdue

Governor

Approved 12:26 p.m. this 7th day of August, 2009



DEFINITIONS

NCGS 20-4.01(12a)

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 miles per hour.



GOLF CART- LITTLE TO NO SAFETY EQUIPMENT

NCGS § 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(12b), 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.

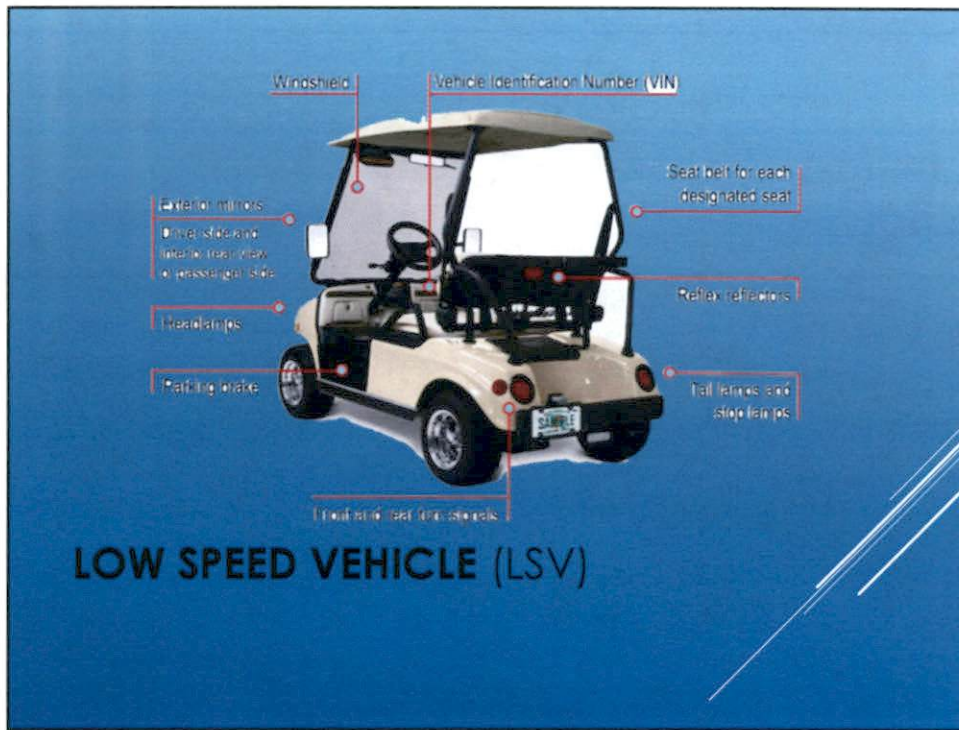
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Model Ordinance of the County/Town/City, North Carolina Establishing a Golf Cart Ordinance

DEFINITIONS

NCGS-20-4.01-27(h)

Low-speed vehicle - A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.



NCGS 20-121.1. OPERATION OF A LOW-SPEED VEHICLE ON CERTAIN ROADWAYS.

The operation of a low-speed vehicle is authorized with the following restrictions:

A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.

- ▶ A low-speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- ▶ A low-speed vehicle shall be registered and insured in accordance with G.S. 20-50 and G.S. 20-309.

- ▶ The Department of Transportation may prohibit the operation of low-speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.
- ▶ Low-speed vehicles must comply with the safety standards in 49 C.F.R. 571.500. (2001-356, s. 5.)
- ▶ LSVs were envisioned as a low-cost, eco-friendly way to tool around gated communities in the Sun Belt where they would have little interaction with larger vehicles. NHTSA doesn't require LSVs to have airbags or other safety features beyond belts since they're intended for low-risk driving.

Low Speed and properly modified golf carts are authorized by general statute. The statute authorizes use of LSV's on local (municipal) roadways throughout the State. North Carolina Division of Motor Vehicles (NCDMV) oversees all registration, verification of liability insurance coverage, and compliance with vehicle safety standards. As with any other type of vehicle, local and State law enforcement agencies are responsible for citing moving, parking and standing violations and tag decal expiration.

GOLF CARTS



NORTH MYRTLE BEACH, SC (WMBF) – Two people on a golf cart were injured after a crash in North Myrtle Beach involving the cart and a vehicle, according to crews on the scene.



North Myrtle Beach, S.C. (WPDE) — A 65-year-old North Carolina woman is dead and a man has been injured after a car crashed into a golf cart in North Myrtle Beach.

Reported Crashes Involving Golf Carts in the State of North Carolina

For the Reporting Period of January
1, 2018 to December 31, 2022

Year	Total Crashes	Total Fatalities	Total Injuries
2018	32	1	21
2019	28	1	21
2020	23	1	17
2021	26	0	19
2022	32	0	26
Totals	141	3	104

Golf Carts Are:

- ▶ Prone to rollover,
- ▶ Do not have seat belts in them,
- ▶ Don't have anything to enclose the driver and riders inside the cabin if it rolls over; and
- ▶ Designed for a golf course, not a residential street.
- ▶ Because the brakes are in the rear, if the cart stops suddenly, it can go into a tailspin.
- ▶ To minimize the risk, carts need to be used in the place they were designed for — the golf course.

Golf Cart Injuries

- ▶ In conducting research for this discussion it is worth noting that 154,608 individuals were injured in golf cart related accidents from 2007 through 2017.
- ▶ The injured ranged in ages from 5 months to 96 years of age.
- ▶ Falls and jumps from golf carts accounted for 47% of the injury's, which is directly attributed to the open design, lack of safety equipment and rear facing seats.
- ▶ LSV's are not considered in the same category as golf carts and have the required safety equipment as mandated by the National Highway Traffic Safety Administration (NHTSA) (Horvath et al., *Fun Ride or risky transport: Golf cart-related injuries treated in U.S. emergency departments from 2007 through 2017-2020*).

- ▶ Allowing golf carts to operate in designated neighborhoods still brings along with it the potential for increased injury. One study reviewed (Xue & Xu, *How much do we know about low-speed vehicle and golf cart communities and crashes: A case study in nocatee, Florida 2023*) revealed an array of unwanted operator behaviors which included:
 - ▶ low rate of seat belt usage (if equipped),
 - ▶ baby/ child sitting on front row,
 - ▶ traffic law violations (disregarding stop signs, using pedestrian walkways and traveling on speed restricted roads) and aggressive driving (hard acceleration/ deceleration, not slowing when passing pedestrians, sharp turns and backing maneuvers).

STAFF RECOMMENDATION:

A licensed driver wishing to pursue travel by the means of a low-speed vehicle is already allowed to do so by NCGS §20-121.1 Operation of a Low-Speed Vehicle on Certain Roadways. Local government action to allow, restrict or disallow the operation of vehicles of this type is unnecessary.

Golf carts are built for use on golf courses and other off road recreational use and not intended for road usage. By ordinance the city could mandate safety enhancements to the golf cart in order to operate on public streets and this would be a recommendation. The adoption of an ordinance to allow golf cart usage on public streets would place an additional regulatory burden on the police department.



QUESTIONS!