

AN ORDINANCE TO AMEND SECTIONS 70.01 THROUGH 70.05 OF THE CODE OF ORDINANCES TO CLARIFY AND REVISE PROVISIONS REGULATING THE OPERATION OF GOLF CARTS, ELECTRIC ASSISTED BICYCLES, AND OTHER MOTORIZED VEHICLES ON PUBLIC STREETS, SIDEWALKS, AND THE MULTI-USE PATH WITHIN THE TOWN OF DUCK, NORTH CAROLINA

Ordinance No. 24-02

WHEREAS, previously the Town enacted Ordinance 18-04 to regulate the operation of golf carts on public streets within the Town; and

WHEREAS, subsequent to the adoption of Ordinance 18-04, it was determined that certain provisions of the Ordinance needed to be clarified and revised.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Duck Town Council of the Town of Duck, North Carolina, as follows:

1. Section 70.01 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows (with additions and deletions indicated):

§70.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CENTRAL VILLAGE COMMERCIAL AREA. The area of the Town ~~adjacent to the east and west side of NC 12~~, generally between the marked crosswalks on NC 12 at 1174 Duck Road and 1264 Duck Road.

CENTRAL VILLAGE COMMERCIAL AREA BICYCLE LANE. The area of NC 12 on the east and west side, generally between the marked crosswalks on NC 12 at 1174 Duck Road and 1264 Duck Road, where the paved roadway section includes a shoulder, which is directly contiguous to the vehicular travel lanes of NC 12, that is designed for use by bicyclists.

CENTRAL VILLAGE COMMERCIAL AREA PEDESTRIAN SIDEWALK. The concrete sidewalks adjacent to the east and west of NC 12, but not contiguous with the roadway, generally between the marked crosswalks at 1174 Duck Road and 1264 Duck Road, that is designed for use by pedestrians.

ELECTRIC ASSISTED BICYCLE. A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 mph. The definition is

republished here for convenience only and the definition set out in G.S. §20.4.01(7a), as amended from time to time, is controlling for all purposes.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A self-balancing non-tandem two-wheeled device, designed to transport 1 person, with a propulsion system that limits maximum speed of the device to 15 mph or less and which are exempt from registration pursuant to G.S. §20-51(14).

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. The definition is republished here for convenience only and the definition set out in G.S. §20-4.01, as amended from time to time, is controlling for all purposes.

LOW-SPEED VEHICLE. A four-wheeled electric vehicle 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, which may be operated only on streets and highways where the posted speed limit is 35 mph or less, and whose top speed is greater than 20 mph but less than 25 mph, and which is registered and insured in accordance with G.S. §20-50 and G.S. §20-309.

MOTORIZED VEHICLES. Every vehicle which is self-propelled, ~~and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle~~ powered by gasoline, diesel or other fuel source, batteries, or similar devices, which term shall include golf carts and low-speed vehicles but shall not include mopeds motorized wheelchairs or similar vehicles not exceeding 1000 pounds gross weight and required due to a disability, electric personal assistive mobility devices, or electric assisted bicycles when operated on the multi-use pedestrian path.

MULTI-USE PEDESTRIAN PATH. A The concrete or asphalt path ~~that is at least 8 feet in width,~~ situated adjacent to NC 12, but not contiguous with the roadway, between the south Town line and the marked crosswalk on NC 12 at 1174 Duck Road, and between the north Town line and the marked crosswalk on NC 12 at 1164 Duck Road, that is constructed for the use of pedestrians, bicyclists, electric personal assistive mobility devices, electric assisted bicycles, and other non-motorized vehicles.

PRIVATE STREET. A private street is privately owned by a Homeowners Association, by a person, by several people, or by a Corporation/LLC. The designated owner is responsible for all maintenance and upkeep of a private street.

PUBLIC STREET. Public streets are owned, maintained, built, and dedicated to the North Carolina Department of Transportation (NCDOT). NCDOT is responsible for all maintenance and upkeep of public streets.

2. Section 70.02 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows (with additions and deletions indicated):

§70.02 MOTORIZED VEHICLES ON THE MULTI-USE PEDESTRIAN PATH AND THE CENTRAL VILLAGE COMMERCIAL AREA PEDESTRIAN SIDEWALK

- (A) Motorized vehicles on the multi-use pedestrian path. ~~Except for emergency vehicles, public safety vehicles or motorized vehicles of Town contractors,~~ No motorized vehicle shall be allowed to operate, park or be left standing on any portion of a multi-use pedestrian path.
- (B) Motorized vehicles on the Central Village Commercial Area Pedestrian Sidewalk. No motorized vehicle or electric assisted bicycle shall be allowed to operate, park or be left standing on any portion of the Central Village Commercial Area Pedestrian Sidewalk.
- (C) Exemptions. Motorized vehicles operated by the Duck Police Department or the Duck Fire Department, while on official public safety business or by Town staff, contractors, or volunteers while on official Town business.

§ 70.03 OPERATION OF ELECTRIC ASSISTED BICYCLES

It shall be unlawful for any person to operate or ride an electric assisted bicycle on the multi-use pedestrian path, public street, or other public area recklessly or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb, or property of the rider or of any other person.

§70.04 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

- (A) Electric personal assistive mobility devices may only be operated on a public roadway or other public right-of-way with a posted speed limit of 25 mph or less. A person operating an electric personal assistive mobility device may cross over public roadways and public rights-of-way with posted speeds of greater than 25 mph in the same manner as a pedestrian. In no instance shall an electric personal assistive mobility device be operated within the roadway or right-of-way of NC 12 in the Central Village Commercial Area, as defined herein.
- (B) Any person operating an electric personal assistive mobility device shall wear a helmet of good fit, with the chin strap fastened securely under their chin.
- (C) No person or business shall rent or lease any electric personal assistive mobility device to or for the use of any person unless the rental or lease includes a protective helmet of good fit, the operator intends to wear the helmet with the chin strap fastened securely under the chin at all times while operating an electric personal assistive mobility device and the operator has been provided with posted or written notice explaining the provisions of this section.

- (D) No electric personal assistive mobility device may be operated at a speed greater than that which is reasonable and prudent for the existing conditions, and in no instance at a speed greater than 6 mph.
- (E) No electric personal assistive mobility device may be operated in a careless or reckless manner.
- (F) Operators of electric personal assistive mobility devices must yield the right-of-way to pedestrians and other human-powered devices.
- (G) Electric personal assistive mobility devices may be operated on public roadways and other public rights-of-way only during daylight hours.
- (H) Electric personal assistive mobility devices must be operated in accordance with all applicable state and local laws and ordinances.
- (I) Town personnel operating EPAMDs for official Town business are exempt from the requirements of this section.
- (J) Any violation of the provisions of this section shall be a misdemeanor and punishable as provided by G.S. §14-4 or by a civil penalty of \$25.00.

§ 70.05 GOLF CARTS

(A) Operation of Golf Carts Permitted

- (1) Purpose. The purpose of this section is to provide a means of travel that is convenient, conserves resources, and protects the environment. Golf carts, as defined in §70.01, if properly used, may be an effective way to travel for short distances within the Town. However, to help ensure the public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding motor vehicles but shall also comply with the provisions of this section. This section establishes the basic, minimum standards of care to be used by the users of golf carts on public roads, streets, and highways, and their respective shoulders. This section also prohibits the use of golf carts on sidewalks, multi-use pedestrian paths, and similar areas of the Town.
- (2) Disclaimer. Golf carts might not be designed or manufactured to be used on public streets, and the Town neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. The Town shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.

- (3) Assumption of risk. Any person who owns, operates, or rides on a golf cart on a public street, road, or highway within the Town does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.
 - (4) Operation on NC Highway 12 prohibited. The operation of golf carts on NC Highway 12 shall be prohibited; provided, however, a golf cart may cross NC Highway 12 at a right angle when driving from a street on one side of NC Highway 12 to a street that is directly opposite and on the other side of NC Highway 12.
 - (5) The operation of golf carts on public streets, roads and highways, except as to NC Highway 12 as provided in division (A)(4) of this section with a posted speed limit of 25 mph or less within the Town in compliance with the provisions of this article shall be permitted. However, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the Town or to operate any golf cart at any place or in any manner not authorized herein.
- (B) Exceptions. The operation of golf carts in the following circumstances is not subject to the provisions of this article:
- (1) The operation of golf carts on private property.
 - (2) The operation of golf carts within private, gated, or limited access communities.
 - (3) The use of a golf cart in connection with a Town sponsored special event provided the golf cart is only used during such event.
 - (4) The use of golf carts by the Duck Police Department or the Duck Fire Department, while on official public safety business or by Town staff, contractors, or volunteers while on official Town business.
- (C) Registration and permit requirements.
- (1) Registration and permit required. No golf cart may be operated on any public street, road, or public vehicular area within the Town or on any property owned or leased by the Town unless the golf cart has first been registered with the Town and permitted as required herein. The registration and permit shall be renewed annually beginning on January 1, 2025, thereafter in accordance with the provisions of this article.
 - (2) Application and permit. The owner shall complete an application provided by the Town and must self-certify that the golf cart is in compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart beginning on January 1, 2025. To evidence the registration, the owner shall be issued a unique

registration decal which shall be displayed on the lower left corner of the windshield of the golf cart. The Town Council may establish, and amend from time to time, an annual registration fee for golf carts.

- (3) Required safety features. In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:
 - (a) Two operating front headlights, visible from a distance of at least 250 feet, if the golf cart is operated between sunset and sunrise,
 - (b) Two operating taillights, with brake lights and turn signals, visible from a distance of at least 250 feet,
 - (c) A rear vision mirror,
 - (d) At least one reflector per side,
 - (e) An operable parking brake,
 - (f) Seat belts for all seating positions on the golf cart,
 - (g) A windshield; and,
 - (h) The golf cart is limited to a maximum of three rows of seats.
- (4) Acknowledgement. Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgement that he/she has read and understands the provisions of this article, that the golf cart is in proper working order, that the golf cart does not contain any modifications to the engine or motor, and that the golf cart is equipped with the required safety features listed in section (C)(3) above, and that the duty to properly maintain the golf cart is a duty of the owner and no reliance may be made as to the fitness of the golf cart as a result of obtaining a permit from the Town. The Town shall set the fee for the initial permit and annual renewal in the Town's budget ordinance fee schedule.
- (5) Disqualified vehicles. All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on the public roads, streets, and highways within the Town, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

- (D) Basic requirements. In order to lawfully operate a golf cart on public streets, the owner and/or operator, and the golf cart must meet the following basic requirements:
- (1) The driver and passengers must be properly seated while the golf cart is in motion and may not be transported in a negligent manner. The seating capacity, as determined by the number of seats, shall not be exceeded.
 - (2) No golf cart may be operated at a speed greater than 20 mph.
 - (3) No golf cart may be operated in a careless or reckless manner, or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb, or property of the passengers or of any other person.
 - (4) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and consumption of alcoholic beverages.
 - (5) Golf carts are subject to the same parking regulations as traditional motor vehicles and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles; provided however, 2 golf carts may be parked in a parking space that is designed for the parking of 1 traditional motor vehicle.
 - (6) Golf carts may only park in handicapped spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed on the golf cart.
 - (7) Golf carts may not be used for the purpose of towing any person or object.
 - (8) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
 - (9) The operator of a golf cart shall yield all right-of-way to traditional motor vehicles.
- (E) Prohibitions. No golf cart may be:
- (1) Operated on the shoulder of any public street, road, or highway, or upon any sidewalk, multi-use pedestrian path, Central Village Commercial Pedestrian Sidewalk, Central Village Commercial Bicycle Lane, or other similar area of the Town; or
 - (2) Operated within the Town by any person who is less than 16 years of age.

(F) Violation.

- (1) Any person who knowingly allows an underage driver to operate a golf cart may be charged and subject to the penalties prescribed in North Carolina law for contributing to the delinquency of a minor.
- (2) Any person violating the provisions of this chapter or failing to comply with any of its requirements shall be required to pay a civil violation in the amount of \$25.00.
- (3) Any person violating the Town's parking ordinances shall be subject to the penalties applicable to parking violations.
- (4) Operating a golf cart while under the influence of an impairing substance (such as alcohol or drugs) on a public street or road is a violation of North Carolina law and is punishable as provided therein.

3. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Duck and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the 3rd day of April, 2024.



Mayor Pro Tempore

Attest:



Town Clerk

