CITY OF KINSTON GOLF CART ORDINANCE

Whereas, the City Council of the City of Kinston, do hereby find and determine that the establishment of a golf cart ordinance is necessary to address the interest of public safety. Golf carts, herein "cart(s)," are not designed or manufactured to be used on public streets and roads, herein after "road(s)," and the City of Kinston in no way advocates or endorses their operation on roads. The 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 do so at their own risk and peril and must observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City of Kinston has no liability under theory of liability, for permitting carts to be operated on roads under special legislation granted by the State Legislature.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina that the following Golf Cart Ordinance be approved and reads as follow:

(A) PURPOSE: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the City of Kinston to promote the health, safety and well fair of persons operating cart(s) within the City.

(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.
2) Operator: A person 16 years of age or older in possession of a valid driver's license or identification card containing a photograph of the operator (such as a license or identification card) may operate a golf cart.

Section 1. Rules and Regulations:

1) Carts may be driven on roads only from official sunrise to official sunset unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.
2) Carts must be equipped with a rear vision mirror and a rear triangle reflector of the same type required by North Carolina Law.
3) Carts that are without proper working turn signals are required to use hand signals.
4) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
5) No golf cart shall be operated on any City of Kinston street with a posted speed limit greater than 30 MPH. However, carts may cross over roads that have a posted speed limit greater than 30 MPH.
6) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants

shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion. No passengers shall be carried on the part of a golf cart designed to carry golf bags.

7) Children must be properly seated while golf cart is in motion and may not be transported in a negligent manner.
8) All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages and all other illegal drugs.
9) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the City of Kinston which governs the operation of motor vehicles.
10) Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking sticker or placard.
11) Carts will adhere to all traffic flow patterns, and will operate on the far right side of the roadway and must yield to all vehicular and pedestrian traffic.
12) Carts shall not be operated or parked on sidewalks.
13) Carts shall not be operated on private property without the permission and consent of the property owner.

Section 2. Inspections and Fees:

The inspection by the Staff Inspection Sergeant in responsible charge of the Kinston Police Department, or his designee, will cover the following safety requirements and every cart operating on the City of Kinston streets must have the following safety equipment.

1) Permits/Stickers issued to operators/owners of golf carts by the Kinston Police Department in Kinston.
2) In order to obtain a permit/sticker, each owner must present proof of ownership and sign a Disclaimer of Liability, releasing the City of Kinston, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the City of Kinston. A current Disclaimer of Liability must be on file with the City of Kinston and must be renewed annually.
3) All carts must meet the requirements or minimum standards of safety equipment as set forth in section 1.
4) Permits/Stickers will be issued annually, and are valid from January 1 to December 31 of each year. Permits/Stickers must be attached to driver's side of golf cart. The following fees shall apply:
    a. Inspection by Kinston Police Department (Includes Permit/Sticker) — $25.00 Annually
    b. Re-inspection by Kinston Police Department (If a cart fails the initial inspection) — $10.00
5) Lost or stolen Permits/Stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen Permits/Stickers. The Staff Inspection Sergeant is responsible charge of the Kinston Police Department will have the discretion in determining whether a Permit/Sticker may be reissued in this instance. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Sergeant may direct the

applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.

6) Any person who operates a cart in the City of Kinston and fails to receive and properly display a City of Kinston Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this ordinance.
7) Carts owners must complete the attached registration form. This form will be maintained by the City of Kinston.
8) The City of Kinston retains the right to refuse to issue and/or revoke any permit/sticker from any cart at any time for any reason that it feels appropriate to ensure the safety and well-being of the citizens of the City of Kinston.
9) Each owner must have proof of ownership and liability insurance, and a completed waiver of liability, releasing the City of Kinston from and liabilities that may arise as a result of operation of a golf cart inside the city of Kinston. This documentation must be inside the golf cart at all time while in operation on public roads.

Section 3. Penalty:

Any act constituting a violation of this ordinance or a failure to comply with any of its requirements shall submit the offender, upon conviction, guilty of a misdemeanor or infraction, and subject to a fine not to exceed $50.00. Each act that any of the provisions of this ordinance is violated shall constitute a separate offense.

Section 4. Enforcement:

It shall be the policy of the City of Kinston to issue a written warning, state citation or a juvenile petition against any person the officer has probable cause to believe has violated this Ordinance, whether the offending person is a juvenile or any other person.

City Of Kinston Golf Cart Transportation Application and Inspection Report

Applicant Name: _____

Address: _____ Phone: ( )_____

(Street) (City) (State) (Zip Code)

Serial Number: _____ Make/Model: _____

Vehicle Description: _____

Name, Address & Policy No. of Liability Insurance Carrier: _____

_____

I have read the rules and regulations of the City of Kinston Golf Cart Ordinance and agree to abide thereby.

_____ _____

Signature of Applicant Date

Inspection Report

To be completed by the Staff Inspection Sergeant or designated officer

- ☐ Horn
- ☐ Brakes and Brake Lights
- ☐ Turn Signals
- ☐ Steering Wheel Apparatus
- ☐ Tires
- ☐ Rearview Mirror
- ☐ Rear Triangle Reflector
- ☐ Headlights (as required)
- ☐ Tail Lamps (as required)
- ☐ Proof of Liability Insurance
- ☐ Hold Harmless/Release of Liability Form Signed
- ☐ Valid Driver's License

The above described vehicle was inspected and is in compliance with regulations set forth by the City of Kinston Golf Cart Ordinance.

Date & Time of Inspection: _____, _____AM/PM ____New Permit ____ Renewal

Inspector Signature: _____

For Office Use Only:

_____ $25.00 Annual Fee Payment Method: _____

Permit #: _____ Permit Expiration Date: _____

City of Kinston

Unconditional and Full Release of Liability, Waiver, Discharge and Covenant Not to Sue

This is a legally binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE by, (Name)_____

(hereinafter referred to as Operator) to the City of Kinston (hereinafter referred to as the City).

I FULLY RECOGNIZE THAT THERRE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART ON CTY STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY: INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART ON CITY STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD ARMLESS AND INDEMNIFY THE CITY AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHATSOEVER KIND OF NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS GOLF CART ON CITY STREETS.

I understand that the City has an Ordinance governing the use of qualified golf carts on City streets and hereby agree to conform with all requirements of the City Ordinance at all times. I have had the opportunity to read the City's Ordinance and my signature below acknowledges that I will comply with the Ordinance as well as all of the applicable traffic laws of the State of North Carolina at all times when operating this golf cart on City streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE ON MYSLEF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART ON CITY STREETS, I RELEASE THE CITY (AND THE CITY COUNCIL, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS AND ACTIONS THAT MAY ARISE FROM INJURY OR HARM TO MYSELF OR OTHERS, INCLUDING DEATH, OR FROM DAMAGE TO MY PROPERTY OR PROPERTY OF ANY OTHER IN CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE ALSO COVERS LIABILITY, CLAIMS AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE OR MAINTAIN.

I understand that by signing this Release, I am revoking my right to sue the City, the City Council, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

Operator's Signature: _____Date: _____

Witness Signature: _____Date:_____