

## **Town of China Grove Low-Speed Vehicle Ordinance**

### **Chapter 58 Article VII (Eff: 8/3/10) Revised 6/7/2011; Revised 6/21/2012; Revised 6/2/2016**

#### **Preamble**

WHEREAS the Town of China Grove desires to allow the operation of Golf Carts and Low Speed Vehicles on designated public streets, roads, pathways, and highways within the Town of China Grove's jurisdiction, and

WHEREAS the Town of China Grove by adopting this Ordinance is not endorsing, nor is it advocating, the use of Carts or LSVs on the public streets, road, paths, or highways within its jurisdiction, and

WHEREAS By adopting this Ordinance, the Town of China Grove is merely regulating the operation of such vehicles by addressing public safety issues and concerns for all operators and passengers of Carts and LSV(s), which operate within the Town of China Grove's jurisdiction, do so at their own risk and peril, and

WHEREAS Golf Carts hereinafter referred to as "cart(s)", and Low Speed Vehicles, hereinafter referred to as "LSV(s)", are not generally designed to be operated and used on public streets, roads, paths, or highways.

WHEREAS This Ordinance does not imply that operation of these vehicles on said streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this Ordinance but the Town of China Grove in the interest of public safety wants to provide protection for the public and those that do operate said vehicles.

#### **Section 170**

##### a) Definitions

- 1.) "Carts and LSV(s)" Golf Carts and Low Speed Vehicles are defined as motorized pleasure vehicles that do not exceed 28 miles per hour on a straight and level surface. For the purpose of this Ordinance, John Deere "Gators", Husqvarna "HUV's", and any other manufacturers equivalent shall be considered as Slow Moving Vehicles. Lawn mowers, tractors, four-wheelers, ATVs, or any other conveyance, other than those described herein are excluded from the provisions of this ordinance.
- 2.) "Permit of Operation" A sticker issued by the China Grove Police Department that must be displayed, on the left side of any Carts and LSV(s) operated within the Town of China Grove

## **Section 171 Rules and Regulations**

(a) Carts and LSV(s), All operators of said vehicles, and their passengers, must be observant of, and attentive to, the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others. The Town of China Grove has no liability, under any theory of liability, for permitting the operation of Carts and LSVs on streets, roads, paths, or highways under its jurisdiction as allowed by North Carolina General Statutes and special legislation granted by the North Carolina State Legislature, but governed by this Ordinance.

(b) Carts and LSV(s) may only be operated on the streets, roads, paths, and highways within the Town of China Grove in accordance with the following rules and regulations.

(1) Before Carts or LSVs can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the Town of China Grove, the owners thereof must purchase and maintain liability insurance in at least the minimum amount required by the State of North Carolina for a licensed motor vehicle which policy insures against personal injury and property damage of any nature, relative to the operation of said vehicles. Proof of insurance must be provided to the China Grove Police Department at the time of application for a permit to operate said vehicles and must be carried by the operator at all times that said vehicles are in operation.

(2) Any person who operates a Cart or LSV in the Town of China Grove takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on a Cart or LSV in the Town of China Grove takes full responsibility for all liability associated with the "riding on" or the "sitting on" of said vehicles.

(3) Any person that operates a Cart or LSV on the designated streets, roads, pathways, or highways within the Town of China Grove's jurisdiction, shall be at least 16 years of age and hold a valid driver's license issued by a state within these United States, and, said operator shall have this driver's license on their person at all times while operating said vehicles. [The Chief of Police may issue a Permit of Operation, at his discretion, to individual at least 21 years of age that do not possess a valid driver's license. Revision 6/7/2011]

(4) Carts or LSVs may only be operated during daylight hours, between sunrise and sunset, unless the vehicle is equipped with headlights, brake lights, and turn signals that have been approved by the Chief of Police.

(5) Carts or LSVs may not be operated during inclement weather, when visibility is reduced or impaired by weather, smoke, fog, or other conditions or at anytime when there is insufficient light clearly to see a person or a vehicle on the roadway at a distance of 500 feet.

(6) Carts and LSVs must be equipped with a rear vision mirror capable of providing the operator with a 200 feet clear rear sight picture, and shall also be equipped (on the rear of the vehicle) with a Low Speed Vehicle placard that meets ASAE S276.4 standards, and shall be equipped with sufficient brakes, reliable steering, and safe tires.

(7) Carts and LSVs may only be operated on US 29 / 601 and NC 152 Hwy and any and all state roadways within the Town of China Grove's jurisdiction when necessary to access a town street, road, or pathway, or a business or residential access point that is not readily accessible from a town back-street, back-road, or pathway. Any continuous travel on these highways is hereby prohibited and shall be subject to civil penalty or fine. At no time will travel be allowed on any Interstate Highway System.

(8) Any person who operates a Cart or LSV within the Town of China Grove's jurisdiction must adhere to all State of North Carolina traffic laws, and all laws governing the use of, or the possession of, alcoholic beverages and controlled substances.

(9) Cart and LSV operators must yield the right-of-way to pedestrians and overtaking vehicles at all times.

(10) All passengers, including children, must be properly seated while the Cart or LSV is in motion and shall not be transported in a negligent manner.

(11) The maximum occupancy of any Cart or LSV shall not exceed the manufacturer's design or recommended seating capacity.

(12) Carts or LSVs shall not be allowed to operate on any town sidewalks, unless otherwise designated by the Chief of Police.

(13) Carts or LSVs shall not be allowed to park in designated "Handicapped Parking Spaces" unless the operator, or one of the passengers of the vehicle, has a valid "Handicapped Placard" or sticker. This placard shall be appropriately displayed while the vehicle is so parked.

### **Section 172 Permit, Application, & Revocation**

(a) All Carts and LSVs operated within the Town of China Grove's jurisdiction must display, on the left side of the vehicle (not on a windshield), a valid "Permit of Operation" sticker issued by the China Grove Police Department. The initial application fee for said sticker shall not exceed \$50.00 per vehicle with a \$10.00 annual renewal thereafter, and said fee will be used for implementation and maintenance of this privilege. The Chief of Police shall have the right to refuse to issue and/or revoke any permit sticker and may remove said sticker from any Cart or LSV at any time and for any reason that he, or she, feels is appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of the Town of China Grove.

(b) In all cases, the Chief of Police must approve the use of Carts or LSVs on the streets, roads, pathways, or highways within the Town of China Grove's jurisdiction. All permits approved shall be valid for the year of issuance with the annual period being from 1 January until 31 December of each year. The initial issue shall be valid thru the end of year 2011.

(c) Any person wishing to make application for a “Permit of Operation” for Carts or LSVs shall complete the required application form distributed for the China Grove Police Department by the Town Clerk, execute a release, indemnity and hold harmless agreement and shall pay the Town Clerk the annual non-refundable registration fee at the time of application. The fee must be paid even if a “Permit of Operation” is denied or revoked by the Chief of Police.

(1) Permit Application Form — The application form shall include the full name, address, and telephone number of the applicant; the applicant’s date of birth; the applicant’s driver’s license information to include state of issuance and the driver’s license number (shall be attached a photocopy of the applicant’s driver’s license to the application form); the name of the applicant’s insurance company and the applicant’s insurance policy number, along with the date of expiration of said policy; the date of the application; an executed “Release, indemnity and hold harmless agreement on the form approved by the Chief of Police and the applicant’s signature attesting to his or her reading and understanding of the Town of China Grove’s Ordinance governing the operation of Carts or LSVs, within the Town of China Grove’s jurisdiction. As a condition to obtaining a “Permit of Operation”, the Chief of Police may require an applicant to submit a certificate signed by a licensed physician to the effect that the applicant is able to safely operate a motorized Cart or LSV within the Town of China Grove’s jurisdiction.

(2) Any “Permit of Operation” may be revoked by the Chief of Police if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permittee cannot safely operate a Cart or LSV. A permit shall be revoked by the Chief of Police if it is found that the operator, or any person that the operator allows to operate said vehicle, driver’s license has been suspended, revoked, or has expired. The Chief of Police shall issue a “notice of revocation” in the event that a permit is revoked and shall hand deliver said revocation notice to the permit holder, or the Chief of Police may send said notice by certified mail to the address of the permittee or applicant. The revocation shall be effective immediately upon hand delivery or three days after mailing by certified mail.

(3) Any party having a Permit of Operation revoked under the terms of this ordinance may apply for reinstatement in writing to the Chief of Police stating the reasons for reinstatement. The Chief of Police shall establish a hearing within fifteen (15) days of receiving a request for reinstatement and promptly notify the applicant of the time and place of the hearing. The Chief of Police may reissue the permit in his discretion if he is satisfied that the applicant has complied with the provisions of this ordinance, complied with the reasons for the original revocation and the interest of public safety would not be harmed by reissuing the permit.

### **Section 173 Reciprocity.**

(a) The China Grove Police Department may establish reciprocity agreements with other municipalities to allow the operation of LSVs permitted by that jurisdiction to operate within the Town of China Grove and LSVs permitted by the Town of China Grove to operate within other municipalities.

(b) No reciprocity agreement may be established with any municipality that does not require proof of liability insurance for LSVs permitted by that municipality to be filed with that jurisdiction.

(c) Any LSV operated in the Town of China Grove pursuant to a reciprocity agreement must display a permit issued by the permitting municipality, carry proof of liability insurance as required by § 58-171(b)(1), be operated by a licensed driver, and comply with all equipment and operational regulations specified in § 58-171.

#### **Section 174 Penalty and Enforcement**

(a) Any person who violates any section or part of this ordinance, or fails to comply with any section or part of this Ordinance shall be held responsible for an infraction and shall be required to pay a civil penalty in the amount of \$50.00 pursuant to Chapter 1 Sec. 1-6.

(b) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(c) If any court of competent jurisdiction holds any word, part, section, paragraph, or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

**Defense Release, Indemnity, and Hold Harmless Agreement**

As provided in Sections 1.0 and 2.0 of the Town of China Grove’s Golf Cart and Low Speed Vehicle Ordinance Chapter 58, Article VII, any person operating a Golf Cart or Low Speed Vehicle on designated streets, roads, pathways, or highways within the Town of China Grove’s jurisdiction, does so at their own risk and peril, and must operate said vehicles with due caution and circumspection and with regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians.

The undersigned owner and registrant hereby agrees to indemnify, defend, and hold the Town of China Grove, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators, and assigns, completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of an incident to the acts or omissions of the Owner and Registrant, its officers, agents, employees, contractors, subcontractors, subleases, licensees, invitees, or any third persons in the use of the Owner’s and Registrant’s Golf Cart or Low Speed Vehicle, regardless of where the injury, death, or damage may occur. I furthermore attest that I received, read, and understand the Town of China Grove’s Golf Cart and Low Speed Vehicle Ordinance.

**OWNER**

**WITNESS**

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Permit Decal # \_\_\_\_\_

STATE OF NORTH CAROLINA

County of Rowan

Town of China Grove

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_ My Commission Expires:

Notary Public

**TOWN OF CHINA GROVE GOLF CART/LOW SPEED VEHICLE OWNER REGISTRATION**

Golf cart owner's name(s): \_\_\_\_\_

Owner's DOB: \_\_\_\_\_

Owner's Physical Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner's Telephone No. Daytime: ( \_\_\_\_\_ Night time: ( \_\_\_\_\_

Owner's Driver License Number: \_\_\_\_\_ State: \_\_\_\_\_

Make of golf cart (Mfg): \_\_\_\_\_

Color of golf cart: \_\_\_\_\_ Model (Year): \_\_\_\_\_

Serial Number of golf cart: \_\_\_\_\_

Liability Insurance Provider: \_\_\_\_\_

Insurance Policy Number: \_\_\_\_\_

Insurance Expiration Date: \_\_\_\_\_

I have received, read and understand the "Golf Cart & Low Speed Vehicle Ordinance." I have paid the registration fee for the above Cart/LSV and agree to additional assessments as may be required in support of this ordinance. I acknowledge that I will assume all liability, and am fully responsible for the operation of the above Cart/LSV on the streets, roads, pathways, and highways in the Town of China Grove. I also acknowledge that the Town of China Grove, in providing this privilege, is in no way endorsing the operation of this Cart/LSV on the streets, roads, pathways, or highways and does not and will not assume any liability in the operation of the Cart/LSV. I agree to indemnify and hold harmless the Town of China Grove for any and all liability arising from the use of this golf Cart/LSV. I also understand that the China Grove Police Department's interpretation of all the rules and regulations are final. I will insure that the assigned proof of cotupliance will remain attached to the driver's side of the Cart/LSV at all times. I furthermore insure that I will obey all the rules and regulations set forth by the Town of China Grove and the State of North Carolina concerning the operation of a Cart or LSV within the town limits.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Day Operation Approval

Day & Night Operation Approval

Approved by: Andrew R. Deal, Chief of Police

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**§ 14-4. Violation of local ordinances misdemeanor.**

(a) Except as provided in subsection (b), if any person shall violate an Ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 1 62A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)