

## CHAPTER 71: TRAFFIC RULES

### Section

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### **GENERAL PROVISIONS**

#### **§ 71.01 BLOCKING INTERSECTIONS OR MARKED SIDEWALKS.**

No driver shall enter an intersection or a marked sidewalk unless there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic- control signal indicating to proceed.

('81 Code, § 9-119) Penalty, see § 70.99

#### **§ 71.02 DRIVING ON ONE-WAY STREETS.**

In the public interest, the Town Manager may, with the approval of the Board of Commissioners, designate certain streets or portions of streets as one-way and such streets shall be posted as such.

('81 Code, § 9-57)

#### **§ 71.03 DRIVING THROUGH FUNERAL PROCESSIONS.**

No vehicle shall be driven through a funeral procession, except Fire Department vehicles, police patrols and ambulances, when the same are responding to calls.  
(‘81 Code, § 9-121) Penalty, see § 70.99

**§ 71.04 BOARDING OR ALIGHTING FROM MOVING VEHICLES.**

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.  
(‘81 Code, § 9-138) Penalty, see § 70.99

**§ 71.05 RIDING ON PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.**

No person shall ride on any public conveyance, or vehicle, or any portion thereof not designed, or intended, for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise, or to a person riding on a vehicle in a parade.  
(‘81 Code, § 9-139) Penalty, see § 70.99

**§ 71.06 ENTERING OR RIDING VEHICLE WITHOUT CONSENT OF OWNER OR DRIVER.**

No person shall enter, jump on, or ride any automobile, or other vehicle, without the consent of the owner or driver.  
(‘81 Code, § 9-140) Penalty, see § 70.99

**§ 71.07 PASSENGERS TO REMAIN INSIDE VEHICLE.**

No person, when riding, shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are required by law, and no person shall hang on to any vehicle whatsoever.  
(‘81 Code, § 9-141) Penalty, see § 70.99

***OPERATION OF VEHICLES***

**§ 71.20 TURNING VEHICLES IN STREETS TO PROCEED IN OPPOSITE DIRECTION.**

No driver shall turn any vehicle so as to proceed in the opposite direction in any street or portion of street in the business district except at the space provided for “Turnaround” on the west side of South Trade Street immediately north of its intersection with the tracks of the Southern Railway.  
(‘81 Code, § 9-124) Penalty, see § 70.99

**§ 71.21 LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless such movement can be made in safety, and he shall have given ample warning to those who may be behind, by hand and horn or other signal.

('81 Code, § 9-125) Penalty, see § 70.99

**§ 71.22 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk, or into the sidewalk areas extending across any alleyway, and upon entering the roadway he shall yield the right-of-way to all vehicles approaching on said roadway.

('81 Code, § 9-126) Penalty, see § 70.99

**§ 71.23 OPERATION OF GOLF CARTS ON PUBLIC STREETS**

(A) **DEFINITIONS:** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

(1) *Golf cart* means 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.

(2) *Operate* means to drive, or be in physical control of, a golf cart that is moving or has its motor on.

**(B) OPERATION ON PUBLIC STREETS AND ROADS.**

It is unlawful to operate a golf cart on a public street or road within the Town unless the operator has obtained the permit required under Subsection (D), below, and the following requirements are met:

(1) The golf cart may only be operated on streets and roads that meet the requirements of Section (C), below.

(2) No person may operate a golf cart unless that person is at least 18 years of age and is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license.

(3) Only the number of people the golf cart is designed to seat may ride on a golf cart. Passengers shall not be carried on the part of a golf cart designed to carry golf bags. No person may stand on a golf cart while it is in operation.

(4) No golf cart may be operated at a speed greater than is reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.

(5) No golf cart may be operated in a careless or reckless manner.

(6) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

(7) Golf carts may be operated only during daylight hours, unless equipped with front and rear operating lights meeting the requirements of state motor vehicle law.

(8) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.

(9) Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. Such equipment must include all safety devices as installed by said manufacturer and as required by state motor vehicle law. At a minimum, and subject to the foregoing requirements of this subsection (B)(9), all golf carts must be equipped with at least the following safety equipment:

- (a) Rear view mirror;
- (b) Lap belts and child restraints. These must be used while the vehicle is in motion; and
- (c) A reflective "Slow Moving Vehicle" sign affixed to the rear of the golf cart.

**(C) STREETS AND ROADS APPROVED FOR USE.**

(1) Golf carts authorized for use under the provisions of this Ordinance may be operated in the Town on public streets and roads having a speed limit of 35 miles per hour or less and only where the following requirements are met:

(a) Golf carts shall not be operated on Trade St. (Hwy 176) or on Lynn Rd. (Hwy 108) between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday, provided, however, that golf carts may cross such streets at any time at intersections in accordance with the rules of the road.

(b) Golf carts shall cross to the opposite side of streets only at intersections unless an exigent circumstance exists where the golf cart operator must take an evasive action(s).

(c) Golf carts shall not be operated on the sidewalks.

(d) Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

(2) During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated on or upon other locations.

(3) The Chief of Police, or the Chief's 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.

**(D) PERMIT REQUIRED.**

(1) No golf cart may be driven on a public street or road within the Town without a permit and sticker being acquired from Town Hall and the sticker attached to said golf cart in a conspicuous place. Permits and stickers will be issued annually and shall be valid for one (1) year from the date of issue. Fees for permits/stickers shall be as established by the Board of Commissioners of the Town from time to time and as set forth in the Town's Schedule of Fees.

(2) Town Hall staff are hereby authorized to issue a permit and sticker, one per golf cart, to all applicants who are licensed drivers at least 18 years of age. Stickers shall

be in such form as the Town Hall staff deem practicable for ease of visibility. Before a permit and sticker are issued, the applicant shall:

(a) Sign a form supplied by the Town Clerk certifying that he or she has read this Ordinance;

(b) Demonstrate proof of ownership of the golf cart;

(c) Demonstrate proof of financial responsibility by showing that the golf cart is covered by a policy of liability insurance of a least the minimum limits required by state law;

(d) Sign a completed Waiver of Liability supplied by the Town Clerk, releasing the Town of Tryon, its employees, and affiliates from all liability that may arise as a result of operating a golf cart inside the Town of Tryon. A current Waiver of Liability must be on file with the Town of Tryon, and must be renewed annually; and

(e) Have an inspection of the golf cart performed by the Chief of Police or the Chief's designee to ensure that the golf cart contains the safety equipment required under this Ordinance. Fees for inspections shall be as established by the Board of Commissioners of the Town from time to time and as set forth in the Town's Schedule of Fees.

(3) Lost or stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Chief of Police shall have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement permit/sticker is issued.

**(E) ENFORCEMENT.**

Civil penalties as set forth in Table IV of the Table of Special Ordinances of this Code shall be assessed for the violation of this Section, provided however, that 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. Because golf carts driven on public streets and roads are deemed "motor vehicles" under North Carolina law, operators may also be cited for moving violations and other violations of North Carolina motor vehicle law, and such violations shall not be a violation of this Ordinance but shall be punishable as provided under state law.

**(F) LIABILITY DISCLAIMER.**

This Ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the Town in no way advocates or endorses their operation on public streets or roads. The Town, 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 public streets is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon golf carts on public streets or 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 Town has no liability under any theory of liability and the Town assumes no liability, for permitting golf carts to be

operated on the public streets and roads under the special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

(Ord. 2013-15, passed 11-19-13)

### ***SPEED LIMITS***

#### **§ 71.30 RESTRICTION ON SPEED.**

A vehicle may not be operated at a speed in excess of the following:

(A) Those speed limits established as set forth by the city in Chapter 74, Schedule II, or established by any other traffic-control sign posted by the town; or

(B) Those speed limits established and enforced by the state under G.S. § 20-141(b).

(C) Provided, further, that at no time shall the speed be greater than is reasonable or prudent under the conditions then existing.

Penalty, see § 70.99