

Chapter D – Traffic
(Amended 8/14/19)

Article I – Words and Phrases Defined

Section 1. Definition of Words and Phrases

The following words and phrases when used in this chapter shall for the purpose of this Chapter, have the meanings respectively ascribed to them in this Article, except in those instances where the context indicates a different meaning.

Authorized Emergency Vehicle - Vehicles of the Fire Rescue Department, Police vehicles and ambulances.

Crosswalk - Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface and that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

Driver - Every person who drives or is in actual physical control of a vehicle.

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, as defined by N.C. G.S. 20-4.01

Intersection - The area embraced within the prolongation of the lateral curb line or if none, then the lateral boundary lines of two (2) or more highways which join one another at an angle whether or not one (1) such highway crosses the other.

Motor Vehicle - Every vehicle which is self-propelled.

Official Time Standard - Whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this Village.

Official Traffic Control Devices - All signs, signals, markings and devices not inconsistent with this Ordinance placed or erected by authority of the governing body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Official Traffic Signals - Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Operate - means to drive, or be in physical control of a golf cart or vehicle that is moving or has its engine on.

Parking - The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian - Any person afoot.

Person - Every natural person, firm, co-partnership, association or corporation.

Police Officer - Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

Private Road or Driveway - The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet (300) or more is mainly occupied by dwellings or by dwellings and building in use for business

Residence District - The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet (300) or more is mainly occupied by dwellings or by dwellings and building in use for business

Right-of-Way: Road – An area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and / or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads (8/14/19)

Right-of-Way: Vehicle - The privilege of the immediate use of the roadway.

Roadway - That portion of a street improved, designed or ordinarily used for vehicular travel.

Safety Zone - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk - That portion of a street intended for the use of pedestrians, which lies between the curb lines, or the lateral lines of a roadway, and the adjacent property lines.

Standing - Any stopping of a vehicle, whether occupied or not.

Stop - When required, means complete cessation of movement. Stop or stopping, when prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Public Street or Road or Highway - The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

Traffic - Pedestrians, ridden or herded animals, vehicles, and other conveyances either singularly or together while using any street for the purposes of travel.

Vehicle - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway; provided, that for the purpose of this Ordinance, a bicycle or a ridden animal shall be deemed a vehicle.

Article II - Required Obedience to Traffic Regulations and Police Officers

Section 1. Required Obedience To Traffic Officers

It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this Chapter.

Section 2. Obedience to Police

No person shall willfully fail, or refuse, to comply with any lawful order or direction by a police officer.

Section 3. Authority of Police in Special Cases

In the event of a fire or other emergency or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.

Section 4. Public Employees to Obey Traffic Regulations

The provisions of this Ordinance shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this State, County, or Village; it shall be unlawful for any said driver to violate any of the provisions of this Ordinance, except as otherwise permitted in this Ordinance or by State Statute.

Section 5. Official Traffic Control Devices

Official traffic control devices shall be installed by the Village as deemed necessary for regulating traffic and controlling the operation of vehicles on any public street or roadway.

Section 6. Obedience to Traffic Control Devices

The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the Traffic Ordinances of this Village, unless otherwise directed by a police officer.

No provisions of this Chapter for which signs are required, shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

Article III – Operation of Vehicles

Section 1. Stop Before Entering A Through Street

When stop signs are placed, erected or installed upon highways intersecting a through street at the entrance thereto or at the entrance to any intersection, every driver of a vehicle shall stop in obedience to such signs before entering the intersection and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

Section 2. Stop When Traffic Obstructed

No driver shall enter an intersection or a marked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating

without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 3. Limitation 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 the driver shall have given ample warning to those who may be behind, by hand or horn, or other signal.

Section 4. Emerging From Alley or Private Driveway

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

Section 5. Speed Limit

The speed limit within the Village of Whispering Pines is twenty-five (25) miles per hour subject to the following:

- a. That at no time shall the speed be greater than is reasonable and prudent under the conditions then existing;
- b. That the speed limit at the golf crossings and on State Highways shall be as posted on duly erected signs;

Section 6. Driving on Roadways Laned for Traffic

All vehicles operated on any roadway which has been clearly marked with lanes for traffic shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Section 7. Driving Over Fire Hose

No vehicle shall be driven over any hose of the Fire Department when laid down on any street or driveway without the consent of the Fire Department official in command.

Section 8. Regulation of Motor Vehicles on Dams

The operation of any motorized vehicle on the slope or face of any Village dam is prohibited. The operation of any motorized vehicle on the crest of Pine, Shadow, Whisper, Cardinal and Blue Lake dam is prohibited, except – golf carts may be operated on the crest of Pine and Cardinal Lake Dams. Golf carts and licensed motor vehicles are allowed on the paved roads which are on the crest of both Fly Rod and Spring Valley dams.

Section 9. Entering, Jumping On, or Riding Vehicles Without Permission

No person shall enter, jump on or ride any automobile or other vehicle, without the consent of the owner or driver.

Section 10. Persons Riding Must Stay Inside

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. No person shall hang on to any vehicle.

Section 11. Not More Than Three (3) Persons Permitted in Front Seat

It shall be unlawful for the driver, or the person in charge, of any motor vehicle to permit more than three (3) persons (including driver) to ride in the front, or driver's seat of a motor vehicle.

Article IV---Peddlers, Solicitors and Miscellaneous

Section 1. Definitions

For the purposes of this ordinance the following terms shall have the meanings respectively ascribed.

Peddler - Any person who transports goods from place to place and sells or offers for sale any goods from any vehicle or device; provided that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this ordinance shall be deemed a peddler.

Solicitor - Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected.

Transient Vendor - Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this section merely by conducting a transient business in association with any permanently established merchant.

Auctions, Garage Sales - All general sales open to the public conducted on residential premises for the purpose of disposing of personal property, including but not limited to all sales entitled Auction, Garage, Lawn, Attic, Porch, Room, Backyard, Patio or Rummage Sales.

Personal Property - Property which is owned, utilized and maintained by any member of an individual residence, and acquired in a normal course of living in or maintaining a private residence. It does not include items made specifically for any such sale as defined above or any merchandise, which was purchased for resale or obtained on consignment.

Section 2. Going on Private Property Without Invitation

The practice of going in and upon private property in the Village by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, books, periodicals, magazines, pictures, prints and/or photographs or makers of photograph negatives, not having been requested or invited to do so by the owner or occupant of such private property, for the purpose of soliciting orders for the sale of goods, wares, books, periodicals, magazines, pictures, prints, merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

Section 3. No Peddling of Food or Merchandise Within Public Right-of-Way and Village Property (Amended 9/10/14)

Peddling of food or merchandise from motor vehicles stopped or parked within any public street right-of-way within the Village of Whispering Pines and within any Village owned property is prohibited. Violators shall be subject to the enforcement remedies set forth in Chapter J.

Section 4. Garage Sales

Garage sales shall be held under the following conditions:

a. A permit has been issued by the Village Administration. The individual desiring to conduct the sale shall file a written application at Village Hall setting forth the following information.

1. Full name and address of applicant(s);
2. Location at which the proposed sale is to be held;
3. The date or dates on which the sale shall be held;
4. Date(s) of any other sales within the current calendar year;
5. An affirmative statement that all the property to be sold is owned as personal property and was neither acquired nor consigned for the purpose of resale;
6. Names of all participants, if the sale is sponsored by more than one party.

The permit shall set forth the date or dates of the sale, and during such dates shall be posted on the premises where the sale is held, in such a location that it can be seen from the street in front of the premises. There shall be an administrative processing fee for the issuance of each permit as outlined in Chapter A, Article III, Section 4 of this Code of Ordinances. No more than two (2) permits shall be issued to one residence or family household during the calendar year. If members of more than one residence join in requesting a permit, the permit shall be considered as having been issued for each and all of the residences.

b. Any permit issued may be revoked or any application may be refused by Village Administration if the application submitted is incomplete or contains any false, fraudulent, or misleading statements. If any individual is convicted of an offense under this Section, the Village Administration shall not issue another sale permit for a period of two years from the date of the conviction.

c. It shall be unlawful for an individual to sell, or offer for sale, any property other than the individual's own personal property. If more than one individual joins in a single sale, each participant may sell or offer for sale, only their own personal property.

d. Personal property offered for sale may be displayed only within the residence or in a garage, carport or in the rear yard of the same premises. No personal property offered for sale shall be displayed on the front or side yard of any premises or in any public right-of-way. However, a vehicle offered for sale may be displayed on a permanently constructed driveway within the front or side yard.

e. Directional and advertising signs are permitted as provided in Section 11.9.1D of the Land Development Ordinance.

f. Sales shall be limited to daylight hours on three successive days only.

g. No food or drink shall be sold or otherwise be provided at any sale.

h. There shall be no loud and boisterous conduct at any time during the sale nor shall there be any impedance to the passage of normal traffic. All parking of vehicles shall be in

compliance with applicable laws and ordinances. The reasonable orders of any member of the Police or Fire Department shall be obeyed by all individuals.

i. A police officer shall have the right to inspect any premises showing evidence of a sale for the purpose of enforcement. The officer may summarily stop and take the steps as are necessary against any individual who violates any provisions of this ordinance.

j. The following are exempt from the provisions of this ordinance:

1. Any person selling goods pursuant to an order of process of a court of competent jurisdiction.

2. Any person acting in accordance with his powers and duties as a public official.

3. Any sale conducted by a duly licensed merchant or other business establishment from or in a place of business wherein such sale will be permitted by the Village Zoning Regulations.

4. Any bonafide charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for such institutions or organization's charitable purposes and the goods and articles are not sold on a consignment basis.

Article V – Stopping, Standing and Parking

Section 1. Unattended Vehicles

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first effectively setting the brakes thereon and stopping the motor of such vehicle, and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of street.

Section 2. Prohibited in Specified Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police office or traffic-control device, in any of the following places:

a. On any sidewalks.

b. Within an intersection.

c. On a crosswalk.

d. Within thirty (30) feet of any flashing beacon, stop sign or traffic-control located at the side of a street or roadway.

e. Alongside or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct traffic.

f. Upon any bridge or other elevated structure or within any underpass structure.

g. Within fifteen (15) feet in either direction of the entrance to any public building.

h. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

i. In front of a private driveway.

j. On a Village road right-of-way for a period of longer than one hour during the period between 12:00 midnight and 6:00 a.m..

Section 3. Stopping in Streets Generally

No vehicle shall stop in any street except for the purpose of parking as prescribed in this Article, unless such stop is made necessary by the approach of fire apparatus or other emergency vehicles, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a school bus or other public conveyance, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency, and in any case covered by these exceptions such vehicles shall stop so as not to obstruct any crosswalk, pedestrian aisle, safety zone, crossing or street intersection, if such can be avoided.

Section 4. Stopping with Left Side of Vehicle to Curb

No vehicle, with the exception of emergency vehicles, shall stop with its left side to the curb. All other vehicles shall stop headed in the direction of traffic.

Section 5. Standing not to Interfere with Other Vehicles

No vehicle shall stand on any street so as to interrupt or interfere with the passage of any vehicle.

Section 6. Method of Parking, Generally

All vehicles shall park parallel to the roadway and off the hard surface, if reasonably possible and practical to do so.

Section 7. Parking in Prohibited Zones, Generally

When signs are placed, erected or installed giving notice thereof, or the curbing has been painted yellow or red in lieu of such signs, no person shall park a vehicle at any time in any zone designated as a "no parking" zone. In the event parking is prohibited in such zones only between certain hours, this Section shall apply only between such hours, as indicated on the signs erected in such zone.

Section 8. Parking in Limited Zone

Whenever a limited parking zone is designated, no person shall park any vehicle in such zone, except in accord with the signs and markings erected herein.

Section 9. Parking Restriction on Residential Lots

a. No unlicensed vehicle may be parked on any residential lot within the Village or its extraterritorial area. Additionally, residential lots may not be used for the storage of any inoperative vehicle.

b. No motor home* or travel trailer* may be parked on any residential lot within the Village or its extraterritorial area, except as permitted in Section 4.17 of the Land Development Ordinance.

Section 10. Parking Near Fire Hydrant, Entrance to Fire Station or Intersection

No person shall park a vehicle, whether attended or unattended, upon a street within ten (10) feet in either direction of a fire hydrant within fifteen (15) feet from the entrance of a fire station, nor within twenty-five (25) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets.

Section 11. Parking Near Scene of Fire

It shall be unlawful for any person to park any vehicle, other than one on official business, within one (1) block of any place where fire apparatus has stopped in answer to a fire alarm.

Section 12. Blocking Entrances and Exits in Parking Area

In any area set aside for the use of the public for parking vehicles therein, it shall be unlawful for any person to park or otherwise leave a vehicle stationary in such position as to interfere with the free entry into such parking area or withdrawal there from. It shall likewise be unlawful for any person, having entered such an area with a vehicle, to park such vehicle in such a manner and in such position with reference to any other vehicle already parked therein as to interfere with the free movement of such other vehicle.

Section 13. Backing to Curb

In no case shall the driver or person in charge of any vehicle permit the same to remain backed to the curb, except when actually loading or unloading.

Section 14. Moving Vehicle of Another into Prohibited Parking Area, etc.

No person shall move a vehicle not owned by such person into any prohibited parking area or sufficiently away from a curb to make such distance unlawful.

Section 15. Procedure When Moving Parked Vehicle

When a parked vehicle is moved from its parking space, the driver thereof shall move out in the direction in which the vehicle is headed or, if it is parked at an angle with the curb, the driver shall back out on that angle until the vehicle has cleared other parked vehicles and shall then proceed in the direction in which the vehicle is most nearly headed.

Section 16. Penalties for Parking Violations (Amended 3/9/16)

A written notice or warning of parking violations shall be provided for the first and second offense. The third offense and each subsequent offense within one year shall be deemed and found to be in violation of this ordinance and the violator shall be subject to a civil penalty, issued by the Whispering Pines Police Department, in accordance with Chapter J of this ordinance. The Village Clerk is authorized to accept payment for the amount specified on the civil penalty at the Whispering Pines Village Hall by the date specified. If the civil penalty is not paid within the time specified other penalties shall be imposed as provided in Chapter J.

Section 17. Towing of Abandoned Vehicles

17.1 Definitions

For the purposes of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

- a. Abandon – To allow to remain.
 1. Upon a public street or highway in violation of a law or ordinance prohibiting parking;
 2. On a public street or highway for longer than seven days;
 3. On property owned or operated by the Village for longer than 24 hours.

b. Motor Vehicle – A machine designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle.

17.2 Notice

a. Except as set forth in subsection 18.3, below, an abandoned vehicle may be removed by the Village only after notice to the registered owner or person entitled to possession of the vehicle.

b. Notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Village on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the Village on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

c. With respect to abandoned vehicles on private property, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, the appeal shall be made to the Village Council in writing, heard at the next regularly scheduled meeting of the Village Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

17.3 Exceptions to Prior Notice Requirements

The requirement that notice be given prior to the removal of an abandoned motor vehicle may be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

Circumstances justifying the removal of vehicles without prior notice includes the vehicle being;

- a. parked so as to obstruct traffic;
- b. parked in violation of an ordinance prohibiting or restricting parking;
- c. parked in a no-stopping or standing zone;
- d. parked in loading zones;
- e. parked in a marked fire zone.

17.4 Removal of Vehicles; Post-Towing Requirements

a. The Village may cause the removal of a vehicle to a storage garage or area by the tow truck operator or towing business contracting to perform the services for the Village. Whenever a vehicle is removed, the Village shall immediately notify the last known registered owner of the vehicle, the notice to include the following;

1. The description of the removed vehicle;
2. The location where the vehicle is stored;
3. The violation with which the owner is charged, if any;
4. The procedure the owner must follow to redeem the vehicle;
5. The procedure the owner must follow to request a hearing on the removal.

b. The Village shall attempt to give notice to the vehicle owner by telephone. Whether or not the owner is reached by telephone, written notice, including the information set forth in division (a) (1) through (5), above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

c. If the vehicle is registered in North Carolina, notice shall be mailed within 24 hours. If the vehicle is not registered in the state; notice shall be mailed to the registered owner within 72 hours from the removal of the vehicle.

d. Whenever an abandoned motor vehicle is removed, and the vehicle has no valid registration plates, the Village shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify such owner of the information set forth in division (a) (1) through (5) above.

17.5 Right to Hearing Before Sale or Final Disposition of Vehicle

After removal of an abandoned motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if cause existed for removing the vehicle, in accordance with the provision of G.S. 20-219.11 as amended.

17.6 Redemption of Vehicle During Proceedings

At any stage in the proceedings, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle.

17.7 Sale and Disposition of Unclaimed Vehicle

Any abandoned motor vehicle which is not claimed by the owner or other party entitled to possession may be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of the vehicle shall be carried out in coordination with the Village and in accordance with G.S. Chapter 22A, Art. 1.

17.8 Protection Against Criminal or Civil Liability

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned motor vehicle for disposing of the vehicle as provided in this chapter.

17.9 Contract for Private Towing

The Village may, on an annual basis, contract with and dispose of motor vehicles in compliance with this subchapter and applicable state laws.

17.10 Unlawful Removal of Impounded Vehicle

It shall be unlawful for any person to remove or attempt to remove any vehicle which has been impounded pursuant to this section unless all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid.

ARTICLE VI. Operation of Golf Carts on Public Streets and Roads

Section 1: Authority to regulate.

Pursuant to G.S. 160A-300.6, as enacted by Chapter 459 of the 2009 Session Laws, the Village is authorized by ordinance to require the registration of and regulate the operation of golf carts, as defined in G.S. 20-4.01(12a) upon any public street or road within the Village where the speed limit is 35 miles per hour or less.

Section 2: Operation on Public Streets and Roads

It is unlawful to operate a golf cart within the Village on any public street or road where the speed limit exceeds 35 miles per hour. On any public street or road within the Village where the speed limit is 35 miles per hour or less, golf carts may be operated, but only in accordance with the following provisions.

- a. No person may operate a golf cart unless that person is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. An operator of golf cart must be at least sixteen years of age.
- b. Only the number of people the golf cart is designed to seat may ride on a golf cart, specifically, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- c. 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.
- d. No golf cart may be operated in a careless or reckless manner.
- e. Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- f. Golf carts may be operated only during daylight hours, with the exception that golf carts equipped with operating lights and reflectors meeting the requirements set forth below may operate for one hour before sunrise and two hours past sunset:

Two (2) lighted lamps, one on each side of the front of the golf cart, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such golf cart, and a red lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such golf cart.

In lieu of the red lamp, the golf cart may be equipped at the rear with two red reflectors of a diameter of not less than three inches which are so designed and located as to height and which are maintained so that each reflector is visible for a least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights.

- g. 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.
- h. 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, including lights and reflectors if the vehicle is to be operated at any time before sunrise or after sunset, as provided in Section 2(f).

i. The Chief of Police, or his designee, may prohibit or limit the operation of golf carts on any street or road if the Chief determines that the prohibition is necessary in the interest of safety.

Section 3: Streets and Roads approved for use

Golf carts authorized for use under the provisions of this ordinance may be operated in the Village of Whispering Pines on public streets and roads only within the corporate limits of the Village of Whispering Pines.

Golf carts may only be operated on local streets and roads with a posted speed limit for motor vehicles of 35 miles per hour or less.

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

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.

Section 4: Enforcement.

Violation of the provisions of this Ordinance shall be an infraction, the maximum penalty for which shall be fifty dollars (\$50.00). Notwithstanding the foregoing, persons who, while driving golf carts on public streets within the Village, violate the “Rules of the Road” applicable to motor vehicles generally (as set forth in Part 10 of N.C.G.S. Chapter 20), shall be subject to the same penalties applicable to the operators of such motor vehicles.

Section 5: 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 Village of Whispering Pines in no way advocates or endorses their operation on public streets or roads. The Village, 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 Village of Whispering Pines has no liability under any theory of liability and the Village 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.