

# AN ORDINANCE OF THE TOWN OF CRAMERTON, NORTH CAROLINA REVISING TITLE VII, CHAPTER 78

## CHAPTER 78      Town of Cramerton Utility Vehicle Ordinance

### Section 78.1. Policy Statement

This Ordinance is adopted in the interest of public safety. Utility Vehicles, hereinafter "UTVs", are not designed or manufactured to be used on public streets and roads, hereinafter "street(s)," and the Town of Cramerton in no way advocates or endorses their operation on streets. The Town, by regulating such operation, is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating UTVs must be observant of, and attentive to the safety of themselves and others; including their passengers, other motorists, bicyclists, and pedestrians. All persons that operate or ride UTVs on streets inside the Town of Cramerton do so at their own risk. The Town of Cramerton shall have no liability under any theory of liability, for permitting UTVs to be operated on streets under legislative authority granted by the State of North Carolina, and pursuant to such legislative authority, such UTV operation shall be in accordance with this Ordinance.

### Section 78.2. Rules and Regulations

UTVs shall only be operated on streets within the municipal limits of the Town of Cramerton in accordance with the following rules and regulations:

1. Any person who operates a UTV in the Town of Cramerton assumes all liability associated with its operation.
2. Any person who operates a UTV must be at least eighteen (18) years of age and possess a valid driver's license as required by the State of North Carolina for operation of a motor vehicle. UTV operators must carry their driver's license on their person at all times while operating the UTV on the streets within the corporate limits.
3. UTVs shall not be operated on the streets within the Town of Cramerton between the hours of official sunset and sunrise unless the UTV is properly equipped with two working headlights one on each side of the front of the vehicle visible under normal atmospheric conditions from a distance of at least 300 feet, two working tail lights on the rear of the vehicle both exhibiting red lights visible under like conditions from a distance of at least 200 feet, working brake lights, and working turn signals.
4. UTVs shall only be driven on streets in the Town with a posted speed limit of 35 miles per hour or less.
5. UTVs shall not be operated on or alongside any portion of Wilkinson Boulevard/HWY 29-74 unless crossing at a controlled intersection with a street that has a posted speed limit of 35 miles per hour or less.
6. Any person who operates a UTV on the streets in the Town of Cramerton shall adhere to all applicable State laws concerning the possession and use of alcoholic beverages and illegal drugs, and all applicable State traffic laws.
7. No UTV shall be operated in a careless or reckless manner so as to endanger any person or property.
8. UTVs shall be operated to the right side of the travel lane unless making a left turn.
9. The maximum occupancy of a UTV traveling on streets shall be one person per bucket seat or two people per bench seat. Child/infant restraints are required to be used in the same manner as required for passenger vehicles. Passengers are not allowed to ride within the bed of the UTV.
10. Persons operating or riding within any UTV on the streets within the Town of Cramerton shall wear a properly fastened seatbelt that has been installed by the UTV manufacturer.
11. The Town of Cramerton encourages any person operating or riding within a UTV upon the streets within the Town of Cramerton wear a securely fastened safety helmet on his or her head.
12. UTVs shall not be operated on any sidewalk in the Town of Cramerton, unless at locations approved and designated by proper signage installed by the Town of Cramerton.

13. UTVs shall only operate on greenway or pedestrian trails that have been approved and designated by proper signage installed by the Town of Cramerton.

14. UTVs shall not be operated on or across any public or private properties outside the street right of way without the permission of the property owner.

15. UTVs shall only park in handicapped parking spaces if the driver or at least one passenger has a valid handicap-parking placard and such placard is properly displayed in the UTV.

16. UTVs shall not 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 and shall obey speed zones that may be less than 20 miles per hour.

17. All UTV owners that operate on the streets within the Town shall complete and submit a UTV Registration Form. The completed forms will be maintained by the Cramerton Police Department. UTVs operated on the streets within the Town of Cramerton must have a valid permit sticker issued by the Police Department. A yearly registration fee will be charged for this permit sticker to cover the costs of implementing and maintaining this Ordinance. The fee amount will be determined by the fee schedule adopted each year by the Town. The Chief of Police retains the right to refuse to issue and/or revoke any permit sticker from any UTV at any time for any reason that he feels is appropriate to ensure the safety and well being of the citizens of the Town of Cramerton or the motoring public.

18. The Cramerton Police Department shall inspect all UTVs prior to the issuance of the initial registration and annually thereafter. The UTV owner must be present for this inspection. The inspection is to determine the road worthiness of the UTV and its compliance with this ordinance and is not a guarantee of the safety of the UTV. The town shall not be responsible for the UTV's operation on the roadway, or its design and construction. The owner of the UTV and/or persons operating the UTV do so at their own risk. The inspection determination of the inspecting officer is final.

19. Each UTV owner shall have proof of ownership, and must complete a Waiver of Liability, releasing the Town of Cramerton, its employees, and officials from all liability that may arise as a result of operating a UTV on streets inside the Town of Cramerton. Waivers of Liability may be requested by the Cramerton Police Department at the time of each permit renewal.

20. 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 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.

21. Any person who operates a UTV on the streets shall have liability insurance coverage in an amount sufficient to cover the risk involved in using the UTV on the streets. Proof of such insurance shall be in the possession of the operator of the UTV at all times and a copy shall be provided to the Cramerton Police Department at the time of permitting and at the time of each permit renewal. Such insurance shall specifically list the UTV as referenced by the serial number and year of model.

22. Any act constituting a violation of this Ordinance or failure to comply with any of its requirements shall subject the offender to a civil penalty or other listed remedies in accordance with the Town Code, plus any attorney fees incurred by the Town. Offenders are also subject to charges on N.C. Uniform Citations and arrest. If the offenders fail to pay any civil penalty within ten (10) days of its issuance or if there are repeat ordinance violations, the privileges and permit granted by this Ordinance may be revoked by the Cramerton Police Department.

23. UTVs used/owned by the Town of Cramerton and operated for special events or official business shall be exempt from permit fees but shall otherwise comply with the above requirements.