

## EXHIBIT C

### Use of Golf Carts

#### § 105-1. Title.

This Ordinance shall be known as and may be cited as the "Ordinance Prohibiting Unsafe Use of Golf Carts in the Town of Frye Island, Maine, Providing Penalties for Violation Thereof," and shall be referred to herein as "this chapter."

#### § 105-2. Purpose.

The purpose of this Ordinance is to protect the health, safety and well-being of the citizens of Frye Island by prohibiting the unsafe use of golf carts on the public roads in the town, many of which have narrow roadways and hidden obstructions which may endanger the safety of persons driving, bicycling or walking on the roads or the safety of motorists, cyclists or pedestrians.

#### § 105-3. Registration of Golf Carts.

- A. No golf cart shall be used on Town public roads unless it has been registered with the Town Clerk and has been issued a license. The registration fee, license, insurance requirements and other requirements shall be as ordered by the Selectmen with the advice of the Executive Committee of the Board of Island Trustees. The owner must sign an acceptance of liability for any operator of the golf cart.
- B. No golf cart shall be used on Town public roads unless it bears a number identification issued by the Town Clerk. The number identification shall be as ordered by the Selectmen with the advice of the Executive Committee of the Board of Island Trustees.

#### § 105-4. Unsafe Use of Golf Carts Prohibited.

The following practices constitute unsafe use of golf carts on Town public roads:

- A. Use of a golf cart one half hour after sunset to one half hour before sunrise without headlights and rear lights installed and illuminated.
- B. Use of a golf cart without a rearview mirror.
- C. Use of a golf cart without a warning device such as a horn.
- D. Use of a golf cart with more than three people on any seat. In no case shall there be more people on any seat than the golf cart is designed to carry.
- E. Use of a golf cart with passengers riding on fenders, bumpers or in the location designed for the transportation of golf club bags.
- F. Use of a golf cart by a driver without a valid motor vehicle driving license in any class. [October, 2000; [WA03](#); modified] [October, 2004; [WA11](#); modified]
- G. *Allowing an unlicensed operator to use / drive a golf cart on public roads within the Town of Frye Island.*

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- H. Operating an golf cart in violation of ordinances or regulations applicable to motor vehicles, except as expressly permitted by the article, or in a reckless manner in such a way as to recklessly create a substantial risk of serious bodily injury to another person.
- I. Operating a golf cart in a manner to endanger, so as to endanger any person or property.
- J. Operating a golf cart under the influence or with excessive blood-alcohol level. A person commits the crime of operating a golf cart while under the influence of intoxicating liquor or drugs if that person operates or attempts to operate a golf cart while under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or, for a person 21 years of age or older, while having alcohol levels in that person's blood; higher than the minimum requirements under TITLE 29-A, CHAPTER 19 for operation of motor vehicles, or, for a person less than 21 years of age, while having any amount of alcohol in the blood. Operating a golf cart while under the influence of intoxicating liquor or drugs is a Class D crime.
- K. Failure to comply with duty to submit. A person is guilty of failure to comply with the duty to submit to and complete a blood-alcohol or drug concentration test under TITLE 29-A, CHAPTER 23 of the Maine State Statues, if that person refuses to submit to or fails to complete a blood-alcohol or drug concentration test or both, when requested to do so by a law enforcement officer who has probable cause to believe that the person operated or attempted to operate a golf cart while under the influence of intoxicating liquor or drugs.

### **§ 105–5. Unsafe Use of Gasoline Powered Golf Carts Without a Speed Governor Prohibited.**

The following practices constitute unsafe use of a gasoline powered golf cart with its speed governor disengaged: (This Section does not apply to battery operated golf carts.)

- A. Use of a gasoline powered golf carts without a speed governor
  - 1. without the driver and passengers wearing protective headgear, if the driver is under 18 years of age, or;
  - 2. without passengers under 18 years of age wearing protective headgear.

The headgear must conform to minimum standards of construction and performance as proscribed by the National Standards Institute specification Z90.1 or by the Federal Motor Vehicle safety Standard No. 218. Standards Institute specification Z90.1 or by the Federal Motor Vehicle safety Standard No. 218.

- B. Operation of a gasoline powered golf carts without a speed governor at speeds greater than reasonable and prudent for the existing conditions, or greater than speed limits set by the Department of Transportation.

### **§ 105–6. Impoundment of Golf Carts.**

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When a law enforcement officer issues a summons for a violation under this ordinance, the officer may impound the golf cart operated by the person who received the summons if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the vehicle in violation and such operation may be a hazard to the safety of persons or property.

The operator or owner may reclaim his vehicle at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the vehicle.

### **§ 105–7. Violations and penalties.**

Any person who violates any of the provisions of §105-3, §105-4A, §105-4B, §105-4C, §105-4D, §105-4E, §105-4F, §105-4G, §105-4H, §105-5A, or §105-5B of this Ordinance shall be guilty of a civil violation and, upon conviction, shall be fined not less than fifty dollars (\$50.) and not more than five hundred dollars (\$500.), with each incident being considered a separate violation: all fines accrue to the Town. A warning may be issued for a first offence. [October, 2001; [WA17](#); modified]

Any person who violates provision §105-4I of this Ordinance shall be guilty of a Class D crime, and upon conviction, shall be punished according to TITLE 29-A, CHAPTER 23 of the Maine State Statues.

Any person who violates provision §105-4J of this ordinance shall be guilty of a Class E crime, and upon conviction, shall be punished according to TITLE 29-A, CHAPTER 23 of the Maine State Statues.

### **§ 105–8. Enforcement.**

This Ordinance shall be enforced by the Town of Frye Island Police Department, the Cumberland County Sheriff's Department, or their designees.