TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM May 25, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Diáz, Town Manager

REF: Ongoing Business

1. Golf Carts in Kill Devil Hills (Attached OB-1)

At its April 11, 2022, meeting, the BOC heard a presentation from Ocean Atlantic Rentals (OAR) in support of permitting electric golf carts on Town streets only on the westside of Town, with no carts allowed to traverse US 158 or the eastside. The proposal recommended a permitting/inspection system of the units, potentially self-regulated by cart owners. The BOC requested additional input from the Town Attorney and Staff before further consideration.

During the OAR presentation, a distinction was made between golf carts and Low Speed Vehicles (LSVs), a different category of vehicle which were permitted by the General Assembly in 2021 to operate on N.C. roadways of 35 m.p.h. or less. LSVs are licensed and required to be annually inspected by authorized inspection stations, like automobiles. The OAR proposal only included golf carts, not LSVs.

Town Attorney Review

Town Attorney Casey Varnell reviewed the proposal and his attached memorandum notes that other municipalities have approved ordinances that permit golf cart operations, but the UNC School of Government has noted the abundant safety concerns when communities consider permitting them on roadways. Mr. Varnell indicates that although permitting golf carts in KDH would not initially impact the Town's liability insurance premiums, it is unknown whether the Town would be covered during accidents involving legally-authorized golf carts. If the BOC would choose to proceed with permitting golf carts in KDH, his memorandum makes recommendations on safety equipment (safety belts, lights, mirrors, etc.), a speed limit of 20 m.p.h., and a Town-imposed permitting process, which would involve inspections and decals. Mr. Varnell concludes that this would likely necessitate additional Town staffing.

Police Department Review

Following the OAR presentation, the Police Department reviewed the proposal. As a result, the Police Department does not recommend approval of golf carts on any Kill Devil Hills

roadways. Main areas of concern highlighted in Assistant Police Chief Dana Harris' attached memorandum include the following:

- Safety – Without modifications, golf carts can easily overturn and injure / eject their passengers. The Department also shared concerns over children, teens, inexperienced visitors, and others operating the carts, who are not the actual owner. Those who may have been drinking may consider a golf cart as permissible to operate since most do not consider it as a motor vehicle.
- Inspection and permitting – Additional Town Staff and buildings would be needed to operate any permitting and inspection system. It is noted that if the Town would require golf carts to have similar or identical safety requirements to that of a LSV, then only LSVs should be allowed.
- Streets – Although the proposal limits golf cart usage to the westside of Town, there is strong concern that any use will not stay limited to that area. The Police Department foresees people driving golf carts to businesses such as grocery and liquor stores, shopping malls, restaurants, and others. Additionally, Town Hall regularly receives calls from visitors who wish to bring their golf carts during vacation to travel to and from the beach. Golf cart operators would be interested in crossing US 158 to a beach access, rather than using their vehicle. With the Town's multi-use path and sidewalk infrastructure, golf cart operators may utilize these non-motorized paths as short cuts and alternatives to streets, endangering pedestrians and cyclists.
- Kill Devil Hills – The Town, the most highly populated in Dare County, has the highest population density in the area. In addition, the eastside and westside is separated by a 5-lane highway that is regularly congested with seasonal traffic. Other coastal areas may have implemented golf cart usage (i.e. Ocracoke and Duck), but the volume of traffic and the impact of US 158 and the commercial center in Kill Devil Hills creates a much higher risk for fatalities and injuries. These other areas have lower speed limits as well. Southern Shores, Nags Head, and Manteo do not permit golf carts on their streets.
- Parking – Parking could become extremely congested with the potential for golf carts taking up beach access parking, along with restaurants, businesses, and recreational areas, placing a strain on available spaces and creating the potential for hostile interactions between motorists and golf cart operators.
- Enforcement – AC Harris' memorandum highlights the difficulty for the Police Department to enforce operating, parking, and other infractions. Questions of who to cite (operator, owner, parent of minor, etc.) if carts are involved in accidents, illegally parked, or operated out of the proposed westside area. Additionally, out-of-area or out-of-state visitors may not understand any permitting requirements or simply ignore them.

Mr. Varnell's and AC Harris' memoranda highlight the potential safety and liability concerns that will likely develop if the Town would permit golf carts on any Kill Devil Hills streets. Staff recommends golf carts not be permitted on Town streets.

Board guidance is requested.

SHARP, GRAHAM, BAKER AND VARNELL, L.L.P.
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May 13, 2022

TO: Debora P. Diaz, Kill Devil Hills Town Manager

FROM: Casey Varnell, Town Attorney

RE: GOLF CART USAGE

Debbie:

This memorandum is intended to address my input on the proposal to allow golf carts on Town-maintained streets within the corporate limits of Kill Devil Hills. I will present my thoughts in bullet point fashion:

1) According to the UNC School of Government, other municipalities have approved similar ordinances to allow golf cart operation (which are generally defined as motor vehicles with four wheels which travel no more than 20 miles per hour and are designed to carry golf equipment) within their corporate limits. However, the School of Government made note of the fact that safety concerns are abundant when passing such ordinances. I have attached a sample ordinance from the Town of Wendell which has chosen to allow golf cart usage.

2) From a liability standpoint, we have confirmed that allowing golf cart usage would not impact our liability insurance premium unless and until an accident involving golf carts occurred. The unknown factor is what our insurance carrier would choose to cover in the event of such an accident, which could potentially leave the Town paying out of pocket for certain kinds of losses stemming from an accident involving legally-authorized golf carts.

3) If the Board desires to allow golf carts on Town-maintained streets, I would recommend that we require seat belts, head lights, tail lights, brake lights, turn signals, and rear and side

view mirrors. I would also suggest that a speed limit be imposed which does not exceed 20 miles per hour (as the general definition referenced above states).

4) The School of Government agrees that it is vital to have a Town-imposed permitting process established for all persons who intend on utilizing a golf cart for street use. This process would allow for inspection of all required items, to include controlled speed mechanisms. The process could require a permit fee and a decal akin to state inspection. This, of course, may necessitate manpower on the part of Kill Devil Hills, as a Town staff member is the likely person who would perform the inspection.

In the event you have any questions concerning this memorandum, please do not hesitate to contact me.

Sincerely,

Casey C. Varnell

KILL DEVIL HILLS POLICE DEPARTMENT

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www.kdhnc.com

Memorandum

Gary L. Britt
Chief

Dana E. Harris
Asst. Chief

John Towler
Captain

David Pierce
Lieutenant

Chris Carter
Lieutenant

Date: May 9, 2022

To: Ms. Diaz, Town Manager

From: Dana Harris. Asst. Chief of Police

Reference: Golf Carts – safety concerns

Ms. Diaz,

Some of the safety concerns I have in reference to Golf Carts being allowed on the Streets of Kill Devil Hills:

1. Golf carts (G cart) are not Low Speed Vehicles (LSV)
    a. Low speed vehicles are regulated by the State of North Carolina and the Federal Government as to safety equipment required to be operated on the streets and highways. LSV's must also have State safety inspections and insurance to get a NC. Registration. The LSV is governed as a motor vehicle and falls under applicable NC Motor Vehicle laws.
2. **Easily overturn**
    a. Even without modifications G carts overturn/rollover easily
        i. There is a case where the G cart hit a pothole that caused it to overturn killing the 1-year-old child and injuring the other occupants, even the seat belted 3 year olds.
        ii. Imagine having to be the Officer who had to investigate and notify other family members
3. Golf Carts, if allowed, would need to be governed by the Town that allows G carts on their streets.
    a. The Town would then be required to inspect the Golf Carts to make sure they meet the safety requirements required by the Town.
        i. If the Golf Cart has all the state requirements of an LSV, it should be License as a LSV.
4. Who will be operating it.
    a. Who will the town allow to operate the permitted G Carts
        i. Some people will not be experienced in operating G carts, such as renters that find they have a G cart with their rental unit.
5. Enforcement of town violations

a. Civil fines

6. Additional employee(s)
    a. To inspect the G Carts
    b. Enforcement during summer traffic.
7. Heavy traffic area
    a. Most places that allow G Carts do not have the traffic volume KDH has, especially during the summer.
8. Majority of people who call say they only want to use their Golf Carts to go to the beach
    a. Rentals and visitors advise the reason they want G Carts is to get back and forth to the beach.
9. Areas allowed
    a. North of Landing/Colington Rd. to Kitty Hawk City Limits
        i. No access legally to get to Colington Rd. and Cross.
    b. South of Colington Rd. to Ocean Acres
        i. No Access to go further South without driving through people's yards to get to Lake Dr.
    c. South of Lake Dr. to Fresh Pond
        i. no access to Eighth St. to get to Harris Teeter without driving through business lots and/or people's yards.
    d. West Bound Lane of Eighth St.
        i. No legal access to it by G. Carts
            1. People would drive into Nags Head to go into ABC store or Quick Stop (Ms. Helens)
10. League says they won't affect Town's Liability insurance until there is an accident.
11. Speeds and modifications
    a. G Carts are not allowed to exceed 20MPH,
        i. They would hinder traffic on all city streets.
    b. Some may be Modified to exceed speed and appearance that will affect performance and safety
        i. Large tires
        ii. Jacked up
12. Injuries
    a. People not wearing seatbelts will slide out and be injured or worse.
        i. There are people who will not wear seatbelts and there are no enclosures to keep them from sliding out into traffic.
13. Kids driving them to school during school traffic times
    a. Cause already congested traffic to become frustrated and cause road rage when the G Carts are holding up traffic from traveling the speed limit.
14. Once allowed, people may/will operate personal G carts without getting them registered
    a. People will take chances and operate without safety inspections or registering by blending in with other carts
        i. Small registration stickers hard to see, especially meeting in traffic.
            1. Would have to be large and on front and back to see from a distance.

15. Taking up parking spaces
    a. Illegal G Carts would take up beach access parking spaces and law enforcement will be called. Only be able to cite civil violation if town code allows to give to registered owner, but not remove/tow.
        i. If not registered?
        ii. If registered to rental property owner, but they're not the ones operating
            1. Officers unable to sit and wait for someone to return
        iii. Was advised that G carts use basically the same key, thus starting and taking may increase theft/joy riding.
16. Not necessarily environmentally friendly,
    a. Golf Carts can be gas, propane and battery powered
        i. Batteries used at this time are multiple car type batteries that contain lead and must be replaced/disposed of.
17. No protection when struck by cars, trucks and motorcycles.
    a. Some have seats on rear of G Cart facing backwards
        i. We have a very high rate of rear end collisions and those in the rear have no protection
18. Operation in inclement weather
    a. Rain, fog, high winds, etc.
        i. Hard to see
        ii. standing water, sand built up on roads along with high winds make for difficult safe operation for those not experienced with operation in such conditions.
19. Operation after sunset and before sunrise
    a. Hard to see G carts and they may not have lights either
        i. Even harder to see by motor vehicle law violators
            1. Speeding
            2. Driving under the influence
20. People driving them to bars and restaurants east of US-158.
    a. Also driving to the ABC store
21. G carts not allowed in Southern Shores or Nags Head
22. Kill Devil Hills does not have a closed restricted entry/regress community
    a. Like Colington Harbour or Martin's Point
    b. Duck Allows
        i. Duck has private streets
        ii. Not allowed on NC-12 except to cross
        iii. Duck does not have the traffic and vehicles traveling at higher speed that KDH does

Low Speed Vehicles would be a better/safer alternative to Golf Carts for transportation in Kill Devil Hills.

Photo: stevecoleimages/iStockphoto

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Columbus, OH — Golf cart users, be "FORE!"-warned: The zippy means of transportation – no longer limited to golf courses – carries "considerable risk of injury and morbidity" to drivers and passengers of all ages, especially kids and older adults, say researchers from the Center for Injury Research and Policy at Nationwide Children's Hospital.

The researchers reviewed 2007-2017 data from the National Electronic Injury Surveillance System (https://www.cpsc.gov/Research--Statistics/NEISS-Injury-Data). Findings show that an estimated 156,040 people received emergency room treatment for golf cart-related injuries, and the annual total number and rate of such injuries remained relatively unchanged over the course of the study period.

The average rate of traumatic brain injuries among kids who sustained golf cart-related injuries was 1.6 per 100,000 – more than three times the rate incurred by adults (0.5 per 100,000) and around 46% greater than that of older adults (1.1 per 100,000). The overall injury rate among older adults climbed to nearly 8.1 per 100,000 in 2017 from approximately 4.8 per 100,000 in 2007 – a 67.6% increase.

Study finds golf cart-related injuries are common

February 18, 2021

One Comment (https://www.safetyandhealthmagazine.com/articles/20884-study-finds-golf-cart-related-injuries-are-common#comments-container)
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Driving safety (/keywords/283-driving-safety)
Traumatic brain injury (/keywords/684-traumatic-brain-injury)

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Golf carts traditionally lack safety features such as safety belts, doors, mirrors and lights. Citing previous studies, the researchers note that golf cart-related injuries can range from lacerations and strains to fractures and traumatic brain injuries. Some injuries have even been fatal.

"Despite the high rate of injuries," the researchers write, "there have been no meaningful changes in golf cart design or legislation to reduce the overall burden of these injuries."

The study was
published online
(https://www.sciencedirect.com/science/article/abs/pii/S0022437520301237)
Nov. 16 in the
Journal of Safety Research

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Golf carts causing serious injuries to children

Date: September 15, 2017

Source: American Academy of Pediatrics

Summary: As golf carts become increasingly popular in communities beyond the fairway, new research shows, a significant number of children are being seriously injured while using them.

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FULL STORY

As golf carts become increasingly popular in communities beyond the fairway, new research shows, a significant number of children are being seriously injured while using them. The study abstract, "Golf Carts and Children: An 11-year Single State Experience," will be presented on Monday, Sept. 18, at the American Academy of Pediatrics 2017 National Conference & Exhibition in Chicago.

Researchers looked at Pennsylvania's state trauma center database and identified 108 patients under age 18 who were treated between January 2004 and December 2014 for injuries they sustained while using a golf cart. These children averaged 11 years of age and spent anywhere from one to 26 days in the hospital for their injuries. Among other findings:

- There was one fatality, and intensive care unit (ICU) admission was required in 36 percent of the patients.
- More than three-quarters of the children (76 percent) broke at least one bone. Skull fractures were more prevalent than extremity fractures.
- More than a quarter of the children (27 percent) sustained a concussion, while between 25 percent and 30 percent of children had intracranial injury and bleeding within the skull.

"Just because golf carts don't usually reach speeds other recreational vehicles can, this doesn't mean they are harmless," said Mariano Garay, MD, a Penn State College of Medicine researcher who is one of the abstract's authors.

While injuries to children using all-terrain vehicles (ATVs) are getting increased attention, he said, parents still may not realize how dangerous golf carts can be for children because research has been more limited.

This lack of awareness about the hazard golf carts pose to children contributes to the high rate of head injuries, said William Hennrikus, MD, FAAP, a senior author of the abstract and pediatric orthopedic surgeon in Hershey, Penn, especially since helmets usually aren't worn while using the carts. Skull fractures accounted for nearly half (44 percent) of all fractures children in the study sustained.

"We recommend that children under 16 years old not drive the golf cart at all," he said, "and when golf carts are used, they should be driven at cautious speeds, under 10 miles per hour."

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Story Source:

Materials provided by **American Academy of Pediatrics.** *Note: Content may be edited for style and length.*

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1-year-old North Carolina boy killed in golf cart accident

May 27, 2019 by Associated Press (https://www.wwaytv3.com/author/associated-press/)

MOORESVILLE, N.C. (AP) — The North Carolina Highway Patrol says a 1-year-old boy was killed when the golf cart he and family members were riding in hit a pothole and overturned.

News sources report Master Trooper Jeffrey Swagger says there were three adults and four children in the golf cart on Sunday when it hit the pothole, experienced a steering malfunction and overturned north of the Trump National Golf Club on Lake Norman, approximately 35 miles north of Charlotte.

The child was identified as Kipton Jester of Denver, who was pronounced dead at a local hospital. The others in the golf cart were ejected, except for 3-year-old girls, who were wearing seat belts.

Swagger said the survivors suffered various minor injuries. He also said charges are not likely in the accident.

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