

## **ESTABLISHMENT OF CIVIL PROCESSES FOR CHAPTER 15 SECTION 38 OF THE CARTERET COUNTY ORDINANCES.**

With the adoption of Chapter 15 Traffic and Motor Vehicles, Section 38 Operation of Golf carts on Roadways, it becomes necessary that the sheriff's office establish a civil process for inspection, registration and regulation of the Carteret County Ordinance. Therefore; the sheriff's office has established a civil process for regulating the proper procedures to ensure compliance with the county ordinance. The sheriff and all Carteret County deputies will have the authority for the regulation and governance of this ordinance.

## **PENALTIES FOR VIOLATION OF THE GOLF CART REGULATIONS.**

A violation of any of the provisions of the Golf Cart Ordinance (Sec. 15-38) shall subject the offender to a civil penalty of \$50.00 as set forth in Chapter 15- Traffic and Motor Vehicles Section 15-38 Operation of Golf carts on Roadways of the Carteret County Ordinance. Pursuit to the North Carolina Constitution, Article IX Section 7(a) "clear proceeds of all penalties and forfeitures and all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools."

## **REGISTRATION AND ENFORCEMENT.**

The sheriff's office shall accept applications for registration and be responsible for inspecting and issuing permits in compliance with Chapter 15 Section 38 of the Carteret County Ordinance. The sheriff and deputies shall perform the required inspection and enforce compliance for the ordinance. Deputies shall have the authority to decline or approve applications based on compliance of the owner of any golf cart making application for registration and permitting. Deputies will also have the authority to issue civil citations for any violation of 15-38 to include all subsection of the ordinance.

## **CIVIL PENALTY TO BE EXCLUSIVE REMEDY.**

Violations of the Chapter 15 Section 38 "Operation of Golf Carts on the Roadway" shall subject the owner or operator of the golf cart in violation of the ordinance to a civil penalty in the amount of \$50.00. The civil penalties imposed shall be the sole method of enforcing these provisions, and no golf cart ordinance violation shall be enforced through criminal misdemeanor penalties. All civil penalties shall be paid to the order to the Carteret County Sheriff's Office by certified check, money order or cash.

## **APPEAL FOR DUE PROCESS.**

A violation of any of the provisions of Chapter 15- Traffic and Motor Vehicles, Section 15-38 "Operation of Golf carts on the Roadway" Ordinance shall be enforced through the issuance of a civil citation. The recipient of a notice of a civil violation of the Golf Cart Ordinance may appeal to the sheriff or his designee by requesting a hearing in writing within ten (10) days of issuance. Once the notice of appeal is received by the sheriff's office, a hearing will be scheduled within five (5) working days. No civil penalty will be due until the hearing process has been completed. The sheriff or his designee shall inform the person(s) who appealed the civil violation of the final decision within three (3) days of the hearing. If the decision for violation is upheld then the violator shall have three (3) days to remit the fine. If the decision is to grant relief of the violation, then no payment for penalty will be required.

## **VIOLATIONS OF NORTH CAROLINA GENERAL STATUTES.**

This civil process is solely for the enforcement of Carteret County Ordinance Chapter 15- "Traffic and Motor Vehicles", Section- 38 "Operation of Golf carts on the Roadways" and anyone in violation of NC General Statutes may be charged with any violation(s) that apply to illegal operation of golf carts on state roadways.