

**Policy Resolution
Use of Golf Carts**

Authority and Resolution

WHEREAS Article 1 of the By-laws of South Harbour Master POA, Inc., Article 3 and others of the Master Declaration of Covenants, Conditions and Restrictions for South Harbour Village, and N.C. Statute Chapter 47F *North Carolina Planned Community Act*, grant to the Board of Directors the power to conduct Association business and to protect community harmony, by providing Association Members with reasonable guidelines,

LET IT BE RESOLVED THAT the following will regulate the use of Golf Carts on the South Harbour Village (SHV) Roads controlled by the South Harbour Master, POA (SHMPOA):

Section 1. Policy Statement

Generally, golf carts, hereinafter called "carts", that have not been outfitted and registered (i.e. Street Legal) are not designed or manufactured to be used on other than golf courses. The SHMPOA in no way advocates or endorses their use elsewhere and by regulating such operation is merely trying to address obvious safety issues. Adoption of this policy is not to be relied upon as a determination that operation in accordance with this policy is safe or advisable. All persons who ride or operate carts do so at their own risk and peril and must be attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The SHMPOA has no liability under any theory of liability, for permitting carts to operate on SHMPOA controlled roads. Without the adoption of standards for operation for carts on SHMPOA controlled streets there are currently no rules or regulations that address cart operation and by creating standards for limited operation on SHMPOA controlled streets the SHMPOA is responding to concerns by residents regarding operation deficiencies. The SHMPOA does not encourage cart operation and does not represent that operation of carts under this policy will render cart operation totally safe and without risk to driver and passengers of said vehicles.

Section 2. Rules and Regulations

Carts that are not equipped and registered as required by the NC State Motor Vehicle Law may only be operated in areas controlled by the SHMPOA in accordance with the following rules and regulations. Operation of carts in violation of these rules and regulations shall be subject to the penalty provisions of the SHMPOA covenants or in egregious cases may constitute reckless driving as defined in NC State General Statutes. It should be noted that in the near future it is anticipated that Vanessa Drive will transfer from the Declarants to the Town of Oak Island.

- A. Drivers of carts shall stay to the far right of the road and yield the right of way to overtaking vehicles.
- B. Carts operating between one half hour after sunset and one half hour before sunrise must be equipped with and have in place front headlights and reflectors on the rear of the vehicle. The front headlights must be utilized during these same hours.
- C. Carts shall have at least one mirror so operators can see behind their vehicle.
- D. No one may stand on a cart while it is in motion.
- E. An unaccompanied driver must be at least fifteen years old, and possess a drivers license or a state issued permit allowing them to operate a vehicle.
- F. North Carolina laws as found in NCGS 20-138, regarding use of alcoholic beverages, apply to golf cart operation on SHMPOA controlled roads.
- G. Carts must have appropriate and adequate insurance to include sufficient liability coverage.
- H. Carts may not exceed the capacity specified by the manufacturer.

Adopted by Board of Directors

Recorded in the Minutes December 10, 2008 Signed on _____, 2008

Signature _____ Print Name Jim Springle

Board of Directors Office Name President

§ 47F-3-102. Powers of owners' association.

Unless the articles of incorporation or the declaration expressly provides to the contrary, the association may:

- (1) Adopt and amend bylaws and rules and regulations;
- (2) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from lot owners;
- (3) Hire and discharge managing agents and other employees, agents, and independent contractors;
- (4) Institute, defend, or intervene in litigation or administrative proceedings on matters affecting the planned community;
- (5) Make contracts and incur liabilities;
- (6) Regulate the use, maintenance, repair, replacement, and modification of common elements;
- (7) Cause additional improvements to be made as a part of the common elements;
- (8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, provided that common elements may be conveyed or subjected to a security interest only pursuant to G.S. 47F-3-112;
- (9) Grant easements, leases, licenses, and concessions through or over the common elements;
- (10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than the limited common elements and for services provided to lot owners;
- (11) Impose reasonable charges for late payment of assessments, not to exceed the greater of twenty dollars (\$20.00) per month or ten percent (10%) of any assessment installment unpaid and, after notice and an opportunity to be heard, suspend privileges or services provided by the association (except rights of access to lots) during any period that assessments or other amounts due and owing to the association remain unpaid for a period of 30 days or longer;
- (12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the association;
- (13) Impose reasonable charges in connection with the preparation and recordation of documents, including, without limitation, amendments to the declaration or statements of unpaid assessments;
- (14) Provide for the indemnification of and maintain liability insurance for its officers, executive board, directors, employees, and agents;
- (15) Assign its right to future income, including the right to receive common expense assessments;
- (16) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association; and
- (17) Exercise any other powers necessary and proper for the governance and operation of the association. (1998-199, s. 1; 2004-109, s. 4; 2005-422, s. 1.)