

Ordinance No. 170

This Ordinance is in accordance with Section §46.2-916.1, et seq.
of the Code of Virginia, as amended

AN ORDINANCE OF THE TOWN OF EXMORE ESTABLISHING A GOLF CART AND UTILITY VEHICLE TRANSPORTATION PLAN

The Town Council of Exmore, of the County of Northampton, Commonwealth of Virginia, ordains as follows:

Section 1. Purpose. This ordinance is intended to establish a Golf Cart and Utility Vehicle transportation program for the Town of Exmore, Virginia. The Streets and Highway Code of the Commonwealth of Virginia authorizes the Town to develop a golf cart and utility vehicle transportation plan that extends the use of golf carts and utility vehicles for transportation beyond access to golf courses. It is the further intent of the Commonwealth to accommodate the functional travel needs of certain residents of the plan area, provided the Town establishes golf cart and utility vehicle lanes, minimum golf cart and utility vehicle standards, operating requirements and permit procedures.

Section 2 Findings. **The Exmore Town Council finds and determines that:**

1. The utilization of golf carts and utility vehicles will reduce the automobile trips and vehicular emissions, thus promoting improved air quality.
2. Establishment of a golf cart and utility vehicle transportation plan will serve to expand mobility to those persons not utilizing automobiles.
3. The selected golf cart and utility vehicle routes maximize the utilization of golf carts and utility vehicles for residential transportation, commercial / office transportation, and public / institutional transportation within the Town.
4. The selected routes accommodate golf carts and utility vehicles without an adverse impact upon traffic safety.

Section 3 Authority. This ordinance is established pursuant to § 46.2-916.1, et seq. of the Code of Virginia, as amended, which authorizes the Town of Exmore, by ordinance, to impose limitations and restrictions on the operations of golf carts and utility vehicles upon public highways within the Town of Exmore.

Section 4 Definitions. The following definitions apply to this ordinance:

1. “**Town**” means the Town of Exmore

2. **“Plan Area”** means the area within the Town designated golf cart and utility vehicle transportation plan. Including the privately owned area of any owner that consents to its inclusion on the plan.
3. **“Golf Cart and Utility Vehicle”** means a motor vehicle having not less than three wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be operated at not more than 25 miles per hour and is designed to carry golf equipment and maintenance equipment and not more than four (4) persons, including the driver.
4. **“Golf Cart and Utility Vehicle Lanes”** means all publicly and privately owned facilities that provide for golf cart and utility vehicle travel including roadways designed by signs or pavement markings which are shared with pedestrians, bicyclists, and other motorists in the Plan Area.
5. **“Golf Cart and Utility Vehicle Operator”** means a person having a valid Virginia Drivers License that is driving the golf cart or a utility vehicle and has full control of its operation.

Section 5

Golf Carts and Utility Vehicle Design Criteria. Minimum golf cart and utility vehicle design criteria for operation on golf cart and utility vehicle lanes are hereby established. The following elements are minimum design and equipment requirements:

1. The golf cart and/or utility vehicle must be the shape and size that conforms to the industry standards for manufactured golf carts and utility vehicles.
2. The golf cart or utility vehicle must have a covered passenger compartment.
3. The golf cart or utility vehicle must be equipped and safely operated with:
 - A) Seat belts for driver and passengers.
 - B) Equipped with either, an unobstructed rear-view mirror and left side mirror, right and left rear view mirror, or a wide angle cross bar rear view mirror.
 - C) A windshield.
 - D) Reflectors that conform to the Code of Virginia § 46.2-1081 of the Code of Virginia, as amended, for slow-moving vehicles.
 - E) Flashing or rotating yellow warning light(s) visible 360°.

Section 6 **Golf Cart and Utility Vehicle Operator Safety Criteria.** Minimum operator safety criteria use on the golf cart and utility vehicle lanes have been established by the Commonwealth of Virginia (§ 46.2-676).The following additional safety criteria for operators are set and adopted by the Town of Exmore, Town Council.

1. A golf cart and/or utility vehicle operator must have a valid driver's license issued by the Commonwealth of Virginia or a recognized foreign jurisdiction in accordance with the Commonwealth of Virginia's Vehicle Code.
2. If physically disabled, a golf cart and/or utility vehicle operator may be permitted to operate a golf cart and/or utility vehicle in accordance with the Commonwealth of Virginia Vehicle Code.

Section 7 **Golf Cart and Utility Vehicle Permit Process.** No person shall be required to obtain registration certificates, state license plates or County decals, or to pay any registration fee to operate a golf cart and/or utility vehicle on public highways within the Town of Exmore if such golf cart and/or utility vehicle displays a slow-moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia, as amended, displays a Town decal, is operated by a licensed driver, is not operated on US Route 13 and is not operated on any road or highway with a posted speed limit in excess of 25 MPH. The Town of Exmore may, by ordinance, impose additional limitations, restrictions and fees on the operation of golf carts and/or utility vehicles on the public highways within the Town of Exmore.

Section 8 **Golf Cart and Utility Vehicle Operation Restrictions.** The following restrictions limiting the operation of golf carts and/or utility vehicles in the Town of Exmore shall apply:

1. Only those golf carts and/or utility vehicles that have been retrofitted with the safety equipment specified in the plan may be operated under the provisions of the Golf Cart and/or Utility Vehicle Transportation Plan.
2. Golf cart and/or utility vehicle operation is limited to those golf cart and/or utility vehicle lanes identified in the Golf Cart Transportation Plan and those streets within the Plan Area that have a posted speed limit of 25 miles per hour or less, but may cross roads with 35 mile per hour speed limits when so designated by markings and signage identifying such crossings as golf cart/utility vehicle crossings.
3. Golf Cart and/or utility vehicle operators may only operate golf carts on public streets between one-half hour (½) after sunrise and one-half (½) prior to sunset.

4. A golf cart and/or utility vehicle operator must maintain his/her golf cart in a safe condition at all times.

Section 9 **Violations.** Any person operating a golf cart and/or utility vehicle in the Plan area in violation of this Ordinance is guilty of an infraction punishable by fine not exceeding one hundred dollars (\$100).

Section 10 **Safety Inspection.** No golf cart and/or utility vehicle shall be used on the public highway unless it has obtained a Town of Exmore Vehicle Registration Decal. No Vehicle Registration Decal will be issued until the owner of the golf cart and/or utility vehicle presents evidence that the golf cart is insured and the golf cart has been received and passed a safety inspection.

Golf carts and/or utility vehicle shall pass an initial safety inspection upon each new ownership. Such safety inspections shall be conducted by an official inspection station or by a business which is engaged in the sale of golf carts and/or utility vehicles. Such safety inspections shall include the following:

1. Headlights, tail lights and turn signals must be operable if so equipped.
2. A windshield.
3. Windshield wipers.
4. Rubber or equivalent tires.
5. Horn, adequate steering gear, brakes, emergency or parking brake, rear view mirror, and properly fixed driver's and passenger's seats.
6. All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
7. Speed governor if gasoline powered.
8. Safety lap belts.

Section 11 **Insurance Requirements.** Every golf cart and/or utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-427 of the Code of Virginia, as amended, and provide coverage during the operation of the golf cart and/or utility vehicle upon public highways. Proof of such liability insurance will be required prior to issuance of a permit to operate in the Town of Exmore.

Section 12 **Operation on Public Highways.** It is unlawful to operate a golf cart and/or utility vehicle on a public highway in the Town of Exmore unless the following requirements are met.

1. Golf carts and/or utility vehicle may not be operated on US 13 or other roads with posted speed limits greater than 25 miles per hour except at crossing points so designated by markings and/or signage on certain roads having a posted speed limit of 35 miles per hour. .
2. Golf carts and/or utility vehicle may not be operated on any public road where the posted speed limit is greater than 25 mph.
3. Golf carts and/or utility vehicle must display a slow-moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia, as amended.
4. Golf carts and/or utility vehicle must display a current Town of Exmore vehicle registration decal.
5. Golf carts and/or utility vehicle shall be operated between ½ hour after sunrise and before ½ before sunset.
6. No person shall operate a golf cart and/or utility vehicle on the public highways in the Town of Exmore unless said person has a valid driver's license issued by the Commonwealth of Virginia.
7. Golf carts and/or utility vehicle must be operated in accordance with all applicable state and local laws and ordinances, including all laws, Regulations and Ordinances pertaining to the possession and use of drugs and alcoholic beverages.
8. Only the number of passengers designed for said golf cart and/or utility vehicle may ride the cart. The maximum number is one (1) driver and three (3) passengers if properly equipped with seating and seat belts.
9. Golf carts and/or utility vehicle must be operated at the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
10. Golf carts and/or utility vehicle may operate in bicycle lanes provided they do not impede bicycle traffic.
11. Golf carts and/or utility vehicle shall not be operated during inclement weather; or when visibility is impaired by darkness, weather, smoke, fog, or other conditions.
12. The Town of Exmore Chief of Police, or his designee, may prohibit the operation of golf carts and/or utility vehicle on any highway if the

chief of police determines that the prohibition is necessary in the interest of safety.

Section 13 **Liability Disclaimer.** This section is adopted to address the interest of public safety. Golf carts and/or utility vehicle are not designed or manufactured to be used on public streets, and the Town of Exmore in no way advocates or endorses their operation on public streets or roads. The Town of Exmore, by regulating such operation is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with the section. All persons who operate or ride upon golf carts and/or utility vehicle on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicycles, and pedestrians. The Town of Exmore has no liability under any theory of liability and the Town assumes no liability, for permitting golf carts and/or utility vehicle to be operated on public streets and roads under the special legislation granted by the Virginia General Assembly. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

Approved _____
William M. Moore, Jr., Mayor

At the meeting held on September 13, 2010, by the motion made by Councilman Doughty and seconded by Councilman Scanlan to adopt Ordinance No. 170 by the following vote:

AYES: Charles G. Ward, Sr.
Charles D. Massey, Sr.
T. Bradley Doughty
Douglas W. Greer, Sr.
John C. Metz
David J. Scanlan

NAYS: None

Town Clerk