

ORDINANCE AMENDMENT TO

**Chapter 158
VEHICLES AND TRAFFIC**

CREATING

**ARTICLE VII
Operation of Golf Carts on Public Highways**

Second Reading June 20, 2011

WHEREAS, current Town of Elkton Code does not address golf cart regulations;
and

WHEREAS, the Elkton Town Council is desirous of enacting a golf cart ordinance to ensure the safety and integrity of citizens using golf carts.

THEREFORE BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 158, Vehicles and Traffic, of the Code of the Town of Elkton, is hereby amended to create new ARTICLE VII, OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS, as follows:

§158-30. Authority to Regulate.

Pursuant to § 46.2-676(E) of the Code of Virginia (1950) as amended, the Town of Elkton is authorized, by ordinance, to impose limitations and restrictions on the operation of golf carts upon public highways within the Town of Elkton.

§158-31. Definitions.

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Golf cart: means a self propelled vehicle having at least four wheels which is designed to transport persons playing golf and their equipment on a golf course.

§158-32. Required Safety Equipment.

In addition to any safety equipment required by the Code of Virginia for golf carts, such shall have the following safety equipment installed:

- (1) Speed governor if gasoline powered.

(2) Safety lap belts

§158-33. Golf Cart Operation, Generally.

No person shall operate a golf cart on or over any road, bike path or sidewalk in the Town of Elkton except as provided in this article.

§158-34. Designation of Town road, highways for golf cart operation; posting of signs.

- A. Pursuant to § 46.2-916.2 of the Code of Virginia, the Elkton Town Council may authorize by ordinance, the operation of golf carts on designated public Town streets within the Town after (i) considering the speed, volume and character of motor vehicle traffic using such street; and (ii) determining that golf cart operation on particular Town streets is compatible with state and local transportation plans and consistent with the commonwealth's statewide pedestrian policy. No Town street shall be designated for use by golf carts if such golf cart operations will impede the safe and efficient flow of motor vehicle traffic, or if the street's speed limit is greater than 25 miles per hour.
- B. All requests made to have specific streets designated for golf cart use shall be directed to the Town Manager.

§158-35. Town Safety Inspection.

- A. Golf carts shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with § 46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts. Such safety inspection shall only cover the following items:
- (1) Headlights, tail lights and turn signals, if the golf cart is driven between sunset and sunrise
 - (2) Rubber or equivalent tires.
 - (3) Windshield wipers if equipped with permanent windshield.
 - (4) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
 - (5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
 - (6) Speed governor if gasoline powered.

(7) Safety lap belts.

- B. The owner of the golf cart shall be responsible for obtaining a certification from the inspection station that the golf cart passed the inspection.

§158-36. Insurance Required.

Every golf cart and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-472 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart upon public highways.

§158-37. Operation on Public Highways.

It is unlawful to operate a golf cart on a public highway within the Town of Elkton unless the following requirements are met:

- A. Golf carts may not be operated on West Spotswood Trail from the intersection of 2nd Street, West, to the Town limits.
- B. Golf carts may not be operated on Spotswood Trail (Business Rt. 33).
- C. Golf carts may not be operated on Stuart Ave with the exception of crossing at designated intersections.
- D. Golf carts shall be operated only between sunrise and sunset unless equipped with such lights as required in article 3 of Chapter 10 of Title 46.2 of the Code of Virginia (1950) as amended.
- E. No person may operate a golf cart unless that person is licensed to drive upon highways of the Commonwealth of Virginia and then, only in accordance with such driver's license.
- F. Golf carts 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 alcoholic beverages.
- G. Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- H. Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

- I. Golf carts may be operated in bicycle lanes provided they do not impede bicycle traffic.
- J. Golf carts shall not be operated during inclement weather, example, snow, sleet, or ice related conditions; nor when visibility is impaired by weather, smoke, fog or other conditions.
- K. The Chief of Police, or his designee, may prohibit the operation of golf carts on any highway if the Chief determines that the prohibition is necessary in the interest of safety.

§158-38. Limitations.

Golf cart operations on designated Town streets shall be in accordance with the following limitations:

- A. No person shall operate a golf cart on a Town street unless that street is designated for golf cart operations.
- B. No golf cart shall be driven across any street at an intersection where the street being crossed has a posted speed limit of more than 35 miles per hour.
- C. No person shall operate any golf cart on any designated Town street unless he has in his possession a valid driver's license.
- D. No golf cart shall be operated on any designated Town street without displaying a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081.
- E. No person shall operate any golf cart on any designated Town street between sunset and sunrise, unless equipped with the proper lights.

§158-39. Exceptions.

The limitations set forth in §158-38 above shall not apply to golf carts being operated to the extent necessary for Town of Elkton employees and Town of Elkton contractors to fulfill a governmental purpose, or as otherwise authorized by the Town Manager or his designee, provided the golf cart is not operated on a Town street with a posted speed limit over 35 miles per hour.

§158-40. Local Vehicle License.

No golf cart shall be used on the public highways unless it has obtained a Town of Elkton vehicle license. No Vehicle license shall be issued until the owner of the golf cart presents evidence that the golf cart is insured in accordance with the requirements of §158-36 and the golf cart has been received and passed a safety inspection required by §158-35.

§158-41. Liability Disclaimer.

This article is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the Town of Elkton in no way advocates or endorses their operation on public streets or roads. The Town of Elkton, by regulating such operation is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts 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, bicyclists, and pedestrians. The Town of Elkton has no liability under any theory of liability and the Town assumes no liability, for permitting golf carts to be operated on the 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.

BE IT RESOLVED, that this ordinance will become effective and enforceable after proper posting and signage has been completed.

ADOPTED AND APPROVED this _____ day of _____, 2011.

Roy Eugene Davis
Mayor, Town of Elkton

Atteste:

Denise R. Monger
Clerk of the Council