

## Ordinance No. 002-22

This Ordinance is in accordance with §46.2-916.2 and 46.2-916.3 of the Code of Virginia (1950), as amended.

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

The Town Council of Onley, of the County of Accomack, 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 Onley, 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 cart 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 Onley Town Council finds and determines that:

1. Establishment of a golf cart and utility vehicle transportation plan will serve to expand mobility to those persons not operating automobiles; and
2. The selected golf cart and utility routes accommodate golf carts and utility vehicles without an adverse impact upon traffic safety; and
3. The use of golf carts and utility vehicles is compatible with the state and local transportation plans and is consistent with the Commonwealth's Statewide Pedestrian Policy.

#### Section 3.

Authority. This ordinance is established pursuant to §46.2 – 916.2 and 46.2-916.3 of the Code of Virginia (1950), as amended, which authorizes the Town of Onley, by ordinance, to impose limitations and restrictions on the operations of golf carts and utility vehicles upon public highways within the Town of Onley.

#### Section 4.

Definitions. The following definitions apply to this ordinance:

1. "Town" means the Town of Onley

2. "Plan Area" means the area within the Town designated Golf Cart and Utility Vehicle Transportation Plan, which area encompasses all public highways within the Town limits where the posted speed limit is 25 miles per hour or less. Golf Cart and Utility Vehicles may only cross at a clearly marked intersection over a 35 miles per hour designated speed limit roadway.

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. This does not include vehicles known as all-terrain vehicles (ATVs) or go-carts, as defined in §46.2 – 100 of the Code of Virginia (1950), as amended.

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 designated by signs or pavement marking which are shared with pedestrians, bicyclists, and other motorist in the Plan Area.

5. "Golf Cart and Utility Vehicle Operator" means a person having a valid driver's license that is driving the golf cart or a utility vehicle and has full control of its operation.

#### **Section 5.**

Golf Carts and Utility 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 and/or utility vehicle must be equipped and safely operated with:
  - A) Seat belts for all drivers and all passengers;
  - B) Equipped with either an unobstructed rear-view mirror and left side mirror, right and left rear view mirror, reflectors, or a wide-angle cross bar rear view mirror;
  - C) A whip antenna with a reflective flag mounted on golf cart and/or utility vehicle with a minimum of six (6) feet in height above the bumper.

## **Section 6.**

Golf cart and Utility Permit Process. No person shall be required to obtain registration certificates, license plates or decals, or to pay any registration fee to operate a golf cart and/or utility vehicle on public highways within the Plan Area if such golf cart and/or utility vehicle displays a slow- moving vehicle sign, in conformity within §46.2 – 1081 of the Code of Virginia (1950), as amended, and is operated by a licensed driver.

The Town of Onley 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 Plan Area.

## **Section 7.**

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

1. Only those golf carts and/or utility vehicles that have been retrofitted with the safety equipment specified herein may be operated under the provisions of this Ordinance.
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 posted speed limit of 25 miles per hour or less.
3. A golf cart and/or utility vehicle operator must maintain their golf cart in a safe condition at all times.

## **Section 8.**

Violations. Any operation of a golf cart or utility vehicle in violation either of this Ordinance or of the motor vehicle laws of the Commonwealth of Virginia shall be guilty of a traffic infraction punishable by a fine subject to a maximum amount of one hundred dollars (\$100.00).

## **Section 9.**

Safety Inspection. No golf cart and/or utility vehicle shall be used on the public highway unless it has obtained a Town of Onley vehicle safety inspection.

Golf carts and/or utility vehicle shall pass a safety inspection. The Town of Onley Police Department, or other designated Town official, shall conduct the Town of Onley Vehicle Safety Inspection. Such safety inspections shall include the following:

1. Headlights, taillights and turn signals, if the golf cart and/or utility vehicle is driven between sunset and sunrise.
2. Windshield wipers if equipped with permanent windshield.
3. Rubber or equivalent tires.
4. Horn, adequate steering gear, brakes, emergency or parking brake, rear view 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.

#### **Section 10.**

Operation on Public Highways. It shall be unlawful to operate a golf cart and/or utility vehicle on a public highway in the Town of Onley unless the following requirements are met;

1. Golf carts and/or utility vehicle must display a slow-moving vehicle emblem in conformity with §46.2 – 1081 of the Code of Virginia (1950), as amended
2. No person shall operate a golf cart and/or utility vehicle on the public highways in the Town of Onley unless said person has a valid driver's license issued by the Commonwealth of Virginia or a recognized foreign jurisdiction in accordance with Title 46.2 of the Code of Virginia (1950), as amended.
3. 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.
4. Only the number of people the golf cart and/or utility vehicle is designed to seat may ride on the golf cart. Additionally, passengers shall not be carried on the part of a golf cart and/or utility vehicle designed to carry cargo.
5. 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.

6. Golf carts and/or utility vehicles may operate in bicycle lanes provided they do not impede bicycle traffic.
7. Golf carts and/or utility vehicles shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions.
8. The Town of Onley may prohibit the operation of golf carts and/or utility vehicles on any highway if the Town Council determines that the prohibition is necessary in the interest of safety.

**Section 11.**

Insurance. 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 Code of Virginia, § 46.2-472, as amended, and provide coverage during the operation of the golf cart and/or utility vehicle upon public highways. (Ord. of 2-25-2008, § 10)

**Section 12.**

Liability Disclaimer. This section is adopted to address the interest of the public safety. The Town of Onley, by regulating such operations, 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 this Ordinance. All persons who operate or ride upon golf carts and/or utility vehicles 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 Onley has no liability under any theory of liability, and the Town assumes no liability for permitting golf carts and/or utility vehicles to be operated on public streets and roads under the special legislation granted by the Virginia General Assembly.

The Town Council of the Town of Onley adopted this 1<sup>st</sup> day of August, 2022 by the following vote:

Corbin	absent
Custis	yes
Ferguson	yes
Harmon	yes
Pierson	yes
Zember	yes

  
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 Town Clerk

  
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 Vice-Mayor