

ORDINANCE NO. 1439

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF POQUOSON, VIRGINIA BY REVISING
CHAPTER 78, TRAFFIC AND MOTOR VEHICLES
PERTAINING TO THE OPERATION OF GOLF CARTS**

BE IT ORDAINED, by the Council of the City of Poquoson, Virginia:

Section 1: That the Code of Ordinances of the City of Poquoson, Virginia be amended by revising Chapter 78, Article VII to allow the operation of golf carts on certain streets to read as follows:

**CHAPTER 78
TRAFFIC AND MOTOR VEHICLES**

**ARTICLE VII
OPERATION OF GOLF CARTS**

Section 78-201: Definitions

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectfully ascribed to them:

Golf cart means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

Multi-purpose path means that area of a public street designated by the city for pedestrian travel and use by golf carts.

Sidewalk means that area of a public street set aside or used for pedestrian travel which is parallel to and within the boundary lines of a street.

Street means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the city, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by ordinance, and also including sidewalks and multi-purpose paths.

Section 78-202: Golf cart operation on streets not otherwise designated for such operation

It shall be unlawful for any person to operate a golf cart on or over any street, sidewalk, or multi-purpose path in the city except as provided in this article.

Section 78-203: Designation of public streets of the city for golf cart operation; posting of signs

Pursuant to Code of Virginia, Section 46.2-916.2 et seq and 46.2-676 of the Code of Virginia, city council may authorize by ordinance, the operation of golf carts on designated public streets within the city after (i) considering the speed, volume, and character of motor vehicle traffic using such streets, and (ii) determining that golf cart operation on particular streets is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy. No public street of the city 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 posted speed limit is greater than twenty-five (25) miles per hour.

Section 78-204: Limitations

Golf cart operations on designated public streets of the city shall be in accordance with the following limitations:

- (1) ~~No person shall operate a golf cart on a public street of the city unless that street is posted with a twenty-five (25) miles per hour speed limit sign.~~ Golf carts may be operated on the streets of the City of Poquoson that allow a maximum speed of 25 miles per hour .
- (2) 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 twenty-five (25) miles per hour.
- (3) No person shall operate any golf cart on any designated public street of the city unless he has in his possession a valid driver's license.
- (4) No golf cart shall be operated on any designated public street of the city without displaying a slow-moving, vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia.
- (5) No person shall operate any golf cart on any designated public street of the city between sunset and sunrise, unless equipped with lights as required in

Article 3 (Section 46.2-1010 et seq.) of Chapter 10 of the Code of Virginia.

- (6) Golf carts operating on designated public streets of the city pursuant to this article shall be insured by a policy of liability insurance with coverage of not less than three hundred thousand dollars (\$300,000.00) per accident. In lieu of coverage provided by an insurance policy, the owner of such golf cart may self-insure the liability coverage if the Commissioner of the Virginia Department of Motor Vehicles has issued a certificate of self-insurance pursuant to Section 46.2-368 of the Code of Virginia.
- (7) 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.
- (8) The operation of golf carts shall be in a manner so as not to impede the safety and efficient flow of motor vehicle traffic.
- (9) No golf cart shall be operated within one hundred fifty feet (150') of any intersection with a street having a posted speed limit exceeding 25 miles per hour.
- (10) 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.
- (11) Golf carts must be operated in accordance with the motor vehicle laws of the Commonwealth.
- (12) Golf carts shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions.
- (13) The Chief of Police, or his designee, may temporarily prohibit the operation of golf carts on any highway if the Chief determines that the prohibition is necessary in the interest of safety.
- (14) Golf carts may not be operated in designated school zones.

Section 78-205: Exception

The limitations set forth in Section 78-204 (1) and (2) above shall not apply to golf carts being operated as follows:

- (1) To the extent necessary for city employees and city contractors to fulfill a governmental purpose, or as otherwise authorized by the city manager or

his designee, provided the golf cart is not operated on a public street of the city with a posted speed limit over twenty-five (25) miles per hour except during special events when traffic on the roadway will be redirected.

Section 78-206: City inspection and safety equipment.

Golf carts shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an inspection station approved by the city. Such safety inspection shall only cover the following items:

- (1) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise.
- (2) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, and an adequately fixed driver's seat;
- (3) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks;
- (4) Speed governor, if gasoline powered
- (5) Safety lap belts, if equipped;
- (6) Rubber or equivalent tires;
- (7) Slow moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia; and
- (8) Proof of insurance is required.

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

Section 78-207, License and decal.

It shall be unlawful for any owner or operator of any golf cart that is used within the city to fail to obtain and display the city vehicle license decal required by this article

- (a) License year. For the purpose of this article, the license year shall extend from April 1 of each year through April 15 of the next succeeding calendar year.
- (b) License fee levied. There is hereby assessed and levied an annual license fee upon each golf cart required to be licensed under this article.

- (c) When fee payable. The license fee imposed by this article shall be paid to the city treasurer not later than April 15 of the license year, but the same may be paid on or after March 1 preceding the license year.
- (d) Proration of golf cart license/decals. One-half of the license fee prescribed by this article shall be collected when the license is issued during the period beginning on October 1 and ending on January 15 in the same license year, and one-third of such fee shall be collected when the license issued after January 15 in any license year.
- (e) Disposition of revenue derived from fee. The revenue derived from the fee levied by this article shall be paid into the general revenue fund of the city and applied to general city purposes.
- (f) Issuance and contents of decal. Upon receipt of the prescribed license fee, approved inspection and proof of insurance, the Police Department shall issue a license decal for the golf cart on which the fee was paid. The decal shall show thereon the words "City of Poquoson," an indication of the year for which it was issued and the number of the license, together with such other matter as the council may from time to time designate.
- (g) Display decal generally.
- (1) A decal issued pursuant to this article shall be attached to the lower right-hand side of the windshield of the golf cart for which it was purchased or to such other location as the Police Department shall direct on a golf cart not equipped with a windshield.
 - (2) It shall be unlawful for any person to operate a golf cart required to be licensed under this article on any street unless a current license decal is displayed on the golf cart in the manner prescribed in this section.
- (h) Display of expired decal. It shall be unlawful for the owner of a golf cart to display thereon a city license decal after its expiration date.
- (i) Transfer or reissuance of decal. A license decal acquired pursuant to the provisions of this article shall be transferable by the licensee from any golf cart sold, traded in or otherwise disposed of by the licensee to any golf cart thereafter acquired by the licensee during the license year subject to proof of insurance in accordance with the requirements of Section 78-204 and a certification that the golf cart has passed a safety inspection required by Section 78-206. The transfer shall be accomplished by the payment of \$1.00 to the Police Department, together with the delivery to the Police Department of either the remains of the decal, including the number portion thereof, or an affidavit of the licensee certifying that the original decal was destroyed or is no longer in the city and is unavailable to

the licensee for delivery to the Police Department. The Police Department shall then transfer or reissue the decal.

Section 78-208. Local vehicle license.

No golf cart shall be used on the public street unless it has obtained a City of Poquoson Vehicle License under Section 78-207. 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 Section 78-204 and the golf cart has passed a safety inspection required by Section 78-206. The fee for such license shall be \$10.00 per year.

Section 78-209. Liability disclaimer

This chapter 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 City of Poquoson in no way advocates or endorses their operation on public streets or roads. The City of Poquoson "assumes" no liability for permitting golf carts to be operated on public streets and roads under special legislation granted by the Virginia General Assembly. The City of Poquoson, by regulating such operation is merely trying to address obvious safety issues. All persons who operate or ride upon golf carts upon public streets or roads do so at their own risk and peril, and must be observant of bicyclists, pedestrians and other vehicular traffic. 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.

Section 78-210. Compliance with article, general penalty for violations.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this article or any rule or regulation promulgated pursuant thereto. A violation of this article shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

Section 2: That this ordinance shall become effective on and after December 1, 2012.

ATTESTE:

Judy F. Wiggins
Judy F. Wiggins, City Clerk

ADOPTED: October 9, 2012

W. Eugene Hunt, Jr.
W. Eugene Hunt, Jr., Mayor