

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-04-18

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 14th day of May, 2018:

Present:	Vote:
Patricia A. Paige	Nay
Ronald P. Stiers	Aye
W.R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Tiller, which carried 4:1, to adopt the following resolution:

**AN ORDINANCE TO AMEND CHAPTER 70, TRAFFIC AND
VEHICLES TO PERMIT GOLF CARTS AND UTILITY
VEHICLES ON DESIGNATED PUBLIC STREETS IN THE
COUNTY OF NEW KENT, VIRGINIA**

WHEREAS, Section 46.2-916.2 of the Code of Virginia enables a locality to enact an ordinance to authorize the operation of golf carts and utility vehicles on designated public streets and highways within its boundaries; and

WHEREAS, the Board of Supervisors of New Kent County desires to establish an ordinance and process in which public streets and highways can be considered for the use of golf carts and utility vehicles; and

NOW THEREFORE BE IT ORDAINED, by the New Kent County Board of Supervisors this the 14th day of May 2018, that Chapter 70 of the New Kent County Code be, and it is hereby amended to add Article VI, Sections 70-189 through 70-195 as set forth below:

Chapter 70 - TRAFFIC AND VEHICLES^[1]

ARTICLE VI. - GOLF CARTS AND UTILITY VEHICLES

Sec. 70-189. - Definitions.

For the purposes of this article, the following words and terms shall mean:

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

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, including roads and alleys, but not private streets, private roads and private driveways.

Utility vehicle means a motor vehicle that is designed for off-road use, powered by an engine or an electric motor which restricts the speed of the utility vehicle to less than twenty-five (25) miles per hour, used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in Section 46.2-100 of the Code of Virginia, 1950, as amended, riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia, 1950, as amended.

Sec. 70-190. - Golf cart and utility vehicles operation on streets and highways.

It shall be unlawful for any person to operate a golf cart or utility vehicle on or over any street in the county except as provided in this article.

(Ord. No. O-04-18)

Sec. 70-191. - Limitations on golf cart and utility vehicle operations.

(a) Golf cart and utility vehicle operations on designated streets shall be in accordance with the following limitations:

- (1) A golf cart or utility vehicle may be operated only on designated public streets where the posted speed limit is twenty-five (25) miles per hour or less. No golf cart or utility vehicle shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than twenty-five (25) miles per hour.
- (2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license.
- (3) Every golf cart or utility vehicle, whenever operated on a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia; 1950, as amended.
- (4) Golf carts and utility vehicles shall be operated upon the public streets only between sunrise and sunset, unless equipped with such lights as are required

in Article 3, (Section 46.2-1010 et seq.), of Chapter 10, Title 46.2 of the Code of Virginia, 1950, as amended.

- (5) Golf carts and utility vehicles operated upon the public streets shall abide by all laws and rules of the road applicable to motor vehicles traveling on the public streets of the commonwealth.
- (6) It shall be the responsibility of the organization, individual, homeowner's association, or other entity requesting the designation to install and maintain signs at one-half ($\frac{1}{2}$) mile intervals alerting motorists that golf carts and utility vehicles may be in use/operation. The cost of the installation of all signs and the continued maintenance pertaining thereto on streets designated for golf cart and utility vehicle use shall be the responsibility of the organizations, individuals, homeowners associations or other entities requesting the designations and the county shall assess the costs incurred by the county resulting from any failure to maintain such signs against those requesting the designations.
- (7) Self-propelled electric golf carts and utility vehicles which have not been modified from manufacturer's specifications to specifically increase their speed.
- (8) The number of passengers shall be limited to the designed seating capacity of the golf cart or utility vehicle.
- (9) Golf carts and utility vehicles operating on designated streets pursuant to this article shall be insured by a policy of liability insurance with coverage of not less than one hundred thousand dollars (\$100,000.00) per accident. In lieu of coverage provided by an insurance policy, the owner of such a golf cart or utility vehicle 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, 1950, as amended;

(b) The limitations of subsection (a) shall not apply to golf carts and utility vehicles being operated as follows:

- (1) To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be longer than one-half ($\frac{1}{2}$) mile in either direction; and (ii) the speed limit on the road is no more than thirty-five (35) miles per hour.
- (2) To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of thirty-five (35) miles per hour or less.

(Ord. No. O-04-18)

Sec. 70-192. - Designated streets.

(a) Notwithstanding any other provision of the County Code to the contrary, the following streets are designated for use by golf carts and utility vehicles in accordance with the provisions of this article and state law, subject to the limitations expressly stated herein:

(Ord. No. O-04-18)

Sec. 70-193. - Application procedure.

(a) Any individual, organization, or entity may apply to the clerk of the board of supervisors to have a qualifying public highway in the county designated for golf cart or utility vehicle use, provided, however, that:

- (1) If the public highway is located within a neighborhood with a homeowners association, whether mandatory or not, such application shall be in the name of the homeowners association and shall be signed by a duly-authorized representative of the homeowners association.
- (2) If the public highway is not located within a neighborhood with a homeowners association, or is otherwise located outside of a neighborhood, such application shall be accompanied by a petition affirmatively seeking such designation. Such petition shall include signatures representing at least 51% of the parcels adjacent to each of the public highways proposed for designation.

(b) At a minimum, each application shall include the following:

- (1) The full legal name of the individual, organization, or entity making the application;
- (2) The name and route number of each public highway to be designated;
- (3) A petition, if one is required by section 70-193(a)(2) above; and
- (4) An application fee of \$250.00.

(c) The board of supervisors may amend this ordinance following a public hearing and in accordance with Section 15.2-1427 of the Code of Virginia to include additional designated areas after consideration of the recommendations of the affected property owners and the Sheriff, and the general merits of the application.

(Ord. No. O-04-18)

Sec. 70-194. - Penalty for violation.

- (a) A violation of any provision of this article shall be punished as follows:
- (1) A first violation shall be a civil matter in which a fine of \$150.00 shall be imposed upon conviction.
 - (2) A second violation in any 12-month period shall be punished as a class 2 misdemeanor.
 - (3) A third or subsequent conviction in any 12-month period shall be punished as a class 1 misdemeanor.

(Ord. No. O-04-18)

Sec. 70-195. - Revocation of designation.

The board of supervisors may, at its sole discretion and upon recommendation of the Sheriff, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

(Ord. No. O-04-18)

Adopted this 14th day of May, 2018.



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Chairman