

OCT 23 2007

ORDINANCE NO. 66A-59

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, BY ADDING ARTICLE IV, DESIGNATION OF PUBLIC HIGHWAYS FOR GOLF CART OR UTILITY VEHICLE USE; SECTION 13-60, USE OF GOLF CARTS OR UTILITY VEHICLES ON PUBLIC HIGHWAYS; SECTION 13-61, DEFINITIONS; SECTION 13-62, DESIGNATION OF PUBLIC HIGHWAYS FOR GOLF CART AND UTILITY VEHICLE OPERATIONS; SECTION 13-63, LIMITATIONS ON GOLF CART AND UTILITY VEHICLE OPERATIONS ON DESIGNATED PUBLIC HIGHWAYS; SECTION 13-64, APPLICATION PROCEDURE; SECTION 13-65, PENALTY; AND SECTION 13-66, REVOCATION OF DESIGNATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended by adding Article IV, Designation of Public Highways for Golf Cart or Utility Vehicle Use; Section 13-60, Use of golf carts or utility vehicles on public highways; Section 13-61, Definitions; Section 13-62, Designation of public highways for golf cart and utility vehicle operations; Section 13-63, Limitations on golf cart and utility vehicle operations on designated public highways; Section 13-64, Application procedure; Section 13-65, Penalty; and Section 13-66, Revocation of designation.

ARTICLE IV.

DESIGNATION OF PUBLIC HIGHWAYS FOR GOLF CART OR UTILITY VEHICLE USE.

Section 13-60. Use of golf carts or utility vehicles on public highways.

No person shall operate a golf cart or utility vehicle on or over any public highway in the county except as provided in this article.

State law reference - Code of Va. § 46.2-916.1.

Section 13-61. Definitions.

For the purposes of this article, the following words shall have the meaning given herein:

Chief of police: The chief of the James City County Police Department or his designee.

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

Highway: 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 county, including the streets and alleys, and, for law enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the board of supervisors and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

Utility vehicle: A motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) 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, riding lawn mowers, or any other vehicle whose definition is included in section 46.2-100 of the Code of Virginia.

State law reference - Code of Va. § 46.2-100.

Section 13-62. Designation of public highways for golf cart and utility vehicle operations.

(a) No portion of the public highways may be designated for use by golf carts and utility vehicles unless the board of supervisors has reviewed and approved such highway usage.

(b) The board of supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the county after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in Section 33.1-23.03:001 of the Code of Virginia.

(c) No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

(d) Signs alerting motorists that golf carts may be in operation shall be erected along all roads designated for golf cart and utility vehicle operation or in such locations as determined by the chief of police. The county shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. The cost of the installation and continued maintenance of the signs on streets and highways designated for golf cart use shall be the responsibility of the organizations, individuals, homeowners associations or other entities requesting the designations. All costs incurred by the county for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation.

State law reference - Code of Va. § 46.2-916.2.

Section 13-63. Limitations on golf cart and utility vehicle operations on designated public highways.

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

- (1) *A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 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 25 miles per hour;*
 - (2) *No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;*
 - (3) *Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with section 46.2-1081 of the Code of Virginia;*
 - (4) *Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia for different classes of vehicles; and*
 - (5) *Golf carts and utility vehicles operating on designated streets and highways pursuant to this article shall be insured by a recreational vehicle policy of insurance with coverage of not less than fifty thousand dollars (\$50,000.00) per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated street or highway.*
- (b) *The limitations of subsection (a)(1) above 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 mile in either direction, and (ii) the speed limit on the road is no more than 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 35 miles per hour or less; and*
- (3) *As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.*

State law reference - Code of Va. § 46.2-916.3.

Section 13-64. 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 13-64(a)(2); and*

(4) *An application fee of \$250.00.*

(c) *Upon receipt and acceptance of the application by the clerk of the board of supervisors, it shall be considered by the chief of police, who shall make a recommendation to the board of supervisors.*

(d) *Following a public hearing, the board of supervisors shall consider the recommendations of the affected property owners and the chief of police, the factors set forth in section 13-62(b), and the general merits of the application before making a determination.*

State law reference - Code of Va. § 46.2-916.3.

Section 13-65. Penalty.

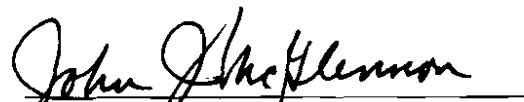
A civil penalty in the amount of \$100.00 shall be assessed for any violation of this article. A civil penalty in the amount of \$250.00 shall be assessed for a repeated violation of this article. The imposition of civil penalties shall not preclude the use of injunctive relief.

State law reference - Code of Va. § 46.2-916.3.

Section 13-66. Revocation of designation.

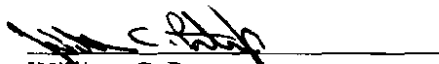
The board of supervisors may, at its sole discretion and upon recommendation of the chief of police, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

State law reference - Code of Va. § 46.2-916.3.



John J. McElennon
Chairman, Board of Supervisors

ATTEST:



William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of October, 2007.

GolfCarts_ord