

Ordinance O-2019-26

AMENDING CHAPTER 74 (“TRAFFIC AND VEHICLES”) OF THE CODE OF THE COUNTY OF POWHATAN BY ADDING ARTICLE VI (“OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS”) FOR THE PURPOSE OF DESIGNATING WHERE IN THE COUNTY GOLF CARTS AND UTILITY VEHICLES MAY BE OPERATED ON PUBLIC HIGHWAYS.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, the Powhatan County Board of Supervisors (“Board”) is authorized, pursuant to Sections 46.2-916.1, *et seq.* of the *Code of Virginia*, to establish designated areas of public highways within its boundaries where golf carts and utility vehicles may be operated; and

WHEREAS, said referenced sections also impose limitations and restrictions on such operation, and furthermore authorizes the Board to establish penalties for violations of the regulations; and

WHEREAS, the Board has received requests for, and therefore wishes to establish designated areas of public highways where golf carts and utility vehicles may be operated; and

WHEREAS, notice of the public hearing on this ordinance amendment was published in the Powhatan Today on June 12, 2019 and June 19, 2019; and

WHEREAS, the full text of this amendment was available for public inspection in the Powhatan County Administrator’s Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

WHEREAS, on June 24, 2019 a public hearing was held on this matter, and all of those wishing to speak on this topic were heard.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN, that Chapter 74, (Traffic and Vehicles) of the Code of the County of Powhatan is hereby amended and reenacted as follows:

CODE OF THE COUNTY OF POWHATAN, VIRGINIA

...

CHAPTER 74. TRAFFIC AND VEHICLES

...

ARTICLE V. INOPERATIVE VEHICLES

...

Secs. 74-101 — 74-120. Reserved

ARTICLE VI. OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS

Sec. 74-121. Authority to regulate.

Pursuant to Section 46.2-916.2 of the Code of Virginia (1950) as amended, the County of Powhatan is authorized, by ordinance, to impose limitations and restrictions on the operation of golf carts upon designated public highways within the county. 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.

Sec. 74-122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Sheriff means the Sheriff of the Powhatan County Sheriff's Office or his designee.

Utility vehicle means 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.

Sec. 74-123. 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 § 33.2-354.

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 sheriff. 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.

Sec. 74-124. Operation on public highways; designated highways.

The following are designated portions of highways within the county upon which golf carts and utility vehicles may be operated, *to the extent such roads are posted with a 25mph speed limit*:

1. That portion of Old Buckingham Road located in the Powhatan Village Area and classified as a 25 mph speed limit by the Virginia Department of Transportation (VDOT).
2. Interior roads in Scottville (General Scott Boulevard, Bienvenue Place, Old Homestead Place, Grove Tavern Lane, St. John's Village Way, William Dance Way, Maxey Store Place and Carter Trent Lane).
3. Side roads located in the Powhatan Village Area (Yates Lane, Marion Harland Lane, Tilman Road, Sigourney Street and Rosson Road).
4. Skaggs Road from Tilman Road to Old Buckingham Road.

Sec. 74-125. 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 § 46.2-1081; and
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.

B. The limitations of subdivision A(1) shall not apply to golf carts and utility vehicles being operated as follows:

1. To the extent necessary for local government employees, operating only upon highways located within the county, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 25 miles per hour or less.

Sec. 74-126. 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.

Sec. 74-127. 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.

In all other respects Chapter 74 of the Code of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
June 24, 2019.**

Angela Y. Cabell

**Angela Y. Cabell, Chairman
Powhatan County Board of Supervisors**

ATTEST:

Theodore L. Voorhees

**Theodore L. Voorhees, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams	<u>Aye</u>
Larry J. Nordvig	<u>Absent</u>
William E. Melton	<u>Aye</u>
Carson L. Tucker	<u>Aye</u>
Angela Y. Cabell	<u>Aye</u>