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Adopted: 6-2-11

**ORDINANCE NO. 3-11**

**ORDINANCE NO. 3-11 AMENDS THE BOWLING GREEN TOWN CODE, CHAPTER 4, "NUISANCES AND OFFENSES," ARTICLE IV, "MOTOR VEHICLES AND TRAFFIC," BY ADDING DIVISION 5, "GOLF CARTS," SECTION 4-500, "DEFINITIONS," SECTION 4-501, "GOLF CART AND UTILITY VEHICLE OPERATION PERMITTED," SECTION 4-502 "REQUIRED SAFETY EQUIPMENT," SECTION 4-503, "TOWN SAFETY INSPECTION," SECTION 4-504 "INSURANCE REQUIRED," SECTION 4-505, "LOCAL VEHICLE LICENSE," AND SECTION 4-506, "LIABILITY DISCLAIMER." ORDINANCE NO. 3-11 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SECTION 46.2-916.2.**

**WHEREAS** the Bowling Green Town Council has reviewed and approved the highway usage of golf carts and utility vehicles within the Town of Bowling Green; and

**WHEREAS** the Bowling Green Town Council seeks to authorize the operation of golf carts and utility vehicles on designated public highways within the boundaries of the Town 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 Virginia Code § 33.1-23.03:001.

**NOW THEREFORE BE IT ORDAINED THAT** the Bowling Green Town Code shall be amended by adding Division 5, "Golf Carts" to Chapter 4, "Nuisances and Offenses," Article IV, "Motor Vehicles and Traffic" which shall read in its entirety as follows:

"Division 5. Golf Carts.

**Sec.4-500. Definitions.**

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

"All-terrain vehicle" means a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is intended for off-road use by an individual rider on various types of unpaved terrain. The term does not include four-wheeled vehicles, commonly known as "go-carts," that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any "utility vehicle" as defined in

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this section or any "farm utility vehicle" as defined in this section.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a "Town sticker" attached in a prominent location on a golf cart that validates the payment of the annual license fee. Decals are available for purchase at Town Hall.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

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

"Highway" 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 Commonwealth, 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 governing body of the county, city, or town in which such private roads or streets are located 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.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular

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traffic and the lateral curb line or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"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 this section, or riding lawn mowers.

**Sec.4-501. Golf cart and Utility Vehicle Operation Permitted.**

A. The operation of golf carts and utility vehicles within the Town of Bowling Green shall be permitted as follows:

1. A golf cart and/or utility vehicle may be operated only on the following designated public highways where the posted speed limit is 25 miles per hour or less:

Alsop Lane  
Anderson Avenue  
Butler Street  
Cary Street  
Cedar Lane  
Chase Street  
Coghill Street  
County Street  
Courthouse Lane  
Davis Court  
Dickinson Drive  
Dorsey Lane  
Elliott Drive  
Ennis Street  
Gill Street  
Hoomes Circle  
Lacy Lane  
Lafayette Avenue  
Lakewood Avenue  
Lee Street  
Martin Street  
Maury Avenue  
Meadow Lane  
Milford Street  
North Main Street  
Oak Ridge Street  
Roper Drive  
South Main Street

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Sunset Drive  
Travis Street  
Trewalla Lane  
Virginia Avenue  
White Street

2. A golf cart and/or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart/utility vehicle crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart/utility vehicle access from one part of the town to another part of the town.

3. No person shall operate any golf cart or a utility vehicle on any public highway unless he has in his possession a valid driver's license.

4. Every golf cart and/or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081.

5. 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 by state law as set forth in Virginia Code § 46.2-1010 et seq., for different classes of vehicles.

6. Golf carts and utility vehicles 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.

7. Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags and all motor vehicles laws regarding the transportation of persons under the age of 18 as passengers shall be strictly observed.

8. Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

9. The chief of police, or his designee, may prohibit the operation of golf carts or utility vehicles on any highway if the chief determines that the prohibition is necessary in the interest of safety.

B. The limitations contained in subdivision A of this section shall not apply to golf carts or utility vehicles being operated by 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.

#### **Sec.4-502. Required safety equipment.**

In addition to any safety equipment required by state law or regulation for golf carts and utility

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vehicles, golf carts and utility vehicles shall have the following safety equipment installed:

- (1) Speed governor if gasoline powered.
- (2) Safety lap belts.

**Sec.4-503. Town safety inspection.**

Golf carts and utility vehicles shall pass a safety inspection at least once a year. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with state law or by a business which is engaged in the sale of golf carts and/or utility vehicles. Such safety inspection shall only cover the following items:

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

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

**Sec.4-504. Insurance required.**

Every golf cart or utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in section 46.2-472 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart or utility vehicle upon public highways.

**Sec.4-505. Local vehicle license.**

No golf cart or utility vehicle shall be used on the public highways unless it has obtained a Bowling Green vehicle license in accordance with the Bowling Green Town Code. No vehicle license shall be issued until the owner of the golf cart or utility vehicle presents evidence that the golf cart or utility vehicle is insured in accordance with the requirements of section 4-504 and

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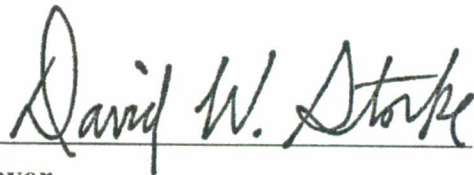
that the golf cart or utility vehicle has been received and passed a safety inspection required by section 4-503. The cost of a golf cart vehicle license shall be \$ 18 annually and proof of payment of the license fee shall be demonstrated by the display of a golf cart vehicle license decal. The golf cart vehicle license decal shall be displayed in a prominent location on the vehicle.

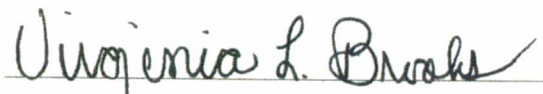
**Sec.4-506. Liability disclaimer.**

This article is adopted in the interests of public safety. The Town of Bowling Green urges anyone operating a golf cart or utility vehicle to exercise caution. The adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts or utility vehicles on public streets or roads do so at their own risk. The Town of Bowling Green assumes no liability for permitting golf carts or utility vehicles to be operated on the public streets and roads under the legislation granted by the Virginia General Assembly. Any person who operates a golf cart or utility vehicle is responsible for obtaining liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public streets and roads.”

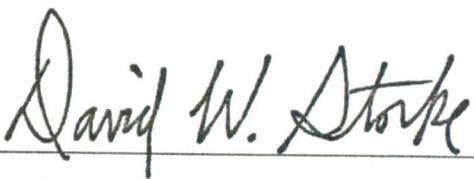
This Ordinance shall take effect upon adoption

Adopted this 2nd day of June, 2011.

  
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Mayor

  
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Clerk

Approved this 2<sup>nd</sup> day of June, 2011.

  
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Mayor

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