

**ARTICLE 8A : OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON
PUBLIC HIGHWAYS**

Sec. 8A .01 Authority to Regulate.

Pursuant to §46.2-916.2 (D) of the *Code of Virginia*, 1950, amended, the Town of Irvington is authorized to impose limitations and restrictions, by ordinance, on the operation of golf carts and utility vehicles upon public highways with the Town.

Sec. 8A .02 Definition.

a. The term "golf cart" means a self propelled vehicle which is designed to transport persons playing golf and their equipment on a golf course, or otherwise designed to transport persons.

b. The term "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. This term does not include all-terrain vehicles, riding lawnmowers or any other vehicle defined in *Code of Virginia*, 1950, as amended, §46.2-100.

Sec. 8A .03 Required Safety Equipment.

In addition to any safety required by the *Code of Virginia*, as amended from time to time, for golf carts and utility vehicles, such shall have the following safety equipment installed: Speed governor if gasoline powered.

Sec. 8A .04 Insurance Required.

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

Sec. §A.05 Operation on Public Highways.

It is unlawful to operate a golf cart or utility vehicle on the public highways within the Town of Irvington unless the following requirements are met:

(1) Golf carts and utility vehicles must display a slow-moving vehicle emblem in conformity with §46.2-1081 of the *Code of Virginia*, as amended.

(2) Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such lights as are required in Article 3 of Chapter 10, of Title 46.2 of the *Code of Virginia*, as amended, and shall only be operated on roads within the Town of Irvington for which the posted speed limit does not exceed 25 miles per hour.

(3) No person may operate a golf cart or utility vehicle on the public highways in the Town unless that person is licensed to drive upon the highways of the Commonwealth of Virginia, and then only in accordance with such driver's license.

(4) 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 use and possession of alcoholic beverages.

(5) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart, and all persons riding on the golf cart or utility vehicle shall be seated. Additionally, passengers shall not be carried on the part of the golf cart designed to carry golf bags.

(6) Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield right of way to all other vehicles and pedestrian traffic;

(7) Golf carts and utility vehicles may be operated in bicycle lanes provided they do not impede bicycle traffic;

(8) Golf carts and utility vehicles shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions;

(9) The Town Council, or its designee, may prohibit golf carts and utility vehicles on any part of the highways in the Town if the Town Council determines that the prohibition is necessary in the interest of safety.

Sec. § A .06 Local Vehicle License

No golf cart or utility vehicle shall be operated on the public highways in the Town of Irvington unless it displays a current, annual Town of Irvington golf cart/utility vehicle license issued pursuant to this ordinance. No such 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 this ordinance.

Sec. § A .07 Liability Disclaimer.

This Article is adopted to address issues of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on public highways, and the Town of Irvington in no way advocates or endorses their operation on the public highways in the Town. The Town of Irvington by regulating such operation is trying to address various safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on public highways is safe or advisable even if done in accordance with this ordinance. All persons who choose to operate or ride on golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The Town of Irvington has no liability under any theory of liability, and the Town assumes no liability, for permitting golf carts and utility vehicles to be operated on the

public highways under the special legislation adopted by the Virginia General Assembly. Any person who operates a golf cart or utility vehicle on the public highways in the Town of Irvington is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public highways.

[ADOPTED AT REGULAR MEETING OF THE TOWN COUNCIL HELD JANUARY 14, 2010.]