

ORDINANCE COMMITTEE

A G E N D A

TOWN OF CHINCOTEAGUE

February 19, 2012 - 5:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

ROLL CALL

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADOPTION:

1. Possible Revision to Chapter 22, Environment, Article II. Noise, Sec 22-35 & Sec 22-36
2. Possible Revision to Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec 18-95 & Sec 18-96
3. Discuss if the Town Wishes to Create an Ordinance that Would Allow Gulf Carts on Public Roads
4. Committee Member Comments

ADJOURN:



MEMORANDUM
Town of Chincoteague Inc.

Date: February 5, 2013
To: Ordinance Committee Members
From: Robert Ritter, Town Manager
Subject: Possible Revision to Chapter 22, Environment, Article II. Noise, Sec 22-35 & Sec 22-36

Chapter 22, Environment, Article II. Noise.

Sec. 22-35. Certain prohibited noises enumerated.

The following acts and/or noises are declared to create and/or constitute unreasonably loud noises prohibited by this article, and it is expressly provided that such enumeration shall not be exclusive, and the failure to enumerate a specific act and/or noise shall not be deemed to exclude any such act and/or noise from this article:

(13) *Grasscutters, tillers or other similar mechanical devices.* The operation of any grasscutter, tiller or other similar mechanical device utilizing a gasoline or diesel powered engine creating an emanating sound plainly audible beyond the property line of the property at which the device is being utilized, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, **and Sunday from 12:00 - 7:00 p.m. for the property owner ('s),** inclusive.

(Ord. of 5-15-1999(1), § 12-12)

Sec. 22-36. Construction noises.

(a) The erection, excavation, demolition, alteration, or repair of any building or other improvement other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, **and Sunday from 12:00 - 7:00 p.m. for the property owner('s),** inclusive, is prohibited, except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.

(b) The making of any noises at a sound/noise level exceeding 89 decibels from any construction site, as measured as provided in this article, is prohibited at any time. (Ord. of 5-15-1999(1), § 12-13)

Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations

Sec. 18-95. Special event vendors, carnivals, and circuses.

(a) *Special Event License. The Special Event License shall be \$60.00*

(b) *Anyone with an established town business license is exempted from the Special Event License fee. An established town business license shall mean a business that has a permanent location within the town limits and operates 90 day's per year.*

(c) Notwithstanding the provisions of Sec. 18-91 and Sec. 18-92 and the license requirements enumerated therein, any person, firm, or corporation engaged as an itinerant vendor or operating a carnival or circus at a special event conducted or sponsored by a local "charitable nonprofit organization" or a local nonprofit organization, as herein defined, or the Chincoteague Recreation and Convention Center Authority shall be exempted from such license tax, unless such person, firm, or corporation is otherwise required to be licensed in accordance with Chapter 18.

(d) A "Special Event" for purposes of this section shall be an event which is conducted for a limited number of days not exceeding fourteen (14) in any calendar year.

(e) A local "charitable nonprofit organization" for purposes of this section shall mean an organization which is described in Internal Revenue Code §501(c)(3) and to which contributions are deductible by the contributor under Internal Revenue Code §170, except that educational institutions shall be limited to schools, colleges, and other similar institutions of learning, and a majority of such organization's receipts are utilized, directly or indirectly, within the Town of Chincoteague.

(f) A local nonprofit organization means an organization exempt from Federal Income Tax under Internal Revenue Code §501 other than a charitable nonprofit organization, and the majority of such organization's receipts are utilized, directly or indirectly within the Town of Chincoteague.

(g) *Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such Special Event license, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the licensee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.*

(h) *All Special Event License must be secured eight days prior to the Saturday preceding the event. The license shall be displayed at the sale location for the entire length of the sale.*

(i) *A Special Event License is required for conducting Pony penning sales in the town*

(1) Yard sales are prohibited the Saturday preceding Pony Penning day, until the Saturday after the Pony penning event.

(2) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.

(Adopted 02-07-05, Amended 03-06-06, Amended 03-04-13)

Sec. 18-96 Pony Penning Sales

- (a) *Generally.* ~~Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event.~~
- (b) *Permit.* ~~A permit is required for conducting Pony penning sales town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.~~
- (c) *Permit fee.* ~~The permit fee shall be \$50.00.~~
- (1) ~~Anyone with a valid town business license is exempted from the permit fee.~~
- (2) ~~Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the permittee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.~~
- (d) *Duration of sale; hours of operation; frequency.* ~~Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.~~



MEMORANDUM
Town of Chincoteague Inc.

Date: February 12, 2013
To: Ordinance Committee Members
From: Robert Ritter, Town Manager
Subject: Possible Revision of Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec. 18-95. Special event vendors, carnivals, and circuses.

Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations

Sec. 18-95. Special event vendors, carnivals, and circuses.

(a) *Special Event License. The Special Event License shall be \$60.00
(Special Event Coordinator License: The special Event Coordinator License shall be \$6,000.
It shall be the coordinators responsibility to give to the Town a list of all vendors within 3
working days of the event)*

(b) **Anyone with an established town business license is exempted from the Special Event License fee. An established town business license shall mean a business that has a permanent location within the town limits and operates 90 day's per year.**

(c) Notwithstanding the provisions of Sec. 18-91 and Sec. 18-92 and the license requirements enumerated therein, any person, firm, or corporation engaged as an itinerant vendor or operating a carnival or circus at a special event conducted or sponsored by a local "charitable nonprofit organization" or a local nonprofit organization, as herein defined, or the Chincoteague Recreation and Convention Center Authority shall be exempted from such license tax, unless such person, firm, or corporation is otherwise required to be licensed in accordance with Chapter 18.

(d) A "Special Event" for purposes of this section shall be an event which is conducted for a limited number of days not exceeding fourteen (14) in any calendar year.

(e) A local "charitable nonprofit organization" for purposes of this section shall mean an organization which is described in Internal Revenue Code §501(c)(3) and to which contributions are deductible by the contributor under Internal Revenue Code §170, except that educational institutions

shall be limited to schools, colleges, and other similar institutions of learning, and a majority of such organization's receipts are utilized, directly or indirectly, within the Town of Chincoteague.

(f) A local nonprofit organization means an organization exempt from Federal Income Tax under Internal Revenue Code §501 other than a charitable nonprofit organization, and the majority of such organization's receipts are utilized, directly or indirectly within the Town of Chincoteague.

(g) Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such Special Event license, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the licensee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.

(h) All Special Event License must be secured eight days prior to the Saturday preceding the event. The license shall be displayed at the sale location for the entire length of the sale.

(i) A Special Event License is required for conducting Pony penning sales in the town

(1) Yard sales are prohibited the Saturday preceding Pony Penning day, until the Saturday after the Pony penning event.

(2) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.

(Adopted 02-07-05, Amended 03-06-06, Amended 03-04-13)

~~Sec. 18-96 Pony Penning Sales~~

~~(a) *Generally.* Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event.~~

~~(b) *Permit.* A permit is required for conducting Pony penning sales town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.~~

~~(c) *Permit fee.* The permit fee shall be \$50.00.~~

~~(1) Anyone with a valid town business license is exempted from the permit fee.~~

~~(2) Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the permittee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.~~

~~(d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.~~

Town of Chincoteague

Golf Cart Ordinance



James F. White
3891 Main St. Chincoteague, Virginia 23336
(757) 336-6255 JimVA55@Gmail.com

January 7, 2013

To: Mayor Jack Tarr
Vice Mayor J. Arthur Leonard
Councilman Terry Howard
Councilman John Jester
Councilman Tripp Muth
Councilwoman Ellen Richardson
Councilman Gene Taylor

cc. Town Manager Rob Ritter
Police Chief E. Lewis

Re: Golf cart ordinance

Earlier this year I visited Cape Charles for a few days and was surprised by the number of golf carts being used in the town. I spoke to a few people about the carts and learned that the town had passed an ordinance which allowed the use of golf carts without DMV plates. I wanted to learn more about each towns' ordinance. I would like to share with you the results of my research.

Virginia law doesn't allow people to drive golf carts on public roads, but it allows municipalities to pass local ordinances to allow it. (A copy of the Code of Virginia §46.2-916.1 is attached.) Our neighbors in Cape Charles, Exmore, Onancock, Saxis, Virginia Beach and Poquoson permit the use of golf carts on their streets.

Golf carts are economical, environmentally friendly and easy to operate. Retirement communities and resorts were the first to use the carts off the golf course and neighborhood use is spreading across the country.

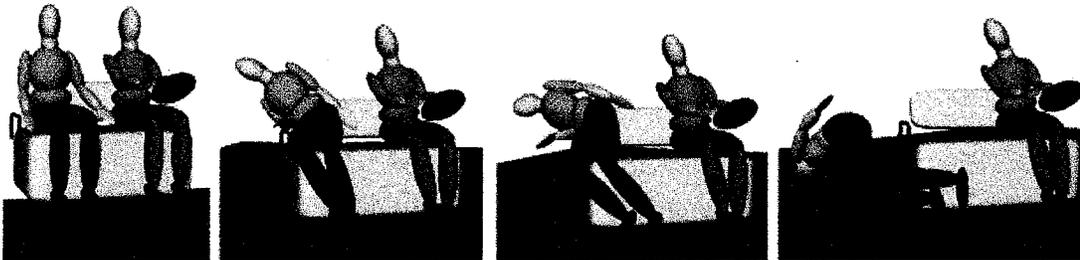
Golf carts are either battery powered or have a small gasoline engine. Battery powered carts are the most popular because the initial price is low and the annual maintenance is minimal because there are so few moving parts but every 4-5 years the batteries must be replaced and this costs about \$600-\$700. The maximum speed is approximately 12 mph. As the batteries become discharged they must be recharged, typically overnight.

Gasoline powered golf carts have a maximum speed of approximately 19 mph and annual maintenance is the same as the service required for any small engine.

The most important issue with golf carts is passenger safety.

Each year, about 15,000 golf cart-related accidents require emergency room visits, and that number is rising as the economical, fun-to-drive carts become more popular. Approximately 7,500 of those accidents occur off the golf course and about 40 percent involve children younger than 16, and half of those are due to a fall from a moving golf cart. That's a disproportionate amount of children (3,000), considering most golf carts are still used on golf courses by adults.

One common scenario for a passenger ejection accident occurs when a golf cart, traveling near its maximum speed, is turned sharply to the left. During a sharp left turn, centrifugal force tips the passenger to the right of the driver and can lead to ejection. Sharp turns are less likely to cause a driver ejection because the driver has the steering wheel to hold onto and can always anticipate when he is about to initiate a turn.



There are two basic safety rules that need to be followed when using a golf cart:

- the maximum occupancy of a golf cart is one person per bucket seat or two people per bench seat
- children must be properly seated , with seat belts for children less than 16 years of age while the golf cart is in motion

Chincoteague can allow people to choose a fun, fuel efficient vehicle to get around town over gas guzzling, traffic inducing cars that will improve the quality of life for both visitors and Islanders.

Respectfully,

Handwritten signature of Jim White

Attachments: Draft ordinance

Draft registration form

Virginia Code §46.2-916.1

Ordinance No. XXX

This Ordinance is in accordance with Section §46.2-916.1, et seq. of the Code of Virginia, as amended

AN ORDINANCE OF THE TOWN OF CHINCOTEAGUE ESTABLISHING A GOLF CART TRANSPORTATION PLAN

The Town Council of Chincoteague, of the County of Accomack, Commonwealth of Virginia, ordains as follows:

Section 1

Purpose. This ordinance is intended to establish a Golf Cart transportation plan for the Town of Chincoteague, Virginia. The Streets and Highway Code of the Commonwealth of Virginia authorizes the Town to develop a golf cart plan that extends the use of golf carts for transportation beyond access to golf courses. It is the further intent of the Commonwealth to accommodate the functional travel needs of certain residents of the plan area, provided the Town establishes minimum golf cart and standards, operating requirements and permit procedures.

Section 2

Findings. The Chincoteague Town Council finds and determines that:

1. The utilization of golf carts will reduce the automobile trips and vehicular emissions, thus promoting improved air quality.
2. Establishment of a golf cart transportation plan will serve to expand mobility to those persons not utilizing automobiles.
3. The golf carts will not have an adverse impact upon traffic safety.

Section 3

Authority. This ordinance is established pursuant to § 46.2-916.1, et seq. of the Code of Virginia, as amended, which authorizes the Town of Chincoteague, by ordinance, to impose limitations and restrictions on the operations of golf carts upon public highways within the Town of Chincoteague.

Section 4

Definitions. The following definitions apply to this ordinance:

1. "Town" means the Town of Chincoteague.
2. "Golf Cart" means a motor vehicle having not less than three wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be operated at not more than 20 miles per hour and is designed to carry golf equipment and maintenance equipment and not more than four (4) persons, including the driver.
3. "Golf Cart Vehicle Operator" means a person having a valid Virginia Drivers License that is driving the golf cart and has full control of its operation.

Section 5

Golf Carts Design Criteria. Minimum golf cart criteria for operation on golf cart lanes are hereby established. The following elements are minimum design and equipment requirements:

1. The golf cart must be the shape and size that conforms to the industry standards for manufactured golf carts.
2. The golf cart must have a covered passenger compartment.
3. The golf cart must be equipped and safely operated with:
 - A) Seat belts for driver and passengers.
 - B) Equipped with either, an unobstructed rear-view mirror and left side mirror, right and left rear view mirror, or a wide angle cross bar rear view mirror.
 - C) A windshield.
 - D) Reflectors that conform to the Code of Virginia § 46.2- 1081 of the Code of Virginia, as amended, for slow-moving vehicles.
 - E) Headlights, brake lights and turn signals.

Section 6

Golf Cart Operator Safety Criteria. Minimum operator safety criteria for the use of golf carts have been established by the Commonwealth of Virginia (§ 46.2-676). The following additional safety criteria for operators are set and adopted by the Town of Chincoteague Town Council.

1. A golf cart operator must have a valid driver's license issued by the Commonwealth of Virginia or a recognized foreign jurisdiction in accordance with the Commonwealth of Virginia's Vehicle Code.
2. If physically disabled, a golf cart and/or utility vehicle operator may be permitted to operate a golf cart in accordance with the Commonwealth of Virginia Vehicle Code.

Section 7

Golf Cart Permit Process. No person shall be required to obtain registration certificates, state license plates or County decals, or to pay any registration fee to operate a golf cart on public highways within the Town of Chincoteague if such golf cart displays a slow-moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia, as amended, displays a Town decal, is operated by a licensed driver, is not operated on Route 175 and is not operated on any road or highway with a posted speed limit in excess of 25 MPH. The Town of Chincoteague may, by ordinance, impose additional limitations, restrictions and fees on the operation of golf carts on the public highways within the Town of Chincoteague.

Section 8

Golf Cart Operation Restrictions. The following restrictions limiting the operation of golf carts in the Town of Chincoteague shall apply:

1. Only those golf carts that have been retrofitted with the safety equipment specified in the plan may be operated under the provisions of the Golf Cart Vehicle Transportation Plan.
2. A golf cart operator must maintain his/her golf cart in a safe condition at all times.

Section 9

Violations. Any person operating a golf cart in the Plan area in violation of this Ordinance is guilty of an infraction punishable by fine not exceeding one hundred dollars (\$100).

Section 10

Safety Inspection. No golf cart shall be used on the public highway unless it has obtained a Town of Chincoteague Vehicle Registration Decal. No Vehicle Registration Decal will be issued until the owner of the golf cart presents evidence that the golf cart is insured and the golf cart has been received and passed a safety inspection.

Golf carts shall pass an initial safety inspection upon each new ownership. Such safety inspections shall be conducted by an official inspection station or by a business which is engaged in the sale of golf carts. Such safety inspections shall include the following:

1. Headlights, tail lights and turn signals must be operable.
2. A windshield.
3. Rubber or equivalent tires.
4. Horn, adequate steering gear, brakes, emergency or parking brake, rear view mirror, and properly fixed driver's and passenger's seats.
5. All other factory installed safety or mechanical systems, including checking for gasoline or battery leaks.
6. Speed governor if gasoline powered.
7. Safety lap belts.

Section 11

Insurance Requirements. Every golf cart and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-427 of the Code of Virginia, as amended, and provide coverage during the operation of the golf cart upon public highways. Proof of such liability insurance will be required prior to issuance of a permit to operate in the Town of Chincoteague.

Section 12

Operation on Public Highways. It is unlawful to operate a golf cart on a public highway in the Town of Chincoteague unless the following requirements are met.

1. Golf carts may not be operated on Rt 175 past the Marsh Island interchange.
2. Golf carts may not be operated on any public road where the posted speed limit is greater than 25 mph.
3. Golf carts must display a slow-moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia, as amended.
4. Golf carts must display a current Town of Chincoteague vehicle registration decal.
5. No person shall operate a golf cart on the public highways in the Town of Chincoteague unless said person has a valid driver's license.
6. Golf carts 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 drugs and alcoholic beverages.
7. Only the number of passengers designed for said golf cart may ride the cart. The maximum number is one (1) driver and three (3) passengers if properly equipped with seating and seat belts.
8. The Town of Chincoteague Chief of Police, or his designee, may prohibit the operation of golf carts on any highway if the Chief of Police determines that the prohibition is necessary in the interest of safety.

Section 13

Liability Disclaimer. This section is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on public streets, and the Town of Chincoteague in no way advocates or endorses their operation on public streets or roads. The Town of Chincoteague, by regulating such operation is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with the section. All persons who operate or ride upon golf carts on public streets or roads 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, bicycles, and pedestrians. The Town of Chincoteague has no liability under any theory of liability and the Town assumes no liability, for permitting golf carts to be operated on public streets and roads under the special legislation granted by the Virginia General Assembly. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

Approved _____

John Tarr, Mayor

At the meeting held on XXXXXXXX XX, 2013, by the motion made by Councilman XXXXXXXXXX and seconded by Councilman XXXXXX to adopt Ordinance No. XXX by the following vote:

AYES:

Nays:

Councilman XXXXXXX

None

Councilman XXXXXXX

Councilman XXXXXXX

GOLF CART OWNER REGISTRATION
Town of Chincoteague, Virginia

(Please Print in Blue or Black Ink)

Golf cart owner's name(s): _____

Owner's Physical Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Mailing Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Telephone No. Daytime: (____) _____ Night time: (____) _____

Owner's Driver License Number: _____ State: _____

Make of golf cart (Mfg): _____

Color of golf cart: _____ Model & Year: _____

Serial Number of golf cart: _____

Chincoteague assigned number of golf cart _____

I have received, read and understand the "Golf Cart Ordinance." I have paid the registration fee for the above cart and agree to additional assessments as may be required in support of this ordinance. I acknowledge that I will assume all liability, and am fully responsible for the operation of the above cart on the streets and roads in the Town of Chincoteague. I also acknowledge that the Town of Chincoteague, in providing this privilege, is in no way endorsing the operation of this cart on the streets and roads, and does not and will not assume any liability in the operation of the cart. I agree to indemnify and hold harmless the Town of Chincoteague for any and all liability arising from the use of this golf car/cart. **I also understand that the Chincoteague Police Department's interpretation of all the rules and regulations are final.** I will insure that the assigned proof of compliance will remain attached to the driver's side of the cart at all times. I furthermore insure that I will obey all the rule and regulations set forth by the Town of Chincoteague concerning the operation of a cart within the town limits.

Owner's Signature _____
Date

For Town's Use Only

Approved by: Chief of Police Town Manager Other: _____

Signature _____
Date

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 469

An Act to amend and reenact §§ 46.2-916.2 and 46.2-916.3 of the Code of Virginia, relating to operation of golf carts and utility vehicles on certain highways by Department of Conservation and Recreation employees.

[H 1972]

Approved March 24, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-916.2 and 46.2-916.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-916.2. 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 governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries 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 § 33.1-23.03:001.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, Irvington, or Saxis.

D. 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.

E. The county, city or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

F. Notwithstanding the other provisions of this section, employees of the Department of Conservation and Recreation may operate golf carts and utility vehicles on those portions of public highways located within Department of Conservation and Recreation property and on Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, provided the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.

§ 46.2-916.3. 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. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light and in the Town of Colonial Beach at an intersection conspicuously marked as a golf cart 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;

2. In towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart 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 access from one part of the town to another part of the town;

3. 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;

4. 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

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 in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title, 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 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;

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; and

4. On a secondary highway system component that has a posted speed limit of no more than 35 miles per hour and is within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway; and

5. *To the extent necessary for employees of the Department of Conservation and Recreation, operating only on highways located within Department of Conservation and Recreation property or upon Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, to fulfill a governmental purpose, provided that the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.*

C. The governing body of any county, city, or town may by ordinance impose additional restrictions or limitations on operations of golf carts, utility vehicles, or both, on public highways within its boundaries, provided that the restrictions or limitations imposed by any such ordinance are no less stringent than the restrictions and limitations contained in this article. In the event that any provision of any such ordinance conflicts with any provision of this section *other than subdivision B 5*, the provision of the ordinance shall be controlling.

James F. White
3891 Main St. Chincoteague, Virginia 23336
(757) 336-6255 JimVA55@Gmail.com

January 23, 2013

To: Mayor Jack Tarr
Vice Mayor J. Arthur Leonard
Councilman Terry Howard
Councilman John Jester
Councilman Tripp Muth
Councilwoman Ellen Richardson
Councilman Gene Taylor

Re: Follow up on the proposed Golf cart ordinance

I appreciated the opportunity to speak before the Town Council on January 7th about allowing golf carts in the Town of Chincoteague. As a follow up to my presentation I have prepared a listing of the pros and cons along with a few observations regarding such an ordinance.

Advantages

- Relatively inexpensive to own
- Well suited for trip lengths of 10 miles or less
- Non-polluting and silent (battery powered carts)
- Maneuverable and easy to drive
- Takes little room in traffic and parking areas
- Easy to recharge from a standard electrical outlet
- Limited travel speed
- Limited range (up to 40 miles on a single charge) – sufficient for trips within the town

Disadvantage

The major concern voiced was that “rush hour” traffic going to or from work or the lunch time crowd would be impatient following a golf cart at 19 or 20 miles per hour and attempt to pass. (Residents would probably use side streets to avoid the traffic just like they do now when in their cars.)

There are 4 major roadways on Chincoteague:

- Main Street
- Maddox Boulevard
- Ridge Road
- East Side Drive

I travelled each road with the intent of determining which roads might accommodate passing zones. My criteria was simply where would I feel safe passing or being passed by another vehicle.

My observations:

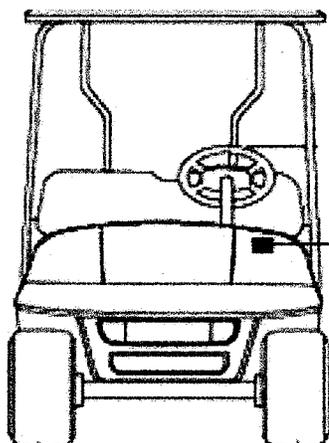
1. Maddox Boulevard. No passing allowed the entire length of the boulevard. There is too much traffic no matter the day or time.
2. No passing allowed any where on East Side Drive. The road is simply too winding and there are no clear sections to see on-coming traffic.
3. Ridge Road. There are several possibilities where a passing zone can be established:
 - Horse Shoe Lane to Sunset Drive
 - Memorial Drive to Pony Swim Lane
 - Baily's Lane to Marsh Point
4. Main Street. (At some point there was a passing zone on South Main from Grace Street to at least Thornton St.)
 - Widner Lane to Mist Meadow Drive
 - Bay Front Lane to just before Doe Bay Lane
 - Beebe Road to Fisher Drive
 - Thornton Street to Bond Street

I suggest there only needs to be one or two passing zones on Main Street and Ridge Road. Long stretches of passing zones are not required. Just long enough to allow cars to get around a "slow moving vehicle".

Any other concerns can be discussed and solutions found. Rather than emphasizing the negatives and penalizing responsible adults we should strive for reasonable rules to allow people to take it easy and enjoy the Island ... better known as Island time.

I believe the ordinance provides sufficient guidance for our Police Department in regulating cart use. A copy of the proposed ordinance was given to Chief Lewis and his input should be considered. (Past concerns about legalizing golf carts was probably due to non-licensed kids driving them.)

Typically a golf cart is purchased by an individual from a golf course that is replacing the carts that have come off lease. Golf cars with all the safety requirements outlined in the draft proposal will require a substantial investment by the owners. (Headlights, brake lights, turn signals, slow moving sign, registration fees and insurance.) The rules are strict to insure safety and responsible use.



Registration
Decal

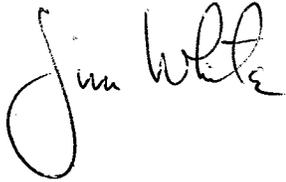
I believe the golf carts will be operated first by residents of the Island followed by those visiting the camp grounds. If the carts prove successful then an enterprising individual may elect to include golf carts in their rental fleet or begin a golf cart repair service possibly creating 1 or 2 seasonal jobs.

The Islands growing population of older adults is likely to generate an increasing demand for mobility options beyond the automobile. Street-legal golf carts could provide a convenient, cost effective, and clean local transportation alternative for older adults, students, commuters, and possibly our Public Works department.

If the Council is hesitant or unsure about allowing golf carts on Chincoteague roads then consider a one year authorization for the ordinance. This would be a test to determine if the carts create significant problems for the town.



Please consider including on the February 4th meeting agenda an item to send the proposed Town of Chincoteague Golf Cart Ordinance to the Public Safety Committee and the Ordinance Committee for concurrent review. Let's push forward with the adoption of the ordinance before Memorial Day. This will allow the residents to enjoy their fuel efficient and environmentally friendly golf carts during the summer months.

A handwritten signature in black ink, appearing to read "Jim White". The signature is written in a cursive style with a large, looped initial "J".

January 28, 2013

To: Mayor Jack Tarr
Vice Mayor Arthur Leonard
Councilwoman Ellen Richardson
Councilman Gene Taylor

Councilman John Jester
Councilman Tripp Muth
Councilman Terry Howard

From: Jim White



Re: Golf cart ordinance

Delegate Lynwood Lewis introduced a bill in the 2013 legislative session to permit the Town of Wachapreague to authorize the use of golf carts.

Golf carts and utility vehicles; adds Town of Wachapreague to list that may authorize. (HB1514)

Introduced By

Del. Lynwood Lewis (D-Accomac)

Description

Golf carts and utility vehicles. Adds the town of Wachapreague to the list of towns that may authorize over-the-road operation of golf carts and utility vehicles, even though the town does not have its own police department.

Status

01/23/2013: In Committee

History

01/03/2013 Committee
01/03/2013 Prefiled and ordered printed; offered 01/09/13 13101052D
01/03/2013 Referred to Committee on Transportation
01/11/2013 Assigned Transportation sub: #1
01/14/2013 Subcommittee recommends reporting (7-Y 0-N)
01/17/2013 Reported from Transportation (22-Y 0-N) (
01/18/2013 Read first time
01/21/2013 Read second time and engrossed
01/22/2013 Read third time and passed House BLOCK VOTE (98-Y 0-N)
01/22/2013 VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)
01/23/2013 Constitutional reading dispensed
01/23/2013 Referred to Committee on Transportation

This vote on HB1514 was held in the House. This vote passed 98-0-2.

**Progress of
bill**

- Introduced
- Passed Committee
- Passed House
- Passed Senate
- Signed by Governor
- Became Law

ARTICLE III-A. - GOLF CARTS ^[17]

⁽¹⁷⁾ **Editor's note**— Ord. No. 20110623, adopted June 23, 2011, amended art. III-A in its entirety, in effect repealing and reenacting said article to read as herein set out. The former art. III-A, §§ 42-49—42-56, pertained to similar subject matter and derived from Ord. No. 031103, adopted March 11, 2003; and Ord. No. 2008-06-12A, adopted June 12, 2008.

[Sec. 42-49. - Authority to regulate.](#)

[Sec. 42-50. - Definitions.](#)

[Sec. 42-51. - Town inspection and safety equipment.](#)

[Sec. 42-52. - Operation on public highways.](#)

[Sec. 42-53. - Local vehicle license.](#)

[Sec. 42-54. - Liability disclaimer.](#)

[Secs. 42-55—42-58. - Reserved.](#)

Sec. 42-49. - Authority to regulate.

Pursuant to § 46.2-676(F) of the Code of Virginia (1950) as amended, the Town of Cape Charles is authorized, by ordinance, to impose limitations and restrictions on the operation of golf carts upon public highways within the town.

(Ord. No. 20110623, 6-23-11)

Sec. 42-50. - Definitions.

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

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

(Ord. No. 20110623, 6-23-11)

Sec. 42-51. - Town inspection and safety equipment.

Golf carts shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an inspection station approved by the Town of Cape Charles. Such safety inspection shall only cover the following items:

- (1) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise.
- (2) Windshield wipers if equipped with permanent windshield.
- (3) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.

CODE
Chapter 42 - MOTOR VEHICLES AND TRAFFIC
ARTICLE III-A. - GOLF CARTS

- (4) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
- (5) Speed governor if gasoline powered.
- (6) Safety lap belts.
- (7) Slow moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia (1950) as amended.
- (8) Proof of insurance is required.

(Ord. No. 20110623, 6-23-11)

Sec. 42-52. - Operation on public highways.

It is unlawful to operate a golf cart on a public highway within the Town of Cape Charles unless the following requirements are met:

- (1) Golf carts may be operated on the highways of the Town of Cape Charles that allow a maximum speed of 25 miles per hour.
- (2) No person may operate a golf cart unless that person is licensed to drive upon highways of the Commonwealth of Virginia and then, only in accordance with such driver's license.
- (3) Golf carts 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.
- (4) Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (5) Golf carts must be operated in accordance with the motor vehicle laws of the Commonwealth.
- (6) Golf carts shall not be operated when visibility is impaired by weather, smoke, fog or other conditions.
- (7) The chief of police, or his designee, may prohibit the operation of golf carts on any highway if the chief determines that the prohibition is necessary in the interest of safety.

(Ord. No. 20110623, 6-23-11)

Sec. 42-53. - Local vehicle license.

No golf cart shall be used on the public highways unless it has obtained a Cape Charles Vehicle License under article II. No vehicle license shall be issued until the owner of the golf cart presents evidence that the golf cart is insured in accordance with the requirements of section 42-51 and the golf cart has passed a safety inspection required by section 42-51.

(Ord. No. 20110623, 6-23-11)

CODE
Chapter 42 - MOTOR VEHICLES AND TRAFFIC
ARTICLE III-A. - GOLF CARTS

Sec. 42-54. - Liability disclaimer.

This chapter is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the Town of Cape Charles in no way advocates or endorses their operation on public streets or roads. The Town of Cape Charles "assumes" no liability for permitting golf carts to be operated on public streets and roads under special legislation granted by the Virginia General Assembly. The Town of Cape Charles, by regulating such operation is merely trying to address obvious safety issues. All persons who operate or ride upon golf carts upon public streets or roads do so at their own risk and peril, and must be observant of bicyclists, pedestrians and other vehicular traffic. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

(Ord. No. 20110623, 6-23-11)

Secs. 42-55—42-58. - Reserved.

⁽¹⁷⁾ **Cross reference—** Golf carts, § 42-31. (Back)

§ 46.2-100. Definitions.

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

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

§571.500 Standard No. 500; Low-speed vehicles.

S5. Requirements.

(S5)(a) When tested in accordance with test conditions in S6 and test procedures in S7, the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall not more than 40 kilometers per hour (25 miles per hour).

(S5)(b) Each low-speed vehicle shall be equipped with:

(1) Headlamps,

(2) Front and rear turn signal lamps,

(S5)(b)(3) Taillamps,

(S5)(b)(4) Stop lamps,

(S5)(b)(5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,

(S5)(b)(6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,

(S5)(b)(7) A parking brake,

(S5)(b)(8) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials ([49 CFR 571.205](#)).

(S5)(b)(9) A VIN that conforms to the requirements of part 565 Vehicle Identification Number of this chapter, and

(S5)(b)(10) A Type 1 or Type 2 seat belt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters. For purposes of Chapter 8 (§ [46.2-800](#) et seq.) of this title, a moped shall be a vehicle while operated on a highway.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not include "electric personal assistive mobility devices."

§ 46.2-914. Limitations on operation of mopeds.

A. No moped shall be driven on any highway or public vehicular area faster than 35 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed, for all the purposes of this title, to be operating a motorcycle.

B. No moped shall be driven on any highway by any person under the age of 16, and every person driving a moped shall carry with him some form of identification that includes his name, address, and date of birth.

C. Operation of mopeds is prohibited on any Interstate Highway System component.

Violation of this subsection shall constitute a traffic infraction punishable by a fine of no more than \$50.