

COUNTY OF YORK

MEMORANDUM

DATE: January 7, 2020

TO: York County Board of Supervisors

FROM: Neil Morgan, County Administrator 

SUBJECT: Operation of Golf Carts or Utility Vehicles on Public Streets

Prior to my arrival as County Administrator in June of 2015, the Board indicated to staff it wished to consider authorizing the use of golf carts legally on county streets, and asked staff to research the matter. On May 19, 2015, a public hearing was held on the draft alternatives prepared by staff, and the Board voted at that time to defer action to further consider the matter and for staff to identify any additional alternatives.

In the fall of 2015, the Board of Supervisors was provided with a memorandum (copy attached) containing staff's further research on alternatives and recommendations. The Sheriff's Office reviewed this issue and indicated no objection to the operation of golf carts on residential streets, provided that all statutory requirements are met. More recently, after additional discussion with members of the Board, it seems to me there is a consensus to pursue "Alternative C" – Countywide Designation – from the attached memorandum.

If it is the Board's wish to pursue this alternative, I will have an ordinance similar to the attached ordinance advertised for a public hearing at a future meeting of the Board to effect such an amendment to the York County Code.

NAM:MES/3325

Attachments:

- Memorandum from County Administrator dated 9/14/15
- Proposed Ordinance No. 20-1

COUNTY OF YORK

MEMORANDUM

DATE: September 14, 2015
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator 
SUBJECT: Operation of Golf Carts or Utility Vehicles on Public Streets

Issue / Background

At the Board of Supervisors' 2015 Retreat staff was requested to develop draft Code amendments that would provide a way to allow golf carts to be used legally on at least some streets in York County. At its May 19, 2015 meeting the Board conducted a public hearing on draft amendments prepared by staff and, subsequent to the hearing, voted to defer action to allow time for further consideration and for staff to identify any additional alternatives.

Statutory Authority

Section 46.2-916.1, et.seq., of the Code of Virginia stipulates that:

- *No person shall operate a golf cart or utility vehicle on or over any public highway in the Commonwealth except as provided in [Section 46.2-916.2, et.seq.] and that...*
- *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.*

The Code also sets forth the following mandatory provisions:

- Streets with a posted speed limit in excess of 25 MPH may not be designated;
- The person operating the golf cart or utility vehicle must have a valid driver's license in their possession;
- If operated between sunset and sunrise, the vehicle must have all lights prescribed for that type of vehicle by the State Code; and,
- A slow-moving vehicle emblem must be displayed.

The Code also allows localities to impose such other restrictions and limitations as it deems necessary and appropriate.

Given these basic requirements, if golf cart use on public streets in York County is to be made legal it will require action by the Board of Supervisors in the form of an ordinance. After review of the enabling legislation and the practices used in various other Virginia localities, the range of alternatives would appear to include:

- **Alternative A – Individual Neighborhood/Streets Application and Designation – Case-by-Case Review**
Designation of individual neighborhoods/streets on a case-by-case basis after submission of an application by a neighborhood (HOA or majority of residents);
- **Alternative B – Individual Neighborhood/Streets Designation - Annual Application/Review/Action Process**
Designation of individual neighborhoods/streets in an annual application process through which candidates are identified/requested by HOA's, groups of residents, etc;
- **Alternative C – Countywide Designation**
Designation of all 25 MPH or lower speed limit streets within the County;
- **Alternative D – Countywide Designation w/ Exceptions and Opt-Outs**
Designation of all 25 MPH or lower speed limit streets, with the exception of specific streets or neighborhoods initially identified or which opt-out on their own initiative;
- **Alternative E – No Action**
Maintain the status quo under which the operation of golf carts is implicitly, but not officially, condoned.

Each of these potential approaches is described in detail in the attached briefing document.

Recommendation

Casual observations and word of mouth indicate that golf cart travel is already occurring on some streets in the County despite the existing State law that makes such operations illegal unless the streets have been formally designated by the Board. The Sheriff's Office has reviewed this issue and the information contained in this memorandum and has indicated no objection to the operation of golf carts on residential streets provided that all statutory requirements are met.

I will await the Board's guidance as to whether there is consensus on a specific alternative that you wish to pursue or whether further discussion at a work session is desired.

Carter/3337
Attachment

- Alternatives Summary and Draft Ordinances

Golf Cart Operations on Public Streets Regulatory Alternatives

The Code of Virginia stipulates that:

- *“No person shall operate a golf cart or utility vehicle on or over any public highway in the Commonwealth except as provided in [Section 46.2-916.2, et.seq.]”* and that...
- *“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...”*

Given these basic requirements, if golf cart use on public streets in York County is to be made legal, it will require action by the Board of Supervisors in the form of an ordinance. After review of the enabling legislation and the practices used in various other Virginia localities, the range of alternatives would appear to include:

Alternatives

- **Alternative A – Individual Neighborhood/Streets Application and Designation – Case-by-Case Review**

The James City County approach, on which draft Ordinance No. 15-5 was modeled, involves submission of applications by individual neighborhoods (either by an HOA or by petition representing 51% of the parcels on the street(s) to be designated), payment of an application fee to cover the costs of advertising the required public hearing, and payment of the costs of any signage necessary to identify the streets approved for golf cart operations.

Variations on this option could include a different threshold percentage (some localities do not specify a threshold while others require as much as 75%), elimination of the application fee, and/or the County covering the costs of any necessary signage.

In addition to James City County, other localities following some variation of this approach include: Gloucester County, Newport News, Hampton, and Fairfax County.

Under this alternative, signs would need to be installed to identify authorized streets or neighborhoods.

- **Alternative B – Individual Neighborhood/Streets Designation – Annual Application/Review/Action Process**

Establish an annual application period in which individual neighborhoods could submit requests for some or all of their streets to be designated for golf cart operations and schedule one time each year to consider all of the requests submitted during the

course of that year, advertising and conducting only one public hearing. This type of approach (i.e., an annual application/request “window”) has been used for other regulatory situations where requirements or restrictions have been applied on an individual neighborhood basis.

Additional options and considerations under this approach would include:

- Whether applications should be considered only if submitted by a HOA or, in the absence of an HOA, by a petition signed by a certain percentage of property owners along the street(s) under consideration (and, if so, what the threshold percentage should be)?
- Whether the individual neighborhoods should be required to cover the costs of any signage needed to identify the streets approved for golf cart use?

- **Alternative C – Countywide Designation**

At least one locality – the City of Poquoson – has taken a “blanket” approach and has adopted one ordinance designating all 25 MPH or lower speed limit streets, subject to the mandatory State requirements (e.g., operator must possess a Driver’s License, must have lights if operating after sunset, must display slow-moving vehicle emblem, etc.) along with some local-option requirements (e.g., limiting the number of passengers, requiring insurance, requiring a registration decal to be obtained from the Police Department, etc.). Under this alternative, signs identifying authorized streets / neighborhoods would not be necessary.

While this would be the easiest to adopt and most user-friendly approach, a disadvantage is that a “blanket” approval would include some streets that would not be good candidates for safe operation of golf carts due to roadway width, terrain, traffic volume, etc.

- **Alternative D – Countywide Designation w/ Exceptions and Opt-Outs**

A variation on the all-in aspect of the Countywide approach would be for the Board to initially identify certain streets or neighborhoods to be excluded. The determination of which streets or areas to exclude could be based on:

- The Board’s evaluation of potential safety concerns associated with an individual street or those on an entire neighborhood (e.g., based on width, terrain, curvature, sight-distance, etc.); or
- Neighborhood preferences as might be ascertained through communications to Board members or County staff.

If this approach is selected, the Board's intention should be well-publicized so that individual neighborhoods or groups of residents along particular streets could have an opportunity to consider the appropriateness and desirability of golf cart operations within their neighborhood and to formulate a position on whether or not to opt-out.

The alternative could also include a process for review of future requests for exclusions, either because safety issues arise or because a neighborhood later decides it wishes to opt-out. For efficiency purposes, the consideration of such requests should be limited to a once-per-year occurrence.

Signs would need to be installed to identify streets / neighborhoods where golf cart operations are prohibited.

- **Alternative E – No Action**

Maintain the status quo under which the operation of golf carts is implicitly, but not officially, condoned.

Carter/3337

Attachments

- Proposed Ordinance No. 15-5 (Alternative A)
- Proposed Ordinance No. 15-5-B (Alternative B)
- Proposed Ordinance No. 15-5-C (Alternative C)
- Proposed Ordinance No. 15-5-D (Alternative D)

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2015:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
George S. Hrichak, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, PROCEDURES AND REQUIREMENTS ENABLING INDIVIDUALS, ORGANIZATIONS OR ENTITIES TO REQUEST, AND THE BOARD OF SUPERVISORS TO APPROVE, THE DESIGNATION OF SPECIFICALLY NAMED PUBLIC STREETS FOR USE BY GOLF CARTS OR UTILITY VEHICLES

WHEREAS, Section 46.2-916.1, et. seq. of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to establish procedures for submission, consideration and action on such requests;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2015, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Sec. 15-9. 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 York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

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

Street. 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 streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1 et. seq. of the Code of Virginia the Board of Supervisors may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public streets within the County after:

- 1) Determining that the posted speed limit of any street proposed for such use is 25 miles per hour or less, and
- 2) Considering the speed, volume, and character of motor vehicle traffic using such streets, and
- 3) 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 33.2-354 of the Code of Virginia.

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

(d) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; This limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.
- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;
- 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth;
- 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia;
- 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designated street or highway;
- 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia;
- 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(e) Application / Approval Procedures

Any individual, organization, or entity may apply to the Board of Supervisors to have a street, or streets, having a speed limit of 25 MPH or less designated for golf cart or utility vehicle use, subject to the following requirements and procedures:

- 1) If the street is located within a neighborhood having a legally constituted 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 association.

- 2) If the street is located in a neighborhood that does not have a homeowners association, or is located outside of an identifiable neighborhood, such application shall be accompanied by a petition supporting such designation. Such petition shall include signatures representing at least 51% of the parcels abutting or having a driveway connection to the street(s) proposed for designation.
 - 3) At a minimum, any application requesting such designation shall include the following:
 - i. The full legal name of the individual, organization or entity making the application;
 - ii. The name and route number of each public street to be designated;
 - iii. A petition, if one is required by subsection 2) above;
 - iv. An application fee in the amount of \$300 to defray the cost of the public hearing advertisements.
 - v. An acknowledgement of the responsibility of the individual, organization or entity to cover the costs of fabrication and installation by County forces of such signs as are necessary to identify designated streets in the event the application is approved by the Board of Supervisors.
 - 4) Upon receipt, the application shall be forwarded to the Sheriff's Office and the Virginia Department of Transportation with a request for their comments and recommendations.
 - 5) Subsequent to receipt of the comments of the Sheriff's Office and Virginia Department of Transportation, but in any event within sixty (60) days, the County Administrator shall cause the application to be advertised for public hearing at a regularly scheduled meeting of the Board of Supervisors.
 - 6) Following the public hearing, the Board of Supervisors shall consider the merits of the application, the recommendations of the Sheriff's Office and Virginia Department of Transportation, public comments, and such other factors as deemed appropriate and shall determine whether or not to approve the application. If approved, the action shall be by ordinance and shall identify the specific street(s) or segments thereof where golf carts or utility vehicles may be operated.
- (f) Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected along all roads designated for golf cart and utility vehicle operations at such locations as are deemed necessary after consultation with the Sheriff's Office and Virginia Department of Transportation. Such signs shall be fabricated and installed by the County and the costs of fabrication and installation shall be the responsibility of the individuals, homeowners association, organization, or other entity requesting such designations and shall be paid within sixty (60) days of being invoiced by the County.
- (g) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2015:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
George S. Hrichak, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, PROCEDURES AND REQUIREMENTS ENABLING INDIVIDUALS, ORGANIZATIONS OR ENTITIES TO REQUEST, AND THE BOARD OF SUPERVISORS TO APPROVE, THE DESIGNATION OF SPECIFICALLY NAMED PUBLIC STREETS FOR USE BY GOLF CARTS OR UTILITY VEHICLES

WHEREAS, Section 46.2-916.1, et. seq. of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to establish procedures for submission, consideration and action on such requests;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2015, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Sec. 15-9. 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 York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

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

Street. 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 streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1 et. seq. of the Code of Virginia the Board of Supervisors may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public streets within the County after:

- 1) Determining that the posted speed limit of any street proposed for such use is 25 miles per hour or less, and
- 2) Considering the speed, volume, and character of motor vehicle traffic using such streets, and
- 3) 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 33.2-354 of the Code of Virginia.

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

(d) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on streets where the posted speed limit is 25 MPH or less and which have been individually designated for such use by the Board of Supervisors. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; This limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.
- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;
- 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth;
- 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia;
- 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designated street or highway;
- 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia;
- 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(e) Application / Approval Procedures

Any individual, organization, or entity may apply to the Board of Supervisors to have a street, or streets, having a speed limit of 25 MPH or less designated for golf cart or utility vehicle use, subject to the following requirements and procedures:

- 1) Applications/requests will be considered and scheduled for action once each calendar year. The application submission deadline will be announced and published by the Board through appropriate public information media.

- 2) If the street is located within a neighborhood having a legally constituted 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 association.
 - 3) If the street is located in a neighborhood that does not have a homeowners association, or is located outside of an identifiable neighborhood, such application shall be accompanied by a petition supporting such designation. Such petition shall include signatures representing at least 51% of the parcels abutting or having a driveway connection to the street(s) proposed for designation.
 - 4) At a minimum, any application requesting such designation shall include the following:
 - i. The full legal name of the individual, organization or entity making the application;
 - ii. The name and route number of each public street to be designated;
 - iii. A petition, if one is required by subsection 2) above;
 - 5) At the close of the annual application submission time period, all complete and eligible applications shall be forwarded to the Sheriff's Office and the Virginia Department of Transportation with a request for their comments and recommendations.
 - 6) Subsequent to receipt of the comments of the Sheriff's Office and Virginia Department of Transportation, the County Administrator shall cause the applications to be advertised for public hearing at a regularly scheduled meeting of the Board of Supervisors. The individual applicants shall be notified of the date and time of the public hearing.
 - 7) Following the public hearing, the Board of Supervisors shall consider the merits of the applications, the recommendations of the Sheriff's Office and Virginia Department of Transportation, public comments, and such other factors as deemed appropriate and shall determine whether or not to approve the designation of one or more of the streets under consideration. If approved, the action shall be by ordinance and shall identify the specific street(s) or segments thereof where golf carts or utility vehicles may be operated.
- (f) Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected along all roads designated for golf cart and utility vehicle operations at such locations as are deemed necessary after consultation with the Sheriff's Office and Virginia Department of Transportation. Such signs shall be fabricated and installed by the County and the costs of fabrication and installation shall be the responsibility of the individuals, homeowners association, organization, or other entity requesting such designations and shall be paid within sixty (60) days of being invoiced by the County.
- (g) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2015:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
George S. Hrichak, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, A NEW SECTION, 15-9, TO DESIGNATE ALL SECONDARY SYSTEM STREETS HAVING A SPEED LIMIT NOT EXCEEDING 25 MPH FOR USE BY GOLF CARTS OR UTILITY VEHICLES, AND TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR SUCH USE

WHEREAS, Section 46.2-916.1, et. seq. of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to authorize such operations on all Secondary System streets with a speed limit not exceeding 25 MPH;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2015, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Sec. 15-9. 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 York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

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

Street. 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 streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1 et. seq. of the Code of Virginia and the authority provided to the Board of Supervisors, all Secondary System public streets having a speed limit not exceeding 25 MPH are hereby designated as streets on which golf carts and utility vehicles may be operated, subject to the requirements set forth herein.

(c) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; This limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.

- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;
 - 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth;
 - 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia;
 - 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designated street or highway;
 - 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia;
 - 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (d) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

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Present

Vote

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On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, A NEW SECTION, 15-9, TO DESIGNATE, WITH CERTAIN SPECIFIC EXCEPTIONS, ALL SECONDARY SYSTEM STREETS HAVING A SPEED LIMIT NOT EXCEEDING 25 MPH FOR USE BY GOLF CARTS OR UTILITY VEHICLES

WHEREAS, Section 46.2-916.1, et. seq. of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to authorize, with certain specific exceptions, such operations on all Secondary System streets with a speed limit not exceeding 25 MPH;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2015, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Sec. 15-9. 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 York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

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

Street. 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 streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1 et. seq. of the Code of Virginia and the authority provided to the Board of Supervisors, all Secondary System public streets having a speed limit not exceeding 25 MPH, with the exception of those listed below, are hereby designated as streets on which golf carts and utility vehicles may be operated, subject to the requirements set forth herein.

- 1) Alexander Hamilton Blvd., Mathews Street, and Zweybrucken Road in York town.
- 2) Coventry Boulevard and Owen Davis Boulevard.
- 3) ????

(c) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35

MPH; This limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.

- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;
- 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth;
- 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia;
- 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designated street or highway;
- 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia;
- 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(d) Application / Approval Procedures

Subsequent to the initial adoption of Section 15-9, any individual, organization, or entity may apply to the Board of Supervisors to have the golf cart operations authorization for a street, or streets, rescinded, subject to the following requirements and procedures:

- 1) Applications/requests will be considered and scheduled for action once each calendar year. The application submission deadline will be announced and published by the Board through appropriate public information media.
- 2) If the street is located within a neighborhood having a legally constituted homeowners association, whether mandatory or not, such application to rescind the golf cart authorization shall be in the name of the homeowners association and shall be signed by a duly-authorized representative of the association.
- 3) If the street is located in a neighborhood that does not have a homeowners association, or is located outside of an identifiable neighborhood, such application to rescind the golf cart authorization shall be accompanied by a petition supporting such designation. Such petition shall include signatures representing at

- least 51% of the parcels abutting or having a driveway connection to the street(s) proposed for designation.
- 4) At a minimum, any application requesting such designation shall include the following:
- i. The full legal name of the individual, organization or entity making the application;
 - ii. The name and route number of each public street for which de-authorization is requested;
 - iii. A petition, if one is required by subsection 2) above;
- 5) At the close of the annual application submission time period, all complete applications shall be forwarded to the Sheriff's Office and the Virginia Department of Transportation with a request for their comments and recommendations.
- 6) Subsequent to receipt of the comments of the Sheriff's Office and Virginia Department of Transportation, the County Administrator shall cause the applications to be advertised for public hearing at a regularly scheduled meeting of the Board of Supervisors. The individual applicants shall be notified of the date and time of the public hearing.
- 7) Following the public hearing, the Board of Supervisors shall consider the merits of the applications, the recommendations of the Sheriff's Office and Virginia Department of Transportation, public comments, and such other factors as deemed appropriate and shall determine whether or not to rescind the golf cart authorization for the subject street(s). If approved, the action shall be by ordinance and shall identify the specific street(s) or segments thereof to be added to the list of exceptions set forth in subsection (b) above.
- (e) Signs alerting motorists that golf carts or utility vehicle operations are prohibited shall be erected at such locations as are deemed necessary after consultation with the Sheriff's Office and Virginia Department of Transportation. Such signs shall be fabricated and installed by the County.
- (f) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2020:

Present

Vote

W. Chad Green, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Jeffrey D. Wassmer
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, A NEW SECTION 15-9 TO DESIGNATE ALL SECONDARY SYSTEM STREETS HAVING A SPEED LIMIT NOT EXCEEDING 25 MPH FOR USE BY GOLF CARTS OR UTILITY VEHICLES, AND TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR SUCH USE

WHEREAS, Section 46.2-916.1, et. seq., of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to authorize such operations on all Secondary System streets with a speed limit not exceeding 25 MPH;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of _____, 2020, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Section 15-9. 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 York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

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

Street. 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 streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways," as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1, et. seq., of the Code of Virginia and the authority provided to the Board of Supervisors, all Secondary system public streets having a speed limit not exceeding 25 MPH are hereby designated as streets on which golf carts and utility vehicles may be operated, subject to the requirements set forth herein.

(c) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit

in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; this limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located with the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.

- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license.
 - 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth.
 - 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia.
 - 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designed street or highway.
 - 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia.
 - 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (d) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

COUNTY OF YORK

MEMORANDUM

DATE: January 7, 2020
TO: York County Board of Supervisors
FROM: Neil Morgan, County Administrator 
SUBJECT: Temporary Use of Old Fire Station #1

Please read the attached memo from Chief Kopczynski. It would seem that the one time use of the old Fire Station for our firefighter recruit training solves the problem and has no downside. I have authorized the Fire Department to use the old station for the Training Academy with the understanding that it will not impact the next planned use which is back office and storage related to the Yorktown Library expansion project.

NAM:vhd

Attachment

COUNTY OF YORK

MEMORANDUM

DATE: January 2, 2020

TO: Neil Morgan, County Administrator

FROM: Stephen P. Kopczynski, Fire Chief/Director of Fire and Life Safety

SUBJECT: Hampton Roads Recruit Fire Academy and Temporary Use of Old Fire Station One

The Department of Fire and Life Safety participates with the majority of other localities in Hampton Roads for the provision of entry level basic firefighter recruit training through the Hampton Roads Recruit Fire Academy, or HRRFA. This program allows departments to collaborate in conducting firefighter recruit schools throughout the year when localities hire new firefighters. Most often, the programs in which York participates are conducted on the Peninsula and begin in early winter (January/February) and late summer/early fall (August/September).

The coordinated location of the various HRRFA schools is often determined based on the number of students that each of the fire departments may have in the program. The Peninsula HRRFAs have historically been coordinated out of Newport News or Hampton, typically due to the volume of students those departments have enrolled. Occasionally, however, we have coordinated/conducted programs in York County. On rare occasions, we have had our recruits participate in HRRFAs that may be occurring on the Southside, but this creates other logistical challenges. From an academic space perspective, there is not any one location designated as the home for HRRFA schools. The program is intentionally designed with a "distributed campus" concept which allows the program flexibility. HRRFA does, however, use a number of dedicated practical evolution facilities such as the jointly operated Peninsula Live Fire Training Facility in Lee Hall.

As 2020 begins, a number of departments will be in the process of hiring new firefighters. Newport News will have about 18 new personnel and has committed to coordinating/conducting a school beginning in February with additional personnel from James City County and the City of Williamsburg, so that school is already expected to exceed 25-30 students. Hampton will be delaying the start of its coordinated HRRFA until sometime in late March due to the need to conduct initial EMS training. Our department expects to have at least 12 new firefighter recruits who will need to complete HRRFA. Normally, we would assign our new recruits and associated instructional staff to the Newport News program beginning in February; however, this arrangement would result in an HRRFA that would entail 35-40 or more students (30-recruit class maximum). Therefore, our department has decided to host/coordinate a separate program consisting of new York County Firefighter recruits, which may also have a limited number of recruits from other

fire and rescue agencies, and which will allow our organization to focus on York County specific operations while following the minimum standards established for HRRFA. It also will allow additional flexibility to program/course management, as the school will be directly managed by our staff.

This decision to host/conduct HRRFA #23 requires York to provide an adequate classroom space and associated support spaces for the training (i.e., physical fitness area, restrooms, showers, locker areas, study areas, office/instructor areas and break space). While a number of possible facilities located in the County were considered, none offered all of the necessary minimum amenities as well as those which exist at the old Fire Station One. The proximity to the new Fire Station One and Fire Administration provides a number of advantages, especially the training tower, training props, and additional personnel from on-duty staff at new Fire Station One, and ease of program administration/management from staff at Fire Administration. Upon evaluating the use of old Fire Station One, it was determined that having the space occupied for a long period of time before the Library needs to use the facility will keep it in a maintained condition, and this currently vacant space has the majority of the critical amenities required for the training.

This use has been addressed with staff of Public Works, and they have concurred with its use. Therefore, as a follow-up, unless you advise otherwise, the Department of Fire and Life Safety will plan on occupying old Fire Station One from mid-January to early/mid-June in order to conduct HRRFA #23, at which time the space will be vacated making it available to serve as the Library Storage Building.

Thank you for your support of our department and this need to ensure adequate training for our firefighter recruits. Should you have questions or need additional information, please let me know.

SPK:ese