



**Whereas:** Article XVI, Recreation Use, of the Declaration of Reservations and Restrictive Covenants states, “No trail bikes, mini-bikes or similar all terrain vehicles or snowmobiles shall be permitted to be driven upon the roads within the Existing Property or anywhere therein unless duly licensed, with mufflers, and then only for ingress and egress.”

**Whereas:** The definition of an all terrain vehicle is, “An all-terrain vehicle, also known as a quad, three-wheeler, four-track, four-wheeler, or quadricycle, as defined by the American National Standards Institute is a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.”

**Whereas:** Article XVI of the Declaration of Reservations and Restrictive Covenants does not mention Utility Task Vehicles (UTVs) nor golf carts which are neither, by definition, All Terrain Vehicles

**Therefore:** The Board of Directors of the Crossings on the Potomac Homeowners Association (the Association”), pursuant to its rulemaking authority under Article VII, Section 1 of the By-Laws of Crossings on the Potomac Property Owners , hereby adopts this Golf Cart UTV Policy, to be effective on June 1, 2020. This Policy shall be part of the Association’s rules and regulations. In the event of a conflict between the terms of this Policy and the terms of other Association rules and regulations, the terms of this Policy shall apply.

**POLICY STATEMENT:**

In an effort to allow the use of golf carts and UTV’s within Crossings on the Potomac while attempting to promote safety within the community, the following policy has been established for all Owners who operate golf carts and UTV’s within the Association’s community.

While the Association does not advocate the operation of golf carts and UTV’s on its streets, it will, however, permit the use of golf carts and UTV’s on the private streets owned by the Association in accordance with this Policy. Compliance with this policy does not guarantee compliance with local, state, or federal law and Owners are advised to investigate all other applicable laws or regulations.

In order to assist in providing safety for everyone in the neighborhood the following registration requirements and rules have been established.

Anyone operating a golf cart or UTV must be observant of, and attentive to, the safety of themselves and others including their passengers, other motorists, bicyclists, and pedestrians.

Everyone who operates or rides in golf carts and UTV's on the streets within Crossings on the Potomac does so at their own risk.

The neighborhood assumes no liability for permitting golf carts or UTV's to be operated on the streets.

### **REGISTRATION:**

1. A registration form and a release of liability and indemnification agreement (the "Registration Form") must be completed by each Owner who intends to use a golf cart or UTV on the private streets within the Association's community. Only Owners of record of property within the Association's community shall be entitled to register a golf cart or UTV in accordance with this Policy.
2. Upon receipt of the completed Registration Form and compliance with the requirements of this Policy, each registered cart will be required to have in clear visibility two stickers with the owner's lot number displayed.
3. It is strongly recommended that owners obtain insurance covering the operation of their vehicles. The registered Owner shall be responsible for all loss, damage, injury, claims or other liability resulting from the use of the golf cart or UTV within the Association's community, regardless of who may be operating the golf cart at the time the damage, loss or injury occurs

### **RULES:**

1. Drivers must have a valid driver's license or driver's permit valid in the State of West Virginia.
2. Golf carts and UTV's will adhere to the same driving and parking rules and laws as automobiles.
3. Golf carts and UTVs will not be driven through lots without the permission of the property owner.
4. Driving or parking on marina walkways is prohibited.
5. Golf carts and UTV's may only be driven between dawn and dusk unless equipped with headlights and brake lights in operating condition.
6. Drivers must pull over and yield to passing vehicles.

7. All passengers must be properly seated while the golf cart/UTV is in motion and may not be transported in a negligent manner or in a manner inconsistent with the cart manufacturer's recommendations. The number of passengers shall not exceed the seating capacity of the golf cart/UTV, including the driver.

**ENFORCEMENT:**

1. Any violation of this Policy should be reported to the Association's Board of Directors.
2. Any resident may report a violation to any Association Board Member in writing. The complaint should have as much identifying information as is possible, including but not limited to the identity of the party violating the Policy, the cart registration number, the date, time, and approximate location of the incident, and a detailed description of the alleged violation.
3. Any act constituting a violation of this Policy may result in a fine of \$100.00. A second violation may result in a fine of \$250.00. A third violation may result in a fine of \$500.00 and revocation of the registration to operate the golf cart or UTV in the Association's community. Any additional violations may result in a fine of \$1000.00 and legal action. Any threat to safety may result in immediate legal action.
4. All reported violations will be reviewed by the Association's Board of Directors to determine if the report of a violation is valid before any action is taken.
5. Prior to levying any fines in accordance with this Policy, the affected Owner shall be given notice and an opportunity for a hearing before the Board of Directors.
6. The golf cart or UTV registration forms will be maintained by the Association Board of Directors.

*R.M. Trachen*