

ORDINANCE 2025-_____

**AN ORDINANCE AMENDING CHAPTER 26 ARTICLE II OF THE CODE OF
ORDINANCES FOR THE TOWN OF BLUFFTON TO ESTABLISH RULES OF
OPERATION FOR SPECIALIZED VEHICLES AND OTHER MATTERS RELATED
THERETO**

WHEREAS, Bluffton Town Council (the "*Council*") is the governing body of the Town of Bluffton ("*Town*") and to the best of its ability takes all necessary and proper actions to protect the general safety, welfare, health and properties of the Town and citizens; and,

WHEREAS, effective May 22, 2025, the South Carolina Code of Laws Section 56-2-90 was established to allow local jurisdictions to adopt ordinances regulating the operation of golf carts as it relates to hours and locations, requiring certain passengers to wear safety belts, and other matters related thereto; and,

WHEREAS, use of golf carts, low speed vehicles and utility terrain vehicles (collectively hereinafter "*Specialized Vehicles*") have become beloved and practical modes of transportation for many residents of the Town, particularly in the area commonly known as Old Town Bluffton, where their use contributes to the unique charm of the community, enhances access to locally owned businesses and restaurants, and supports the vitality of the local economy; and,

WHEREAS, establishing rules of operation for Specialized Vehicles such as times of operation, prohibiting use on certain roadways, and requiring certain passengers to wear safety belts will further promote community engagement, improve accessibility, and enhance the quality of life for residents and visitors alike; and,

WHEREAS, the Council has determined that it is in the best interests of the citizens and visitors of the Town to adopt the ordinance as shown in "Exhibit A", attached hereto and incorporated herein by reference, which promotes safety and allows for improved and optimized usage of Specialized Vehicles within the Town.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BLUFFTON, SOUTH CAROLINA, AS FOLLOWS:**

1. ***Amendment.*** Chapter 26 of the Town Code is amended as shown in "Exhibit A", attached hereto and incorporated herein by reference, whereby the newly added language is illustrated with an underline and deleted language is illustrated with ~~striketrough~~.
2. ***Severability.*** Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.
3. ***Repeal.*** All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.
4. ***Effective Date.*** This Ordinance shall be effective immediately upon its adoption by the Town Council of the Town of Bluffton, South Carolina.

DONE, RATIFIED and ENACTED this ____ day of _____, 2025.

This Ordinance was read and passed at first reading on _____, _____, 2025.

Larry C. Toomer, *Mayor*
Town of Bluffton, South Carolina

Marcia Hunter, *Town Clerk*
Town of Bluffton, South Carolina

This Ordinance was read and passed at Second reading on _____, _____, 2025.

Larry C. Toomer, *Mayor*
Town of Bluffton, South Carolina

Marcia Hunter, *Town Clerk*
Town of Bluffton, South Carolina

EXHIBIT A

Sec. 26-53 – Specialized Vehicles

(a) **Definitions.** For purposes of this Section the terms are defined as follows:

- i. Golf Cart means a four-wheeled motor vehicle whose speed attainable in one mile is no more than twenty miles per hour (20 mph) on a paved level surface.
- ii. Low Speed Vehicle (LSV) means a four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour (20 mph) and not more than twenty-five miles per hour (25 mph) on a paved level surface, not to include farm vehicles as defined in S.C. Code Section 56-1-2070(c)(2)..
- iii. Public Roadway means any road that is controlled and maintained by the Town or another public authority and is accessible for vehicular use by the general public.
- iv. Specialized Vehicle means a motorized vehicle limited to golf carts, low speed vehicles and utility terrain vehicles.
- v. SCDMV means the South Carolina Department of Motor Vehicles.
- vi. Utility Terrain Vehicle (UTV) means a side-by-side, four-wheeled drive, off-road vehicle intended to transport individuals, cargo, or both with a top speed of over thirty-five miles an hour; a motor of at least four hundred and fifty cubic centimeters; eighty inches or less overall width; designed to travel on four or more wheels, two or four tracks, or combinations of four or more tracks and wheels; using a steering wheel for steering control; with a non-straddle seat; and with a Gross Vehicle Weight Rating of no more than four thousand pounds.

(b) **Required Registration and Insurance.**

- i. Registration. Any Golf Cart or LSV operating on a Public Roadway shall be registered with SCDMV. Upon registering with the SCDMV, a valid permit decal must be displayed on the front left lower corner of the windshield.
- ii. Insurance. Any Specialized Vehicle operating on a Public Roadway shall have proof of liability insurance in conformance with S.C. Code Ann. Sec. 38-77-140.

(c) **Required Equipment.** Any Specialized Vehicle operating on a Public Roadway must be equipped with a rearview mirror. Any Specialized Vehicle operated before sunrise and after sunset must, at a minimum, be equipped with functioning headlights, taillights, and turn signals.

- i. Seatbelts. Any child under the age of twelve (12) All occupants must wear a seatbelt at all times when riding in a Specialized Vehicle being operated on a Public Roadway.

(Based on feed back at the August 26th workshop, some of Council would like to see that all occupants of a vehicle have a seatbelt and wear it. When writing the code, it should be an option for Council's consideration at first reading.)

- ii. Safety Restraints. Any child under the age of twelve (12) who are too small to safely be secured with a standard seatbelt must be otherwise safely and securely restrained while riding in a Specialized Vehicle being operated on a Public Roadway. This may include, but is not limited to, the use of a child safety seat, harness system, or other secure method of restraint.

It is permissible to use a device that safely secures an infant child to the body of an adult passenger whereby the device must allow for the adult to remain hands-free at all times. At no time may a child be held in an adult's arms or lap without being properly fastened by an independent restraint system or as otherwise described herein.

- iii. In addition to any requirements established in this Section, a LSV must meet all requirements must comply with the equipment requirements in 49 C.F.R. Section 571.500.

(This was something brought up during public comment, it's already addressed in the Ordinance. This code section already requires a type 1 or type 2 seatbelt at each designated seating position.)

(d) Operation Limitations.

- i. Speed Limit. Specialized Vehicles shall only be operated on Public Roadways where the posted speed limit does not exceed 35 miles per hour.
- ii. Roadway Restrictions. Unless otherwise permitted in this Section, Specialized Vehicles are prohibited from:
 - a. Entering, operating or traveling in any roundabout, also commonly referred to as a traffic circle, and;
 - b. Entering, operating or traveling on any four-lane highway or four-lane parkway, but a Specialized Vehicle may cross over a four-lane highway or four-lane parkway at a light intersection only.

(Council discussed this item and had questions as to if they wanted to restrict crossings at signalized intersections or non-signalized. There was discussion to update this section to say that any golf cart could only cross at a light but LSVs could cross at non-signalized intersections.)

- iii. Exemption. The operation limitations established in this Section do not apply to Specialized Vehicles being used for a public purpose including, but not limited to, maintaining or repairing publicly owned roadways, facilities or other infrastructure.

- (e) Operation on Public Roadway.** Specialized Vehicles are permitted to operate on Public Roadways at any time of the day in compliance with this Section. During daylight hours, turn signals or hand signals shall be used while operating a Specialized Vehicle on a Public Roadway. The use of a Specialized Vehicle on a Public Roadway is subject to all traffic laws and regulations applicable to the operation of motor vehicles, and any violation may result in penalties as established by law.

The operator of a Specialized Vehicle must be at least sixteen (16) years of age with a valid driver's license and while operating on a Public Roadway have in their possession as follows:

- i. Operator of a Golf Cart or LSV.
 - a. The registration certificate issued by the SCDMV; and,
 - b. Proof of liability insurance; and,
 - c. A valid driver's license.
- ii. Operator of a UTV.
 - a. Proof of liability insurance for the UTV; and,
 - b. A valid driver's license.

- (f) **Severability.** Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision hereof being declared severed.
- (g) **Penalty.** Any person found in violation of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed thirty (30) days.

Secs. ~~26-534~~26-77.- Reserved.