

ORDINANCE 09-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CREATE SECTION 74-4; PROVIDING FOR THE APPROVAL OF GOLF CART OPERATION WITHIN SPECIFICALLY IDENTIFIED COMMUNITIES AND/OR ROADWAYS BY RESOLUTION; PROVIDING FOR PROCEDURES FOR CITY COMMISSION CONSIDERATION AND APPROVAL OF GOLF CART COMMUNITIES AND ROADWAYS; REQUIRING GOLF CARTS TO BE EQUIPPED WITH STATUTORILY MANDATED SAFETY DEVICES; PROVIDING FOR HOURS OF OPERATION OF GOLF CARTS ON CITY ROADWAYS; PROVIDING FOR REGULATION OF UNLICENSED GOLF CART DRIVERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to authorize the operation of golf carts and regulate such operation within its jurisdictional boundaries pursuant to Article VIII, § 2(b) of the Florida Constitution and §§ 166.221; 316.212, Florida Statutes;

WHEREAS, citizens of the city have expressed an interest in allowing golf carts to be driven upon city streets and within some communities located within the city;

WHEREAS, the operation of golf carts upon public roads is ordinarily prohibited unless otherwise authorized by the city pursuant to § 316.212, Fla. Stat.

WHEREAS, the City Commission desires to add new Section 74-4 to Article I of Chapter 74 of the City's Code of Ordinances to allow for the City Commission to consider and approve resolutions authorizing the operation of golf carts within specified residential communities and on roadways meeting threshold safety requirements under state and municipal law;

WHEREAS, pursuant to § 316.212(7), Fla. Stat., the City has undertaken to pass additional regulations pertaining to unlicensed drivers who desire to operate golf carts upon city roadways;

WHEREAS, the state legislature has deemed the operation of golf carts along public roads to be compatible with general traffic safety pursuant to its enactment House Bill 405, which approves the seasonal operation of golf carts by delivery companies within residential areas; and

WHEREAS, to protect the health, safety, and welfare of its citizens, the City desires to prohibit the operation of golf carts along roads and thoroughfares incompatible with such operation and regulate the manner and times of the operation of golf carts upon city streets where such operation is authorized.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section 1: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 166 and § 316.212, Florida Statutes.

Section 2: Adoption. Article I of Chapter 74 of the City of Winter Garden Code is hereby amended to add the following Section 74-4 (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 74-4. Golf carts.

- (a) Definition of golf cart. Pursuant to F.S. § 320.01(22), and for the purposes of this section, a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.
- (b) Golf carts generally prohibited from operation on public streets. Unless otherwise expressly authorized pursuant to this Section or state law, golf carts shall not be operated upon public roadways located within the City.
- (c) Authorization to operate golf carts within and between golf cart communities and on specified roadways by resolution. Golf carts meeting the definition set forth in subsection (a) may be operated on city roadways within the defined boundaries of residential communities when such communities are approved by resolution as "golf cart communities." To receive City approval, any such resolution must be accompanied by the requisite legislative findings as required by statute and shall include a plan for the placement of the requisite signage within the golf cart community. Golf carts may also be operated between golf cart communities that are adjacent, if such provision is specifically included by the City Commission in the approving resolution. Golf carts may also be operated on roadways outside golf cart communities, when such roadways have been approved by resolution for golf cart use. The City Commission may reject a resolution or otherwise revoke a previously approved resolution if the commission determines that the operation of golf carts within any such community or roadway would constitute or has become a danger or detriment to the health, safety, welfare, or character of the community or the surrounding area or the City Commission otherwise determines that it cannot or will not be able to determine that such community or roadway continues to meet statutory requirements.
- (d) Application for golf cart community authorization. A golf cart community resolution as described in subsection (c) may be proposed pursuant to one of the following methods:
- (1) Community associations. A community governed by a community association such as a homeowners' or condominium association must have the governing body of such association adopt and submit a request in writing to the city that its community be considered for approval as a golf cart community. Such request shall contain an affirmative statement from the community association that golf carts may safely be operated upon the streets of such community given the speed, volume, and character of motor vehicle traffic using the road or street and any additional information and/or evidence supporting such statement.
 - (2) Other communities. The City Commission may also, upon its own initiative or upon citizen petition, direct city staff to create a map or other diagram delineating the boundaries of a golf cart community or roads upon which golf carts may be operated and a resolution authorizing such roadways or communities for golf cart use to be presented to the City Commission for approval.
- (e) Equipment and minimum standards. All golf carts operated within golf cart communities or approved roadways shall meet the minimum equipment standards established by Florida Statutes. Golf carts that are operated between the hours of sunset and sunrise, if permitted by the approving resolution, shall have additional equipment requirements, and at a minimum, must have

headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape.

(f) Hours of operation. Golf carts meeting the minimum equipment standards established in subsection (e) above for operation between the hours between sunset and sunrise, shall only be operated between the hours of 5:00 a.m. and 10:00 p.m., if permitted by the approving resolution. Golf carts that do not meet the minimum equipment standards for operation between sunset and sunrise shall only be permitted to operate during the hours between sunrise and sunset.

(g) Unlicensed drivers. It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and possess a valid state-issued driver's license, to operate a golf cart upon city streets unless such driver complies with the following requirements:

(1) Must be eighteen (18) years of age or older; and

(2) Must complete a city-approved safety course in the operation of golf carts on public roads. Proof of completion of such course shall be carried at all times by an unlicensed driver when such driver is operating a golf cart on city streets.

(h) Compliance with traffic laws. Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

(i) Regulations. Regardless of whether a particular community is designated as a golf cart community or a roadway is approved for use by golf carts, golf carts shall be subject to the following restrictions at all times:

(1) Unless otherwise expressly authorized pursuant to general law or the enabling resolution, no golf cart shall be operated upon a road with a posted speed limit in excess of twenty-five (25) miles per hour.

(2) A golf cart being operated upon a road with a posted speed limit of twenty-five (25) miles per hour or less may, for the sole purpose of continuing travel along such road, be operated across an intersecting street with a posted speed limit in excess of twenty-five (25) miles per hour but not to exceed thirty-five (35) miles per hour, provided that such intersection is governed by a 4-way stop sign or traffic signal.

(3) No golf carts shall be operated upon those roads that the city has identified as arterial or collector roads unless otherwise authorized by the enabling resolution.

(4) A golf cart shall not be operated upon a state highway unless otherwise authorized pursuant to § 316.212(2), Fla. Stat., or any other applicable state statute.

(j) Enforcement. The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations created and established by community associations shall be the sole responsibility of each community.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: August 27, 2009.

SECOND READING AND PUBLIC HEARING: September 21, 2009.

ADOPTED this 21st day of September, 2009, by the City Commission of the City of Winter Garden, Florida.

APPROVED:



JOHN REES, Mayor/Commissioner





KATHY GOLDEN, City Clerk