

### **Sec. 30-201. Title; authority.**

- (a) This article shall be known and may be cited as the "Belle Isle Golf Cart Ordinance."
- (b) The city has the authority to adopt this article pursuant to Article VIII of the Constitution of the State of Florida, F.S. Ch. 166, and F.S. § 316.212.

### **Sec. 30-202. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person or entity, including a homeowner's or community association, that is requesting that the Belle Isle City Commission adopt a resolution designating one or more golf cart communities and/or one or more golf cart permitted streets.

*Golf cart* means 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 20 miles per hour. **Golf carts operating within the city shall meet the minimum equipment standards set forth in controlling law and shall not be modified to have increased power, wheelbase, or tire modifications from a standard manufactured gas or electric golf cart.**

***Low-speed vehicle* means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.**

*Golf cart community* means a subdivision or community within the corporate limits of the city within which the Belle Isle City Commission has by resolution authorized the operation of golf carts on designated municipal streets within such subdivision or community.

*Golf cart permitted street* means a municipal street within the corporate limits of the city which has been designated by resolution of the Belle Isle City Commission for use by golf carts.

### **Sec. 30-203. Golf cart operation.**

- (a) It shall be unlawful to operate a golf cart on any street or sidewalk within the corporate limits of the city unless expressly authorized by this article or Florida law.
- (b) Golf carts may be operated on city roadways within the defined boundaries of residential communities when such communities are approved by resolution as "golf cart communities. 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 streets meeting the requirements of this section once such street has been approved by resolution as a "golf cart permitted street."
- (c) "Golf cart permitted streets" and "golf cart communities" are subject to the following requirements:
  - (1) Unless otherwise expressly authorized pursuant to Florida law or by enabling resolution upon a showing of good cause, golf carts shall not be permitted operate upon a street with a posted speed limit in excess of 35 miles per hour.
  - (2) Unless otherwise expressly authorized pursuant to Florida law or by enabling resolution upon a showing of good cause, golf carts may not be operated across street with a posted speed limit of 35 miles per hour or greater.
  - (3) Notwithstanding subsection (c)(2), golf carts traveling along a designated golf cart permitted street may be permitted cross an intersecting street with a speed limit of 35 miles per hour or less at an

intersection that governed by a traffic control device or at a designated crosswalk if such use complies with the requirements of this article and Florida law.

- (d) Golf carts may be operated upon the sidewalks within the jurisdictional territory of the city subject to the following restrictions and requirements:
  - (1) The maximum speed for golf carts on sidewalks is 15 miles per hour.
  - (2) Golf carts operated upon sidewalks must meet the equipment requirements of section 30-203(e)(2) and (3).
  - (3) Golf carts may only be operated on sidewalks which are at least eight feet wide and sidewalks or paths designated by the city
- (e) It shall be unlawful to operate a golf cart upon any city street or city sidewalk unless said golf cart is equipped with efficient brakes, reliable steering apparatus, horn, safe tires, a rearview mirror, and reflective warning devices in both the front and rear as required by F.S. § 316.212(6).
- (f) Except as provided in section 30-203 (f)(1), it shall be unlawful to operate a golf cart upon any city street or sidewalk after sunset and before sunrise.
  - (1) Golf carts equipped with headlights, brake lights, turn signals and a windshield may be operated upon city streets and upon city sidewalks at any time.
- (g) This article is in addition to and not in lieu of the Florida Uniform Traffic Control Law, F.S. ch. 316. Golf carts shall comply with all applicable state traffic laws and provisions of this Code and may be ticketed for traffic violations in the same manner as motor vehicles.
- (h) The number of occupants in any golf cart operated on city roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion.
- (j) It is prohibited for golf carts to tow any scooter, bicycle, skateboard, wagon, or other conveyance.

**Sec. 30-204. Application for approval of a golf cart community and/or golf cart permitted streets.**

- (a) The city commission may, upon its own initiative or upon petition of an applicant, direct city staff to create a map or other diagram delineating the boundaries of a golf cart community and/or golf cart permitted streets and to prepare the appropriate resolution to be presented to the city commission. Any such resolution shall be acted upon only following an advertised public hearing preceded by at least seven days' notice thereof.
- (b) To receive approval, any resolution proposed under this article must include the requisite legislative findings as required by F.S. § 316.212, and a plan for the placement of the requisite signage within the golf cart community and the golf cart permitted streets.
- (c) The city commission may approve or disapprove any resolution presented under this article based upon its legislative determination as to whether golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume and character of motor vehicles using the road or street and such other factors as the city commission may deem appropriate, including input received at any public hearing.
- (d) The city commission may by resolution rescind a previously adopted resolution if the city commission determines that the operation of golf carts within any such golf cart community and/or golf cart permitted streets would constitute or has become a danger or detriment to the health, safety, welfare, or character of the community or the surrounding area. Any such resolution shall be acted upon only following an advertised public hearing preceded by at least seven days' notice thereof.

### **Sec. 30-205. Age regulations.**

- (a) It shall be unlawful for an unlicensed driver under 18 years of age to operate a golf cart within the city.
- (b) Notwithstanding subsection (a), an unlicensed driver under 18 years of age who possesses a valid state-issued learner's permit may operate a golf cart shall be permitted to operate a golf cart within the city subject to the following requirements:
  - (1) The unlicensed driver under 18 years of age must be accompanied by another person who is at least 21 years of age and who holds a valid state-issued driver's license.
  - (2) The person accompanying the unlicensed driver under 18 years of age must occupy seat immediately to the right of the unlicensed driver.
  - (3) Except for the licensed occupant described in section 30-205(b)(1), an unlicensed driver shall not operate a golf cart occupied by passengers.
  - (4) An unlicensed driver shall not operate a golf cart between **thirty minutes before or after** sunset and sunrise.

### **Sec. 30-206. Signage.**

The city shall provide proper signage pursuant to F.S. § 316.212(1), within 30 days of approval of a resolution to allow golf carts to be operated within a golf cart community or on a golf cart permitted street.

**It shall not be a defense of any enforcement action under the provisions of this article, in any forum or of any type or nature, that signage was not in place or was not noticed or understood by an operator of a golf cart.**

**The posting or failure to post signage under the provisions of this article shall not be the basis of any liability of any type or nature against the city or any of its officials, officers, or employees.**

### **Sec. 30-207. Parking of golf carts.**

- (a) It shall be unlawful to park or leave unattended a golf cart in or upon a city street. right-of-way, sidewalk, or public park. Golf carts may not be parked upon private property that is not owned or leased by the owner of such golf cart without the permission of such private property owner.
- (b) Golf carts shall comply with all parking regulations set forth in this chapter.

### **Sec. 30-208. Indemnification**

- (a) Each person operating or riding on a golf cart on city streets and all person who are passengers in such golf carts does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians.
- (b) The city in so designating certain city streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on city streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Belle Isle, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Belle Isle.

### **Sec. 30-209. Compliance; enforcement.**

- (a) The City of Belle Isle Police Department shall have power and authority to enforce the provisions of this article. Any person found in violation of this article shall be issued a City of Belle Isle Civil Citation (or notice of violation).

- (b) In addition to any fine levied under this article, the city may bring civil suit to restrain, enjoin or otherwise prevent the violation of this article in a court of competent jurisdiction. If the city brings suit to restrain or enjoin or to otherwise prevent the violation of this article, the city is entitled to recover its reasonable attorneys' fees and court costs from the named defendant in the action.

### **Sec. 30-210. Violations; penalties.**

- (a) With the exception of section 30-207, violations of this article shall constitute a non-criminal infraction punishable pursuant to the provisions of F.S. § 316.212(9). The use of a golf cart resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are punishable pursuant to F.S. chs. 316, 318, and 319, as applicable.
- (b) *Violations.*
  - (1) Violations of section 30-203(a), (d), and (f) shall be a noncriminal traffic violation, punishable pursuant to F.S. ch. 318, as a moving violation.
  - (2) Violations of section 30-203(e) shall be a noncriminal traffic violation punishable pursuant to F.S. ch. 318, as a nonmoving violation.
  - (3) Violations of section 30-205 shall be punishable by a \$100.00 fine.
  - (4) Violations of section 30-207 shall be punishable in accordance with the provisions article III of chapter 30 of this Code in the same manner as motor vehicle parking violations.
- (c) Unless specifically provided otherwise by Florida law or this Code, a violation of this article shall be punishable by a fine in the amount of \$100.00.
- (d) Any person receiving civil citation pursuant to this article shall, within 21 days of the date of the notice of violation, pay the assessed civil penalty pursuant to instructions on the notice of violation contest (or appeal) the notice of violation pursuant to the procedures set forth in the notice of violation.
- (e) The owner of a golf cart is responsible and liable for payment of any fine unless the owner furnishes clear and convincing evidence that the golf cart was, at the time of the violation, in the care, custody, or control of another person. In such instances, the owner of the golf cart is required to, within a reasonable period of time as determined by the city, furnish the city with an affidavit setting forth the name, address and driver's license number of the person who leased, rented or otherwise had the care, custody or control of the golf cart. The affidavit submitted shall be admissible in a proceeding charging a violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the fine. The owner of the golf cart is not responsible for a violation if the golf cart involved was, at the time of the violation, stolen, but in all other cases, a rebuttable presumption shall exist that the owner is the violator and owes the fine to the city.

### **Sec. 30-211. Appeals.**

- (a) The chief of police may void or dismiss the notice of violation being appealed if the chief of police or his designee determines based on a review of the appeal that there does not exist probable cause to believe that the appellant committed a violation of this article.
- (b) If the chief of police voids or dismisses the notice of violation as aforesaid, then written notice of such action shall be provided to the person filing the appeal.
- (c) If the decision of the chief is appealed, the appeal will follow the procedures pursuant to section 30-76.