

ORDINANCE

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A NEW ARTICLE V OF CHAPTER 30 OF THE CITY CODE AUTHORIZING THE USE OF GOLF CARTS ON WITHIN CERTAIN COMMUNITIES AND STREETS DESIGNATED IN RESOLUTIONS ADOPTED BY THE CITY COMMISSION; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REGULATION OF GOLF CARTS, INCLUDING THE HOURS OF OPERATION; PROVIDING FOR THE ESTABLISHMENT OF AN APPLICATION PROCESS, AGE REGULATIONS FOR THE OPERATION OF GOLF CARTS, REQUIRED SIGNAGE, VIOLATIONS AND PENALTIES, AND APPEALS TO THE HEARING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, citizens of the City have expressed an interest in allowing golf carts to be driven upon certain streets subject to City jurisdiction; and

WHEREAS, the operation of golf carts upon streets subject to City jurisdiction is ordinarily prohibited unless otherwise authorized by the City pursuant to Section 316.212, Florida Statutes; and

WHEREAS, City Commission has determined that, after considering the condition and current use of the sidewalks and the character of the area, that golf carts, bicycles, and pedestrians may safely share the sidewalk; and

WHEREAS, the City Commission desires to amend 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 requirement under State and Municipal law; 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 streets subject to City jurisdiction where such operation is authorized.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF BELLE ISLE ,
FLORIDA, AS FOLLOWS:**

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Authority. The City of Belle Isle has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 316.212, Florida Statutes.

SECTION 3. A new Article V of Chapter 30, Traffic and Vehicles, of the Code of Ordinances of the City of Belle Isle Code, Florida, is hereby adopted as follows:

ARTICLE V

GOLF CARTS ON PUBLIC STREETS

Sec. 30-170. 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, Chapter 166, Florida Statutes and Section 316.212, Florida Statutes.

Sec. 30-171. 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:

- A. "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 twenty (20) miles per hour.

- B. "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.
- C. "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.
- D. "Applicant", for the purposes of this article, means a person or entity (including a homeowner's association) who 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.

Sec. 30-172. GOLF CART OPERATION.

- A. It shall be unlawful to operate a golf cart on any street within the corporate limits of the City, except for a golf cart which may, subject to the provisions of this article, be operated on Golf Cart Permitted Streets and municipal streets within a Golf Cart Community.
- B. It shall be unlawful to operate a golf cart upon a state highway unless otherwise authorized pursuant to Section 316.212(2), Florida Statutes, or any other applicable State statute.
- C. A golf cart may be operated between Golf Cart Communities that are adjacent, only if such provision is specifically included by the Belle Isle City Commission in the resolution approving the Golf Cart Community.
- D. A golf cart being operated on a Golf Cart Permitted Street with a posted speed limit of thirty-five (35) miles per hour or less may, for the sole purpose of continuing travel along such street, 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 only if such intersection is governed by a traffic control device or at a marked crosswalk; otherwise, a golf cart may not be operated across any intersecting street with a posted speed limit in excess of thirty-five (35) miles per hour.
- E. Unless otherwise expressly authorized pursuant to general law or the enabling resolution, it shall be unlawful to operate a golf cart upon a street with a posted speed limit in excess of thirty-five (35) miles per hour.
- F. Except as provided in Section 30-172 (G) below, golf carts shall only be permitted to operate within a Golf Cart Community or on a Golf Cart Permitted Street during the hours between sunrise and sunset.
- G. A golf cart which is equipped with headlights, brake lights, turn signals and a windshield may also be operated within a Golf Cart Community or on a Golf Cart Permitted Street during the hours between sunset and sunrise.

- H. All golf carts operated within a Golf Cart Community or on a Golf Cart Permitted Street shall have efficient brakes, reliable steering apparatus, horn, safe tires, a rearview mirror, and reflective warning devices in both the front and rear as required by Section 316.212(6), Florida Statutes.
- I. Golf Carts may be operated on sidewalks within the jurisdictional territory of the City under the following conditions:
 - 1. The maximum speed for golf carts on sidewalks is fifteen (15) miles per hour.
 - 2. Golf carts must meet the equipment requirements in Section 172 (G) and (H).
 - 3. Sidewalks are a minimum of eight (8) feet wide.
- J. The Florida Uniform Traffic Control Law, Chapter 316 of the Florida Statutes, as amended and as it may be amended in the future, is applicable within the City. The operation of golf carts shall comply with all applicable traffic laws as provided in the Florida Statutes.

**Sec. 30-173 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 (7) days' notice thereof.
- B. Any resolution adopted under this Article must include the requisite legislative findings as required by Section 316.212, Florida Statutes, 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 (7) days' notice thereof.

Sec. 30-174. AGE REGULATION.

- A. An unlicensed driver must be 18 years of age or older or possess a valid state-issued learner's driver license.
- B. When operating a golf cart, the unlicensed driver must be accompanied at all times by another person who holds a valid state-issued driver's license, is at least 21 years of age, and occupies the closest seat to the right of the unlicensed driver of the golf cart.
- C. An unlicensed driver shall not operate a golf cart between sunset and sunrise.
- D. Except for the licensed occupant described in section 30-174 B, an unlicensed driver shall not operate a golf cart occupied by passengers.

Sec. 30-175. REQUIRED SIGNAGE.

- A. The City will provide proper signage pursuant to Section 316.212(1), Florida Statutes, within thirty (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.

Sec. 30-176. OPERATOR TO ASSUME RISK, INDEMNIFY AND HOLD HARMLESS

- 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. 30-177. REGISTRATION

- A. Each owner of a golf cart that is to be operated on the streets of the City of Belle Isle must register the golf cart with the City, pay an annual registration fee in an initial amount of \$25.00, or in an amount set by a resolution of Council, and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner

- B. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Belle Isle, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

Sec.30-178. PARKING OF GOLF CARTS

- A. Golf carts shall comply with all parking regulations set forth in this Chapter 30.
- B. At no time and under no circumstances shall golf carts, low-speed vehicles or mini trucks be parked or left unattended in or upon a city streets, right-of-way, sidewalk, or public park, or private property that is not owned or leased by the owner of such golf cart without the permission of such private property owner.

Sec.30-179. Compliance; Enforcement.

- A. Violations of this article shall constitute a non-criminal infraction punishable pursuant to the provisions of §316.212(9), Florida Statutes. The use of a golf cart, low-speed vehicle or mini truck resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are punishable pursuant to chapters 316, 318, and 319, Florida Statutes, as applicable.
- B. All other city ordinances pertaining to the use of motor vehicles within the city, including, but not limited to Chapter 30, shall also apply to this article.

Sec. 30-180. VIOLATIONS AND PENALTIES.

- A. The City of Belle Isle Police Department shall enforce the provisions of this article.
- B. Any person violating Section 30-174 hereof, except where a penalty is specifically prescribed for that particular violation, shall be issued a City of Belle Isle Civil Citation (or notice of violation) with a fine in the amount of \$100.00.
- C. A violation of Section 30-172(A) through (F), inclusive, and Section 30-174 hereof shall be a noncriminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as a moving violation.
- D. A violation of Section 30-172(G) and (H) hereof shall be a noncriminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as a nonmoving violation.
- E. In addition to any fine levied under this section, 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.
- F. Any person receiving civil citation pursuant to this article shall, within 21 days of the date of the notice of violation:
 - 1. Pay the assessed civil penalty pursuant to instructions on the notice of violation; or
 - 2. Contest (or appeal) the notice of violation pursuant to the procedures set forth in the notice of violation.
- G. The failure to timely comply with the provisions of Section 30-180(D) shall constitute a waiver of the right to contest the notice of violation and will be considered an admission of liability.
- H. A late fee in the amount of \$25.00 will be imposed upon any person not complying with the provisions of Section 30-180(D).

Sec. 30-181. 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 Sec. 30-76.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 4. Codification. It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 5. Effective Date. This Ordinance shall become effective upon adoption by the City Council of the City of Belle Isle, Florida

