

ORDINANCE NO. 2024-6

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CREATING CHAPTER 38, ARTICLE VIII, “OPERATION OF GOLF CARTS ON DESIGNATED TOWN STREETS,” IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS, OPERATIONS, RESTRICTIONS, REGISTRATION, AND ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution, Article VIII, Section 2(b), and Florida Statutes, Section 166.021(1), establish the home rule powers of Florida municipalities and enable municipalities to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the Town of Eatonville has the authority under Sections 166.221 and 316.212, *Florida Statutes*, to authorize and regulate the operation of golf carts on designated municipal streets within the jurisdictional boundaries of the Town; and

WHEREAS, Section 316.212(8), *Florida Statutes*, expressly allows a municipality to enact an ordinance relating to golf cart operation and equipment which is more restrictive than the provisions enumerated in Section 316.212, *Florida Statutes*; and

WHEREAS, the Town has considered factors including the speed, volume, and character of motor vehicle traffic using Town streets and has determined that, subject to the restrictions herein, golf carts may safely travel on or cross certain Town streets or roads; and

WHEREAS, the Town hereby finds that golf carts are a valid form of transportation, commonly used as a mode of mobility from place-to-place, are utilized for utility purposes and are an environmentally friendly mode of transportation; and

WHEREAS, it is the intent of the Town to provide for the orderly operation of golf carts on designated municipal streets and roads and to set standards for the operation and registration of such golf carts; and

WHEREAS, the Town Council desires to amend Chapter 38 of the Town of Eatonville Code of Ordinances to create Article VIII to authorize and regulate the operation of golf carts on designated Town streets, subject to the restrictions herein; and

WHEREAS, the Town Council finds the adoption of this Ordinance to be in the best interest of the health, safety, and welfare of the public.

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Eatonville, Florida, as follows:

(Words in strike through type are deletions; words in underscore type are additions; asterisks (* * * *) indicate an omission from the existing text which is intended to remain unchanged.)

SECTION 1. The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Commission pertaining to this Ordinance.

SECTION 2. Chapter 38, Article VIII, “Operation of Golf Carts on Designated Town Streets,” is hereby created and reads as follows:

ARTICLE VIII. OPERATION OF GOLF CARTS ON DESIGNATED TOWN STREETS

Sec. 38-256. – Definitions.

Golf cart means a personal, non-commercial use motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty (20 miles per hour).

Designated street means all streets or roads specified in this Article which have been determined by the Town to meet the requirements of § 316.212, *Florida Statutes*.

Sec. 38-257. – Operation of Golf Carts.

- (a) Designation of Town streets. The Town Commission may by resolution designate and approve certain Town streets as streets authorized for golf cart use. Upon such approval, the Town shall install signage identifying where golf carts may be operated. The Town Commission may, at any time and in its sole discretion, revoke the status of any designated Town street by resolution. Nothing in this Article shall be construed to authorize the operation of golf carts on state or county roads or highways.
- (b) Authorization to operate golf carts. In accordance with § 316.212(1), *Florida Statutes*, golf carts meeting the definition set forth in Section 38-256, above, may be operated within the Town on the streets, alleys, and parking areas open to the public and designated pursuant to this Article and resolution. Golf carts shall not be operated on private property, unless authorized by the property owner, or on sidewalks or bicycle lanes, or any street not designated by Town Council.
- (c) Equipment and minimum standards. All golf carts operated on designated Town streets pursuant to this Article shall meet the minimum equipment standards established by § 316.212, *Florida Statutes*, and must be appropriately equipped with the following properly functioning items that are in usable and operable condition at all times:

- i. Efficient brakes;

- ii. A reliable steering apparatus;
- iii. Safe tires;
- iv. A rearview mirror;
- v. Red reflectorized warning devices in both the front and rear.

Additionally, any golf cart operated in fog, smoke, or rain, or before sunrise or after sunset, must be equipped with properly functioning headlights, brake lights, turn signals, and a windshield.

Sec. 38-258. – Restrictions and Insurance.

Golf carts operating on designated roadways shall be subject to the following restrictions:

- (a) *Golf cart operator.* A golf cart may not be operated on designated roadways by a person:
 - i. Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
 - ii. Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.
- (b) *Modified golf carts.* Golf carts that have been modified to exceed the speed of twenty (20) miles per hour shall not be considered golf carts under the provisions of this Article and are not afforded the rights provided herein.
- (c) *Compliance with traffic laws.* Golf carts shall be operated in accordance with all applicable local and state traffic regulations. A golf cart operator who violates any traffic regulation may be ticketed in the same manner as the operator of a motor vehicle.
- (d) *Occupants.* The number of occupants in a golf cart operated on designated streets shall be limited to the number of seats on the golf cart, and a standard golf cart bench seat is deemed to allow seating for two occupants. The operator of the golf cart shall be responsible for ensuring that no occupants of a golf cart are standing at any time while the golf cart is in motion.
- (e) *Alcohol.* All state regulations governing the use and possession of alcoholic beverages while operating a motor vehicle shall apply to the operation of golf carts on designated streets.
- (f) *Insurance.* Golf carts operated on designated streets must be covered under a valid insurance policy including coverage for personal injury and property damage, with minimum amounts of \$10,000 per occurrence and \$10,000 in the aggregate. Proof of valid

insurance coverage must be in the golf cart at all times of operation on Town designated streets.

Sec. 38-259. – Registration

All golf carts operating on designated streets in the Town shall be registered with the Town as set forth herein.

- (a) Golf carts must be registered annually on a calendar year basis through an application process as determined by the Town in its sole discretion. The initial registration fee shall be \$25.00, with an annual renewal fee of \$15.00. Annual fees may be changed from time to time by the Town in its sole discretion through the adoption of a resolution.
- (b) Upon approval, the golf cart owner will receive an annual registration decal from the Town which shall be affixed to the golf cart.
- (c) The Town reserves the right to reject or not renew a golf cart registration application if the application is incomplete and/or all of the minimum requirements have not been met.
- (d) Prior to issuance of a registration decal, golf cart owners shall be required to provide (i) proof of ownership, (ii) proof of liability insurance, and (iii) a valid form of government-issued photographic identification.

Sec. 38-259. – Enforcement

- (a) A violation of this Article shall constitute a noncriminal infraction enforceable either as a code violation to be prosecuted by the Code Enforcement Board or Special Magistrate or shall be classified as a Class I Civil Citation Violation. Uniform Traffic Citations shall only be used for violations that are also violations of the Florida Uniform Traffic Control Law. A first violation of this Article shall result in a fine of \$150.00. A second violation of this Article shall result in a fine of \$250.00. A third violation of this Article shall result in a fine of \$250.00 and the non-renewal the golf cart registration.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Eatonville, as additions or amendments thereto.

SECTION 4. SEVERABILITY. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 5. CONFLICTING ORDINANCES. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the 17th day of September 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ___ day of _____, 2024.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor