

ORDINANCE NO. O-01-2011

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA REGULATING THE USE OF GOLF CARTS ON ALL STREETS WITHIN THE CITY BOUNDARIES OF THE CITY OF GREEN COVE SPRINGS; PROVIDING DEFINITIONS; MAKING FINDINGS AND A DETERMINATION BASED UPON THE FINDINGS; REQUIRING ALL OPERATORS TO HAVE A VALID DRIVERS LICENSE; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority provided in Section 316.212, *Florida Statutes*, the City Council of Green Cove Springs, Florida desires to designate certain streets within the City as streets upon which golf carts may safely travel on or cross, considering factors including the speed, volume and character of motor vehicle traffic using such streets; and

WHEREAS, the City should post appropriate signage that indicates that such golf cart operations is allowed; and

WHEREAS, a golf cart may be operated upon a part of the State Highway System under the conditions set forth in Section 316.212 (2), *Florida Statutes*; and

WHEREAS, golf carts may be operated within the City from sunrise and sunset, and if operated between the hours of sunset to sunrise, the golf cart shall be equipped with headlights, brake lights, turn signals, and a windshield as required in Section 316.212 (5), *Florida Statutes*; and

WHEREAS, all golf carts shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear as required in Section 316.212 (6), *Florida Statutes*; and

WHEREAS, a golf cart may not be operated on public streets within the City by any person who does not possess a valid Learners or Operators Drivers License.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Definitions. For purposes of this Ordinance, and unless the context clearly requires otherwise, the following terms and phrases shall have meanings herein ascribed:

- a. "City Council" shall mean the City Council of Green Cove Springs.

- b. "County" shall mean Clay County.
- c. "Street" shall mean all of those City streets described in Exhibit "A" attached hereto and by reference made a part hereof.

Section 2. Findings. Pursuant to Section 316.212 (1), *Florida Statutes*, the City Council does hereby make and adopt the following findings in support of this Ordinance:

- a. Each street is hereby designated for golf cart usage based upon the fact that such golf carts may safely travel or cross the streets, considering factors including the speed, volume, and character of motor vehicle traffic using such streets.
- b. The speed limit, volume and intensities for the streets is low, reflecting the character of the areas abutting the streets.

Section 3. Designation. The City Council hereby designates each street as a street upon which golf carts may be operated within the meaning and pursuant to all requirements contained in Section 316.212, *Florida Statutes*.

Section 4. City Golf Carts & Utility Vehicles. The City may utilize golf carts and utility vehicles as authorized by Chapter 316.2126, *Florida Statutes*.

Section 5. Compliance with Federal Regulation. So long as the golf cart is incapable of exceeding 20 miles per hour, they are subject to only State requirements regarding safety equipment. Golf carts with top speeds of 20-25 miles per hour are classified as "low speed vehicles." These "low speed vehicles" are subject to Federal Motor Vehicle Standard No. 500 (49 CFR 571.500). This Standard requires "low speed vehicles" to be equipped with:

- a. Head lamps;
- b. Front and rear turn signal lamps;
- c. Tail lamps;
- d. Stop lamps;
- e. Reflex reflectors: one (1) red on each side as far as to the rear as practicable, and one (1) red on the rear;
- f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;

- g. A parking brake;
- h. A windshield of AS-1 or AS-5 composition, that conforms to the American National Standard Institute's "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," (see 49 CFR 571.5);
- i. A VIN that conforms to the requirements of Part 565 *Vehicle Identification* (see 49 CFR 571.565)
- j. A Type 1 or Type 2 seat belt assembly conforming to Section 571.209 of 49 CFR, Federal Motor Vehicle Safety Standard No. 209, *Seat belt assemblies*, installed at each designated seating position.

Section 6. State and Federal Highways. The City is hereby authorized to seek approval from the Florida Department of Transportation ("FDOT") and any other regulatory authority to allow the operation of golf carts at certain designated locations upon and across any Federal or State highway.

Section 7. Permissible Operators. Pursuant to Section 316.212(8), *Florida Statutes*, all operators of golf carts hereunder must possess a valid learner's or operator's drivers license and comply with any and all laws and restrictions pertaining thereto.

Section 8. Violations. A violation of this Ordinance is a non-criminal traffic infraction, punishable pursuant to Chapter 318, *Florida Statutes*, as a moving violation for infractions of subsections (1) – (5) of Section 316.212, *Florida Statutes* or punishable pursuant to Chapter 318 as a non-moving violation for infractions of subsections (6) and (7) of Section 316.212, *Florida Statutes*.

Section 9. Codification. This Ordinance shall be codified as Sections 74-131 through 74-138, Article IV of Chapter 74 of the City Code to be titled "Authority for Golf Cart Operation."

Section 10. Repealer. All Ordinances or part of Ordinances in conflict herewith be and the same are hereby repealed.

Section 11. Severability. If any portion or portions of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions of this Ordinance shall remain in full force and effect.

Section 12. Effective Date. This Ordinance shall become effective upon passage.

**INTRODUCED AND PASSED AS TO FORM ONLY ON THE FIRST
READING BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA,
THIS 5TH DAY OF JULY, 2011.**

CITY OF GREEN COVE SPRINGS, FLORIDA

By: Deborah L. Ricks
Deborah L. Ricks, Mayor

ATTEST: Marjorie Robertson
Marjorie Robertson, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL
OF GREEN COVE SPRINGS, FLORIDA, THIS 19th DAY OF July, 2011.**

CITY OF GREEN COVE SPRINGS, FLORIDA

By: Deborah L. Ricks
Deborah L. Ricks, Mayor

ATTEST: Marjorie Robertson
Marjorie Robertson, City Clerk

EXHIBIT "A"

All City-owned and maintained streets with a speed limit of 35 miles per hour or less.