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1st Reading _____
2nd Reading _____

ORDINANCE NO 2023-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY SPECIFICALLY AMENDING ORDINANCE NO. 2020-11 AND 2022-07 REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits golf carts to be operated on a street(s) that has been designated by a municipality, provided the municipality first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, Section 316.212(5), Florida Statutes, states that golf carts may only operate on such public roads during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also safely operate during the hours between sunset and sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

WHEREAS, Section 316.212(8), Florida Statutes, allows a local government to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212 on sidewalks adjacent to specific streets, roads, and highways; and

WHEREAS, this ordinance is intended to promote the general health, safety and welfare of the public, of the City of Westlake, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

DEFINITIONS

As used in this ordinance, the following words and terms shall have the meaning ascribed thereto:

1 Designated roads means all streets and roads within the City, except for prohibited streets
2 and roads.

3
4 Golf cart means a motor vehicle designed and manufactured for operation on a golf course
5 for sporting or recreational purposes and that is not capable of exceeding speeds of 20
6 miles per hour as defined in Chapters 316 and 320 of the Florida Statutes 316.003(27) and
7 320.01(22).

8
9 Hybrid golf cart is a golf cart, which shares its electric motive power with another source,
10 such as a gasoline engine.

11
12 Low speed vehicle is any four-wheeled electric vehicle whose top speed is greater than
13 twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including
14 neighborhood electric vehicles.

15
16 Shared Use Path is a paved facility for use by pedestrians, bicyclists, and/or other users
17 that is separated from vehicular traffic.

18
19 Neighborhood electric vehicle {NEV} is an electrically driven vehicle designed for speeds
20 of twenty (20) to twenty-five (25) miles per hour. A NEV is considered a low speed vehicle.

21
22 Sidewalk is that portion of a street between the curbline, or the lateral line, of a roadway
23 and the adjacent property, intended for use by pedestrians, which includes shared use
24 paths, rural parkway easement, and multimodal paths.

25
26 Speed modified golf cart is a golf cart originally manufactured for at speeds up to twenty
27 (20) miles per hour that has been modified after initial manufacture to travel at speeds
28 over twenty (20) miles per hour.

29
30 ~~Permit Owner means an official authorization designating that the golf cart to which the~~
31 ~~authorization is affixed meets the requirements of state law and the City of Westlake Code~~
32 ~~of Ordinances.~~

33
34 Prohibited streets mean Seminole Pratt Whitney Road, 60th Street, portions of Town
35 Center Parkway East, Persimmon Boulevard East of Ilex Way and Sycamore Drive West.

36
37 Roads/Streets means the entire width between the boundary lines of every way or place
38 of whatever nature when any part thereof is open to the use of the public for purposes of
39 vehicular traffic as defined in Chapter 320 of the Florida State Statutes 320.01(16).

40
41 Slow moving vehicles means any vehicle designed for use and speeds less than 25 miles
42 per hour.

43
44 ~~Unlicensed driver means a driver who does not hold and possess a valid state issued~~
45 ~~driver's license.~~

46

1 Homeowners' Association shall mean a Florida corporation responsible for the operation
2 of a community or a mobile home subdivision in which the voting membership is made up
3 of parcel owners or their agents, or a combination thereof and in which membership is a
4 mandatory condition of parcel ownership, and which is authorized to impose assessments
5 that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does
6 not include a community development district or other similar special taxing district
7 created pursuant to statute.

8
9 **ROADS, AND STREETS, AND SIDEWALKS.**

10
11 1. Golf carts may be operated on those streets, ~~and~~ roads, sidewalks, or portions thereof as
12 designated by the City of Westlake City Council based upon recommendations of the City
13 Engineer. These designations shall be in accordance with Florida Statute, Section 316.212
14 and shall be made in accordance with City of Westlake Code of Ordinances.

15
16 2. Upon designating any streets or roads as authorized for use by golf carts, the city shall
17 ensure that proper signage to identify the designate the streets and roads for golf cart
18 utilization.

19
20 3. Golf carts may be utilized on sidewalks ~~the Rural Parkway Easements~~, shared use paths
21 and the multimodal paths that are eight (8') feet or greater in width at a reduced speed of
22 fifteen (15) miles per hour within the jurisdictional boundaries of the City.

23
24 4. ~~In addition to the requirements of Florida Statutes, Section 316.212, which is applicable~~
25 ~~to the operation of golf carts on the aforementioned designated streets and roads, the~~
26 ~~following restrictions shall also apply:~~

27
28 ~~(a) No golf carts shall be operated upon those streets or roads that the City has identified~~
29 ~~as arterial or collector roads unless otherwise authorized by the enabling ordinance.~~

30 ~~(b) No persons shall operate golf carts on designated street or roads or shared use path~~
31 ~~without a valid driver's license issued in his or her home state.~~

32 ~~(c) It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and~~
33 ~~possess a valid state issued driver's license, to operate a golf cart upon streets and roads~~
34 ~~or shared use paths within the jurisdictional boundaries of the City.~~

35 ~~(d) All golf carts operated under this Ordinance shall be restricted to a maximum attainable~~
36 ~~speed of twenty (20) miles per hour on a street or road and fifteen (15) miles per hour on~~
37 ~~a Rural Parkway Easement, a shared use path, and/or a multi-modal path. (e) Golf carts~~
38 ~~and utility vehicles may cross a portion of a county road if the county has reviewed and~~
39 ~~approved the location and design of the crossing and any traffic control devices needed for~~
40 ~~safety purposes.~~

41 ~~(f) All golf carts operating subject to this Ordinance must be equipped with efficient brakes,~~
42 ~~reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning~~
43 ~~devices in both the front and rear at all times while operated on the designated streets or~~
44 ~~roads.~~

45 ~~(g) Golf carts may only be operated on the designated streets or roads, Rural Parkway~~
46 ~~Easement, shared use path or multi-modal path during the hours between sunrise and~~
47 ~~sunset, unless otherwise designated by the City of Westlake City Engineer.~~

1 ~~(h) Golf carts equipped with headlights, brake lights, turn signals, and windshields may~~
2 ~~operate at night, if nighttime operation is designated by the City of Westlake City Engineer.~~
3 ~~(i) In accordance with the provisions of Florida Statute 322.16, a person who holds a~~
4 ~~driver's license and who is under 17 years of age, when operating a golf cart after 11:00~~
5 ~~p.m. and before 6:00 a.m., must be accompanied by a driver who holds a valid license to~~
6 ~~operate the type of vehicle being operated and is at least 21 years of age, unless that person~~
7 ~~is driving directly to or from work.~~
8 ~~(j) In accordance with the provisions of Florida Statute 322.16, a person who holds a~~
9 ~~driver's license who is 17 years of age, when operating a golf cart after 1:00 a.m. and before~~
10 ~~5:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of~~
11 ~~vehicle being operated, and is at least 21 years of age, unless that person is driving directly~~
12 ~~to or from work.~~

13
14 B. The City of Westlake shall ensure the posting of signs along the designated sidewalks
15 ~~streets or roads, Rural Parkway Easements,~~ multi-modal paths and shared use paths where
16 golf cart operation is allowed advising motorists of the possible presence of golf cart traffic
17 and alerting the public that the operation of such golf carts is subject to the various
18 requirements of this Ordinance.

19
20 ~~C. The individual Homeowner's Associations or the Master Homeowner's Association shall~~
21 ~~be responsible for the posting of signs along the designated streets and roads where golf~~
22 ~~cart operation is allowed behind the gates in each respective community advising motorist~~
23 ~~of the possible presence of golf cart traffic alerting the public that the operation of such golf~~
24 ~~carts is subject to the various requirements of this Ordinance.~~

25 26 **MINIMUM REQUIRED EQUIPMENT**

27
28 (a) All golf carts operated on sidewalks designated streets and roads, ~~Rural Parkway~~
29 ~~Easements,~~ shared use paths, and/or multi-modal paths pursuant to this ordinance shall,
30 at a minimum, be equipped with the following:

- 31 (1) Properly functioning brakes.
- 32 (2) Two (2) properly functioning brake lights.
- 33 (3) Properly functioning steering apparatus.
- 34 (4) Safe tires.
- 35 (5) A rearview mirror.
- 36 (6) Florida Department of Transportation approved lap safety belts for the driver and all
- 37 passengers.
- 38 (7) Red ReflectORIZED warning devices in the front and the rear of the golf cart.

39
40 (b) In addition, all golf carts operated on sidewalks ~~city streets or roads~~ in fog, smoke and
41 rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30)
42 minutes before sunset shall at a minimum be equipped with the following:

- 43 (1) Two (2) properly functioning headlights.
- 44 (2) A properly functioning horn.
- 45 (3) Properly functioning left and right turn signals.
- 46 (4) An approved windshield.
- 47 (5) Reflective devices or reflective tape on both sides of the of the golf cart.

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RESTRICTIONS

- (a) Only electric or gas power golf carts are authorized by this ordinance for use upon sidewalks ~~designated streets or roads, Rural Parkway Easements,~~ shared use paths and/or multimodal paths.
- (b) "Speed-modified golf carts", "hybrid golf carts", and "neighborhood electric vehicles" (NEV) or other "low speed vehicles" are not authorized by this ordinance for use upon designated sidewalks ~~streets or roads.~~
- (c) Owners and operators of all golf carts shall comply with applicable state laws pertaining to insurance requirements.

~~Section 6 GOLF CART REGISTRATION~~

- ~~(a) Each golf cart owner shall present an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street and road.~~
- ~~(b) The owner of any golf cart to be operated on designated streets and roads pursuant to this section shall first register said golf cart with the City of Westlake. The owner registering the golf cart must be at least eighteen (18) years of age. The City shall charge an initial registration fee of \$40.00. Regardless of the date of registration, all golf cart registrations shall be valid from January 1 until December 31.~~
- ~~(c) The owner of a golf cart to be operated on designated streets and roads pursuant to this section shall be required to renew the golf cart registration prior to January 1, every three years following initial registration. The city shall charge a renewal fee of \$30.00 for each registration renewal. An owner who fails to renew the registration of a golf cart prior to January 1, every three years following the initial registration, shall be required to obtain a new registration and pay the initial registration fee of \$40.00.~~
- ~~(d) All owners of properly registered golf cart shall be issued a registration sticker which sticker shall be placed and maintained on the left front quarter panel or left side of the front windshield. The City of Westlake shall maintain a list of all golf cart registrations.~~
- ~~(e) Golf carts shall not carry more passengers than those for which the golf cart was designed.~~
- ~~(f) Golf cart operators shall not obstruct or interfere with traffic flow and operators shall yield to pedestrians, bicyclist and all other users on the shared use paths, Rural Parkway Easement and multi-modal paths.~~
- ~~(g) Each golf cart owner shall provide an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street or roads.~~
- ~~(h) Upon submitting a completed permit application, affidavit, proof of insurance and the payment of a \$40.00 application fee or \$30.00 renewal application fee, the City shall issue a permit to operate a golf cart.~~

SECTION 7 INDEMNIFICATION AND INSURANCE

- (a) ~~Hold Harmless. Any person operating a golf cart on any designated streets, roads, rural parkway easements, shared use paths or multi-modal paths does so at his/her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The City in designating certain city streets,~~

1 roads, rural parkway easements, shared use paths or multi-modal paths for the operation
2 of golf carts, extends such operating privileges on the express condition that the operators
3 of any golf carts under this ordinance undertakes such operation at their own risk and
4 assumes sole liability for operating the vehicle on the designated streets, roads, rural
5 parkways, shared use paths or multi-modal paths and by such operation agrees to defend,
6 release, indemnify, and hold harmless the City, its officials and employees for and regarding
7 any and all claims, demands, or damages of any nature whatsoever arising from such
8 operation by any person

9 (b) Liability insurance required. Any operator of a golf cart on the designated streets, roads,
10 rural parkway easements, shared use paths or multi-modal paths shall be covered by
11 motor vehicle or other liability insurance that includes operation of the golf cart insuring
12 the owner and/or operator against loss from liability for bodily injury, death, and property
13 damage arising out of the ownership, maintenance, or use of a motor vehicle of not less
14 than the limits described in Section 324.021(7), Florida Statutes, as may be amended.

15
16 **ENFORCEMENT**

17
18 (a) Violations of this section shall constitute a non-criminal traffic infraction punishable
19 pursuant to Chapter 318 as a moving or non-moving violation, enforceable by all duly
20 authorized law enforcement officers pursuant to the provisions of Florida Statutes,
21 Sections 316.212(9) and 318.14.

22 (b) The City shall have the authority to enforce the provisions set forth herein and
23 applicable traffic laws, ~~provided however, that the enforcement of rules and regulations~~
24 ~~created and established by home owners associations shall be the sole responsibility of~~
25 ~~those communities.~~

26 (c) City of Westlake may enforce the provisions of this ordinance through any legal means
27 including prosecuting violations of this ordinance pursuant to Florida Statute 162, or the
28 procedures for civil citations contained in the City of Westlake Code Compliance
29 Ordinance.

30 ~~(d) The operation of an unregistered golf cart, the operation of a golf cart which has been~~
31 ~~modified so as to no longer comply with the provisions of this ordinance, the operation of~~
32 ~~a golf cart without minimum required equipment for the conditions, and the operation of~~
33 ~~any golf cart on non-designated city streets presents an immediate threat to the health,~~
34 ~~safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a~~
35 ~~code compliance board, a code compliance special magistrate or the city council, sitting in~~
36 ~~a quasi-judicial capacity, shall be subject to revocation of golf cart registration.~~

37
38 **SECTION 3. Codification.** It is the intention of the City Council of the City of
39 Westlake that the provisions of this Ordinance shall become and be made a part of the Code
40 of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may
41 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
42 "Article" or such other word or phrase in order to accomplish such intention.

43
44 **SECTION 4. Conflicts.** All ordinances or parts of ordinances, resolutions or
45 parts of resolutions which are in conflict herewith, are hereby repealed to the extent of
46 such conflict.

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SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2023, on second reading.

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess,CMC City Clerk