

ORDINANCE 2013-17

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING PART II OF CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH BY THE ADOPTION OF ARTICLE VI CONSISTING OF SECTIONS 82-283 TO 82-294, INCLUSIVE; PROVIDING FOR THE OPERATION OF GOLF CARTS UPON DESIGNATED STREETS; PROVIDING FOR RESTRICTIONS RELATING TO OPERATION OF GOLF CARTS; PROVIDING THAT THE OPERATION OF GOLF CARTS ON SAID STREETS SHALL CONSTITUTE A LICENSE BETWEEN THE CITY AND THE GOLF CART OWNER OR OPERATOR; PROVIDING THAT IN THE EVENT SUCH LICENSE IS RESCINDED BY SUBSEQUENT ORDINANCE OVER THE PORTIONS OF THE CITY ON WHICH GOLF CARTS MAY BE OPERATED IS CONTRACTED OR OTHERWISE CHANGED THAT THE GOLF CART OWNER BY ACCEPTANCE OF A LICENSE HAS WAIVED ANY CLAIM AGAINST THE CITY FOR ANY FUNDS OR ACTION SPENT OR UNDERTAKEN IN RELIANCE ON THIS ORDINANCE; REQUIRING CONSISTENCY WITH STATE STATUTE; PROVIDING FOR THE ISSUANCE OF A DECAL; PROVIDING THAT GOLF CARTS MAY ONLY BE OPERATED BY INDIVIDUALS WITH A VALID DRIVER'S LICENSE; PROVIDING FOR SIGNAGE ON CITY ROADS; PROVIDING FOR THE ISSUANCE OF ANNUAL LICENSES AND THE PAYMENT OF FEES THEREFORE; PROVIDING FOR THE RESPONSIBILITIES OF THE OWNER/OPERATOR OF THE GOLF CART; PROVIDING FOR SPECIFIC EQUIPMENT ON THE GOLF CART; PROVIDING THAT GOLF CARTS MAY BE OPERATED ONLY BY LICENSED DRIVERS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR RESOLUTIONS PREVIOUSLY ADOPTED BY THE CITY REGARDING THE OPERATION OF GOLF CARTS ON CITY STREETS, RIGHTS -OF -WAY, SIDEWALKS OR OTHER PORTIONS OF THE CITY; DESIGNATING ROADS FOR OPERATION OF GOLF CARTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 316.212(1), Florida Statutes, permits municipalities to allow golf carts to be operated on municipal roads by ordinance provided that the municipality first determines that such operation would be safe; and

WHEREAS, Section 316.212(8), Florida Statutes, allows municipalities to enact regulations that are more restrictive than those contained in Section 316.212, Florida Statutes as long as appropriate signage is posted or residents are otherwise informed that the operation of golf carts is subject to a more strict standards than those provided in Section 316.212, Florida Statutes.

WHEREAS, the City Commission hereby legislatively determines pursuant to Chapter 316.212 F.S. that golf carts may safely be operated on certain designated streets within the City, and specifically finds that golf carts may safely travel on or across the public roads or streets as designated in this ordinance. The City Commission further finds that it has considered the factors regarding the public safety of such golf cart operation including the speed, volume and character of the motor vehicle traffic using the

designated road or street and has, therefore, determined that golf carts may be safely operated on said designated roads or streets, and that appropriate signage shall be placed within the City to indicate that such operation is allowed; and

WHEREAS, the City Commission has legislatively determined that the operation of golf carts on certain City streets is safe and should be allowed; and

WHEREAS, the crossing of or operation of golf carts on state roads or county roads shall be as determined by the appropriate state or county agency or authority having jurisdiction, and no crossing of or operation on state or county roads shall be allowed without the permission of the appropriate governmental authorities; and

WHEREAS, golf carts may be operated on City streets only during the hours between sunrise and sunset unless the equipment and safety devices prescribed by Florida statute have been installed; and

WHEREAS, the City finds that it is safe and in the public interest for golf carts to be operated during the hours between the hours sunset and sunrise, if such golf carts are equipped with headlights, brake lights, turn signals, a windshield and other features as required by this ordinance;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

SECTION 1. That Chapter 82 the Code of Ordinances of the City of ST. PETE BEACH is amended by the creation of Article VI of Chapter 82 consisting of Sections 82 -283 to 82 -294, inclusive, to read as follows:

Section 82-283 Use of Golf Carts Upon Designated City Streets.

It shall be lawful for a person holding and in possession of a valid driver license to operate a golf cart, as defined by Section 320.01 (22) Florida Statute, upon certain designated streets within the boundaries of the City of ST. PETE BEACH. No such golf cart shall be operated on any other portion of the right -of -way of city, county or state roads except the paved portion of the right -of -way of said street, and there shall be no operation of golf carts on sidewalks, parks or other portions of City lands, and spurs or extensions thereof, right - of -ways or City streets except as specifically designated herein and private lands allowing such use. All use of golf carts on designated City streets shall be in strict accordance with Florida Statute 316.212 or any amendments thereto or any other provisions of Florida Statutes regulating the use of golf carts on public streets. All persons operating a golf cart on City streets must comply with all other applicable traffic laws regarding the operation of such a vehicle. Nothing herein shall relieve the operator of a golf cart from compliance with all laws and ordinances otherwise pertaining to the operation of a vehicle.

Section 82-284 Hours of Operation

Golf carts shall only be operated on the City streets designated in this Article during the hours between sunrise and sunset unless the equipment and safety devices prescribed in Section 23.21 and Section 316.212(5), Florida Statutes, have been installed.

Section 82-285 Crossing State and County Roads.

Nothing herein shall be deemed to authorize the operation of a golf cart on a state or county road or right-of-way or to allow the crossing of a state or county road other than at such crossings and in such locations as shall be permitted and specified by the State of Florida, or an administrative agency thereof, or by Pinellas County.

Section 82 -286 Licensed Use; Revocable.

The operation of a golf cart on designated City streets shall be deemed to be a licensed use of those streets and to be revocable upon the will of the City Commission in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use. The issuance of a license or other permission for the operation of golf carts on City streets shall not limit or otherwise preclude the City Commission from the amendment of this Article, revocation of this Article, contracting or expanding the streets or roads on which golf cars can be operated, or the designation of crossing points for state and county roads. All persons operating golf carts on City streets under this license from the City of ST. PETE BEACH shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed golf cart operation on such streets or any monetary claim therefore based on a claim for action in reliance on the provisions of this Article. The City Commission retains the unlimited legal authority to revoke, amend or to otherwise legislate as to the operation of golf carts on City streets without liability of any kind arising from its legislative decisions.

Section 82-287 Waiver of Claim.

Any person operating a golf cart enjoying a license for such purpose and all persons who are passengers in such golf cart shall be deemed to have waived any claim against the City for its legislative decision to allow the operation of such golf carts on designated City streets in compliance with this Article, and this Article is declared by the City Commission to be a legislative act of the City pursuant to the authority granted by state statute.

Section 82-288 Parking.

This section shall be applicable to such areas as are specifically designated for vehicle parking use either on city streets or off the right-of-way of city streets. Golf carts operated on designated city streets, when parked in public parking spaces, in parking lots owned and controlled by the city, or in such other areas as are designated by

signage or ground marking for such usage, and on public lands specifically allowing such use such golf carts shall be parked in a manner as required by law for use of these spaces by vehicles.. Identified handicapped parking spaces may be used by golf carts complying with the law for use of these spaces by vehicles.

Section 82-289 Driver License.

All persons operating a golf cart on designated City streets shall, upon request of a law enforcement officer, be in possession of a valid driver license; it shall be unlawful for a golf cart to be operated on designated City streets by any person who is not the owner of and in possession of a valid driver license.

Section 82-290 Registration of Golf Carts.

All golf carts operating on City streets, prior to such operation, shall be registered with the City of ST. PETE BEACH on an annual basis by such persons and in such a manner as is administratively determined by the City Manager. The registration process shall include the payment of an annual registration fee in the amount of Ten Dollars (\$10.00). An inspection to verify road worthiness, and the presence of required equipment may be instituted by the City as a condition of registration and operation of a golf cart on City designated streets. Decals reflecting a valid registration must be visibly affixed to each registered golf cart on the back driver's side of said golf cart in a location that is easily visible to law enforcement personnel. Such registration and decal must be current at all times the golf cart is operated on City streets. No registration is required for golf carts which are not operated on City streets.

Section 82-291 Required Equipment.

All golf carts operated on designated city streets must be equipped with efficient brakes, reliable steering, a horn meeting the standards of F.S. § 316.271, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear of such golf cart, at all times while the golf cart is operated on designated city streets. All golf carts operated between sunset and sunrise on designated city streets shall also be properly equipped with headlights, brake lights, turn signals and a windshield.

Section 82-292 Designated Streets.

The city streets within the borders delineated on the exhibit "A" attached hereto are the designated city streets on which golf carts may be operated, and only in those designated areas.

Section 82-293 Areas of Legal Operation.

The portions of the city in which golf carts may be lawfully operated consist of all streets having a posted speed limit of 25 MPH or less.

Section 82-294 Number of Occupants, Speed and Required Insurance.

- (a) The number of occupants in any golf cart being operated on the designated streets of the city shall be restricted to the number of seats on the golf cart, not exceeding the number of persons for which the golf cart was designed and which is consistent with the number of seats provided by the golf cart manufacturer.
- (b) It shall be unlawful for any occupant of a golf cart to stand at any time while the golf cart is in motion.
- (c) All golf carts permitted to travel on designated city streets within the city shall have a maximum attainable speed of 20 miles per hour.
- (d) It is unlawful for a person to drive a golf cart at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. It is the duty of the operator of a golf cart to leave the paved surface of a designated street to allow other motor vehicles to proceed at the lawful speed on such street as an exception to section 82-283 and subparagraph (e) below.
- (e) It is unlawful for a golf cart to be operated on city sidewalks, rights-of-way and other locations on which a motor vehicle cannot be operated, and as proscribed by state statute or city ordinance, except for compliance with subparagraph (d) above.
- (f) It shall be unlawful for any golf cart to be operated on the designated streets of the city unless and until the owner(s) thereof has purchased liability insurance insuring against personal injury and damage to property relative to the operation of golf carts on said designated city streets. The said insurance must be in full force and effect at all times the golf cart is operated on designated city streets. Proof of insurance must be presented to the city upon registration and licensing of the golf cart to operate on designated city streets, and to a law enforcement officer or code enforcement officer upon request.

Section 82-295 Enforcement.

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

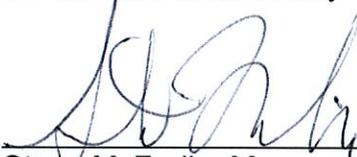
Violations of this Article shall constitute a non-criminal infraction to be enforceable pursuant to the provisions of Section 316.212(8), Florida Statutes, and City ordinances by a law enforcement officer or City Code Enforcement Officer as such officer's legal authority and jurisdiction allows. Code Enforcement Officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, the lawful parking of golf carts and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

In addition, other avenues for the enforcement of violations of this Article may be enforced by St. Pete Beach Enforcement Officers and the City of St. Pete Beach Special Magistrate, as their jurisdiction and legal authority allows.

SECTION 2. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

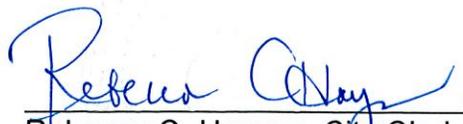
SECTION 4. This Ordinance shall become effective immediately upon final passage as provided by law.



Steve McFarlin, Mayor

FIRST READING	: <u>September 3, 2013</u>
PUBLISHED	: <u>September 4, 2013</u>
SECOND READING	: <u>September 18, 2013</u>
PUBLIC HEARING	: <u>September 18, 2013</u>

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 18th day of September, 2013.



Rebecca C. Haynes, City Clerk