

Ordinance on golf cart registration and safety devices
04.21.22 FOR SECOND READING

CITY OF HOLMES BEACH
ORDINANCE NO. 22-07

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE II. – STOPPING, STANDING AND PARKING, SECTION 62-38. OPERATION OF GOLF CARTS ON CITY STREETS, TO PROVIDE FOR A RESIDENTIAL REGISTRATION PROCESS, AND TO PROVIDE FOR ADDITIONAL EQUIPMENT AND SAFETY REGULATIONS; AMENDING CHAPTER 62 -TRAFFIC AND VEHICLES, ARTICLE II. – STOPPING, STANDING AND PARKING, SECTION 62-43. AREAS WHERE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES IS PROHIBITED, TO PROVIDE FOR THE REGULATION OF LOW-SPEED VEHICLES; TO PROVIDE FOR CONFLICTS AND SEVERABILITY; AND PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holmes Beach, Florida has recently reduced the speed limit on all City owned streets to 25mph; and

WHEREAS, concerns for the increased use of low-speed vehicles and golf carts on all City streets were raised by the City staff, the Mayor, and the City Commission at a public work session and public meeting; and

WHEREAS, updates, revisions, and amendments in Florida Statutes require amendments to the City Code to align it with state law; and

WHEREAS, Section 316.003, *Florida Statutes*, defines “golf cart” as “a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, and Section 320.01, *Florida Statutes*, defines a “golf cart” as “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 20 miles per hour”; and

WHEREAS, pursuant to Section 316.212, *Florida Statutes*, golf carts may only be operated on designated roadways with a posted speed limit of 30 miles per hour or less; and

WHEREAS, Section 316.212, *Florida Statutes*, provides for the operation of golf carts upon all public roads and streets as may be designated for use by a county or municipality, and

WHEREAS, Section 316.212, *Florida Statutes*, allows the operation of a golf cart only during the hours between sunrise and sunset, unless a responsible local governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield; and

WHEREAS, Section 316.212, *Florida Statutes*, restricts the operation of a golf cart on any public roads by any person under the age of 14; and

Ordinance on golf cart registration and safety devices
04.21.22 FOR SECOND READING

WHEREAS, per Attorney General Opinion 2016-07, municipalities are preempted by the State to regulate unlicensed operators of golf carts and municipalities are unable to restrict or prohibit an unlicensed driver from operating a golf cart; and

WHEREAS, neither the Florida Statutes nor any legal opinion prohibits the ability of local governments to regulate the age of the driver, regardless of licensure status; and

WHEREAS, Sections 316.212 & 316.2126, *Florida Statutes*, allow a local government to regulate the operation and equipment of golf carts by ordinance which is more restrictive than those enumerates in Section 316.212, *Florida Statutes*; and

WHEREAS, the City Commission find that, pursuant to Florida Statutes, golf carts should be regulated in terms of where they may be operated within the City, by whom they may be operated, and what particular equipment golf carts should possess; and

WHEREAS, in order to enforce these regulations and to ensure the health, safety, and welfare of all residents and visitors to the City of Holmes Beach, Florida, the City Commission finds it necessary to institute a registration program for golf carts; and

WHEREAS, Section 320.01, *Florida Statutes*, defines “low-speed vehicle” as “any four wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500”; and

WHEREAS, Section 316.2122, *Florida Statutes*, only authorizes low-speed vehicles to be operated on streets with a posted speed limit of 35 miles per hour or less; and

WHEREAS, pursuant to Section 316.2122, *Florida Statutes*, a low-speed vehicle must be equipped with headlamps, stop lamps, turn signals, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers; and

WHEREAS, pursuant to Section 316.2122, *Florida Statutes*, a low-speed vehicle must be registered insured in accordance with Section 320.02, *Florida Statutes*, and titled pursuant to Chapter 319; and

WHEREAS, pursuant to Section 316.2122, *Florida Statutes*, any person operating a low-speed vehicle must have in his or her possession a valid driver’s license; and

WHEREAS, Section 316.2122, *Florida Statutes* only authorizes the operation of low-speed vehicles on certain public roads, therefore low-speed vehicles are not permitted to operate on sidewalks; and

WHEREAS, Section 316.2122, *Florida Statutes*, authorizes a county or municipality to prohibit the operation of low-speed vehicles on any road under its jurisdiction if it is determined that such prohibition is necessary in the interests of safety; and

Ordinance on golf cart registration and safety devices
04.21.22 . FOR SECOND READING

WHEREAS, the City Commission finds that, pursuant to *Florida Statutes*, low-speed vehicles should be regulated in terms of where they may be operated within the City to ensure the safety, health, and welfare of its residents and visitors; and

WHEREAS, to effectuate that regulation, the City Code should be amended to reflect the regulation of low-speed vehicles.

NOW, THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. The above "whereas" clauses are adopted herein as findings of fact.

SECTION 2. Chapter 62 – Traffic and Vehicles, Article II. – Stopping, Standing and Parking, Section 62-39. Standards for golf carts operating on city streets, is stricken in its entirety and replaced with the following:

Sec. 62-.9. Standards for golf carts operating on city streets.

(a) Use of golf carts upon City streets.

- (1) All use of golf carts on City streets shall be in strict accordance with F.S. § 316.212, and any amendments thereto.
- (2) Golf carts may only be operated by persons aged sixteen (16) or older. There is no requirement that the person secure and maintain a valid driver's license to operate a golf cart.
- (3) All persons operating a golf cart on City streets must comply with all other applicable traffic laws regarding the operation of such a motor vehicle.
- (4) All golf carts operating on City streets must comply with all the standards set forth in state statutes for use of golf carts on public rights-of-way.

(b) Required equipment.

- (1) All golf carts operated on City streets shall be equipped with the following:
 - 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 the rear;
 - vi. Headlights;
 - vii. Brake lights;
 - viii. Side view mirrors; and
 - ix. A windshield.

Ordinance on golf cart registration and safety devices
04.21.22 FOR SECOND READING

- (2) All golf carts operated on City Streets must be equipped with seat belts available for use for each rider. Failure to have and use seatbelts shall be a violation of this section will be subject to fine as set forth in this Article.

(c) Golf cart registration.

- (1) All golf carts operating on City streets, prior to such operation, shall be registered with the City within three (3) months of the enactment of this section. Any unregistered golf cart shall not be permitted to operate on public roadways within the City's jurisdictional boundaries.
- (2) In order to discourage unsafe travel on or across public roads and streets at high volumes, rates of speed, and due to the transient nature of visitors and associated traffic on Anna Maria Island and within the jurisdictional boundaries of the City of Holmes Beach, registration is available only to residents of the City of Holmes Beach.
- (3) The registration process shall be handled administratively through the Administrative Accounting Specialist, or his or her designee, upon proper application and payment of the registration fee. Decals reflecting a valid City registration must be visibly affixed to each registered golf cart on the passenger-side, top corner of the windshield so it is easily visible to law enforcement and code enforcement personnel.
- (4) Golf cart registrations are non-transferrable, either to property or person.
- (5) No registration is required for golf carts which are not operated on City streets.

(d) Number of occupants and speed.

- (1) The number of occupants in any golf cart operated on City streets shall be restricted to the number of seats available that are equipped with seat belts. This number shall not exceed the number of persons for which the golf cart was designed, and which is consistent with the number of seats provided for by the golf cart manufacturer.
- (2) All golf carts permitted to operate on City streets shall have a maximum attainable speed of 20 miles per hour.
- (3) It is unlawful for a person to operate a golf cart at such slow speeds 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 the law.

(e) Areas where the operation of golf carts is prohibited.

Regardless of registration status, golf carts are prohibited from operating on Palm Drive, Gulf Drive, and from the 5300 to the 6600 block of Marina Drive, and other such roads as indicated

Ordinance on golf cart registration and safety devices
04.21.22 FOR SECOND READING

on the City Golf Cart Accessibility Map, which may be amended from time to time, and can be obtained from the City of Holmes Beach Police Department. Golf carts are also prohibited from operating on City sidewalks, multiuse trails, bicycle paths or lanes, boardwalks, the beach, beach accesses, and other City owned property including parks and other recreational areas, except as otherwise allowed by this Chapter. Properly registered golf carts may be driven on and parked in City owned parking lots that are open to the public. Properly registered golf carts shall be parked in designated spaces if provided, or in vehicle parking spaces if designated golf cart spaces are not otherwise provided.

SECTION 3. Chapter 62 – Traffic and Vehicles, Article II. – Stopping, Standing and Parking, Section 62-43. – Areas where operation of golf carts and low speed vehicles is prohibited, is stricken and replace Code of Ordinances is stricken in its entirety and replaced with the following:

Sec. 62-43. – Operation of low-speed vehicles.

(a) Use of low-speed vehicles upon all City streets.

- (1) All operation and use of low-speed vehicles on City streets shall be in strict accordance with F.S. Chapters 316, 318, and 320, and any amendments thereto, as well as other applicable, controlling law.
- (2) All low-speed vehicles operated on City Streets must be equipped with seat belts available for use for each rider, and no owner, operator, or passenger of a low-speed vehicle may exceed the seating capacity of the vehicle. The seating capacity shall be determined by the number of operable seat belts as well as the manufacturer's design specifications.
- (3) A low-speed vehicle is required to park in the same direction as the flow of traffic.

(b) Areas where the operation of low-speed vehicles is prohibited.

Low-speed vehicles are prohibited from operating on City sidewalks, multiuse trails, bicycle paths or lanes, boardwalks, the beach and beach accesses, and other City owned property including parks and other recreational areas, except as otherwise allowed by this Chapter. Low-speed vehicles may be driven on and parked in City owned parking lots that are open to the public and shall be parked in designated spaces if provided, or in vehicle parking spaces if designated spaces are not otherwise provided.

(c) Violations.

Any person who violates this section shall be issued a citation for each violation and will be subject to a fine for each violation as set forth in this Article.

Ordinance on golf cart registration and safety devices
04.21.22 FOR SECOND READING

SECTION 4. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 7. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

SECTION 8. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 26th day of April, 2022.

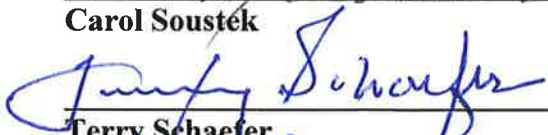
First Reading: April 12, 2022

Publication Date: April 15, 2022

Second Reading and Public Hearing Date: April 26, 2022



Carol Soustek



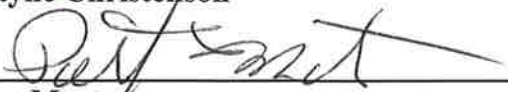
Terry Schaefer



Kim Rash



Jayne Christenson



Pat Morton

APPROVED BY ME THIS 27th **DAY OF** April, 2022.

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Judy Titsworth, Mayor

ATTEST: 

Stacey Johnston, MMC, City Clerk