

**CITY OF HOLMES BEACH  
ORDINANCE NO. 19-03**

**AN ORDINANCE OF THE CITY OF HOLMES BEACH AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOLMES BEACH, FLORIDA TO AMEND SECTION 62-38 OF CHAPTER 62 TO DELETE SUBSECTION 62-38 (2) AND RENUMBER SUBSECTION 62-38(3) TO 62-38(2); TO AMEND 62-39 OF CHAPTER 62 TO ADD ADDITIONAL STANDARDS FOR GOLF CARTS OPERATED ON CITY STREETS; ADDING A NEW SECTION 62-43 TO DEFINE AREAS WHERE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES IS PROHIBITED; ADDING A NEW SECTION 62-44 PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Holmes Beach, Florida has police powers to regulate the use of City streets; and

**WHEREAS**, the City of Holmes Beach, Florida desires to further restrict the City streets where golf carts are allowed to be used; and

**WHEREAS**, the City of Holmes Beach, Florida has determined that it is in the best interest of its citizens to restrict the use of low speed vehicles as defined in state statute from certain streets; and

**WHEREAS**, the City's traffic engineer has determined that the adoption of these regulations will increase the safety of the residents and visitors by decreasing traffic conflicts on the City's heavily traveled roads.

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

**Section 1. Section 62-38. Operation of golf carts on city streets is amended in its entirety to read as follows:**

"Section 62-38. The operation of a golf cart upon the streets of the city is permitted on all streets within the city except as provided herein:

- (1) Golf carts may not be used on any street which has a designated speed limit of 26 miles per hour or higher.
- (2) Golf carts may cross Gulf Drive, Palm Drive and Marina Drive from approved streets.

**Section 2. Section 62-39 is amended to add the following standards:**

"(3) All golf carts operated on any streets in the City of Homes Beach must have seat belts for all riders.

(4) The owners or operators of any golf carts operated on any streets in Holmes Beach must use age appropriate child restraint devices and safety seats as required in Chapter 316, Florida Statutes.

(5) All Owners of a golf cart operated on roads within the City of Holmes Beach must have seat belts available for use.

(6) Failure to have and use seatbelts and/or child restraint devices and safety seats for children shall be a violation of this ordinance and will be subject to a fine as set forth below.

**Section 3. A new Section 62-43 is added to read as follows:**

"Section 62-43. Areas where operation of golf carts and low speed vehicles is prohibited.

Golf carts and low speed vehicles are prohibited from operating on City sidewalks, multiuse trails, bicycle paths, boardwalks, beach accesses and other city owned property including parks and recreational areas except as allowed elsewhere in this chapter. Golf carts and 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 golf cart/low speed vehicle spaces are not provided."

**Section 4. A new Section 62-44 is added to read as follows:**

"Section 62-44. Penalties.

Any violation of any provision of this ordinance is subject to a fine of \$75.00 per violation. Each seat belt, child restraint device or safety seat violation is deemed to be a separate violation subject to the fine. The amount of the fine may be amended by resolution of the commission."

**Section 5. Conflicts.** Any section in the City's Code of Ordinances that conflicts with these provisions are hereby superseded.

**Section 6. Severability.** If any word, portion, clause or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

**Section 7. Effective Date.** 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 26<sup>th</sup> day of March, 2019.

First Reading: 3-12-19

Publication Date: 3-17-19

Second Reading and Public Hearing Date: 3-26-19

Absent  
Jim Kihm

Carol Soustek  
Carol Soustek

Kim Rash  
Kim Rash

Rick Hurst  
Rick Hurst

Patrick Morton  
Patrick Morton

APPROVED BY ME THIS 26<sup>th</sup> DAY OF March, 2019

Judy Titsworth  
Judy Titsworth, Mayor

ATTEST: Stacey Johnston  
Stacey Johnston, MMC, City Clerk