ORDINANCE NO. 2021-2231

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE IX OF CHAPTER 23, SECTIONS 23-200 THROUGH 23-212, OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO OPERATION OF GOLF CARTS WITHIN THE CITY; PROVIDING REVISED DEFINITIONS OF TERMS; PROVIDING FOR REPEAL OF PROVISIONS ESTABLISHED BY STATE LAW; PROVIDING FOR EQUIPMENT AND APPROVED OPERATORS AS ESTABLISHED BY STATE LAW; PROVIDING FOR REMOVAL OF CITY PERMIT REQUIREMENTS; PROVIDING FOR GOLF CART CROSSING OF PROHIBITED STREETS; PROVIDING FOR ALLOWANCE OF GOLF CARTS WEST OF U.S. HIGHWAY 19; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the use of golf carts within the City limits of the City of New Port Richey, Florida is a recurring condition which has grown steadily over time;

WHEREAS, the City wishes to expand the opportunities for the use of golf carts by residents and visitors to the City;

WHEREAS, state law provides comprehensive requirements for the equipping and operating of golf carts on public streets;

WHEREAS, the City Council has determined that the use of golf carts is appropriate and safe on designated streets within the City, and that nighttime use is appropriate with the equipment required by state law;

WHEREAS, the City Council wishes to simplify the City's golf cart regulations to enhance the opportunities for the use of golf carts within the City; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. Article IX, of Chapter 23, Sections 23-200 through 23-212, of the Code of Ordinances, pertaining to golf carts operated within the City and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added)**:**

ARTICLE IX. – GOLF CARTS

Sec. 23-200. Definitions.

Designated streets shall mean the streets within the city authorized for golf cart use.

Golf cart shall mean a motor vehicle 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, as defined in Chapter 320.01(22) Florida Statutes~~, and golf carts modified to be a low speed vehicle, as defined in Chapter 320.01(41)~~.

Operator shall mean any person who is authorized to operate a golf cart on a public street under state law ~~has a valid driver's license~~.

~~*Permit* shall mean an official authorization from the city designating that the golf cart to which the authorization is affixed meets the requirements of this article.~~

~~*Safety/seat belt(s)* shall mean a belt assembly that meets the requirements established under Florida Statute 316.614.~~

Sec. 23-201. Use of golf carts upon designated city streets.

(a) It shall be lawful for an operator ~~person holding and in possession of a valid driver's license~~ to operate a golf cart~~, as defined by Section 320.01(22), Florida Statute,~~ upon any city street ~~certain designated roadways~~ ~~east of U.S. 19 and~~ within the boundaries of the City of New Port Richey, Florida, other than city streets where golf cart operation is prohibited in this article. ~~See Exhibit "A".~~ No such golf cart shall be operated on any other portion of the right-of-way of any 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, within city parks or other portions of city lands, rights-of-way~~s~~ or city streets except as specifically designated herein.

(b) All use of golf carts on designated city streets shall be in strict accordance with Florida Statute 316.212 or any amendments thereto and/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. 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.

Sec. 23-202. 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 crossing(s) and in such location(s) as may be permitted and specified by the State of Florida, any ~~or~~ administrative agency thereof, or ~~by~~ Pasco County, Florida.

~~**Sec. 23-203. 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 discretion of the city council 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 council from the amendment of this article, revocation of this article, contracting or expanding the streets on which golf carts can be operated, or any designated crossing points which may be designated by the state or county.~~

~~All persons operating golf carts on city streets under this license from the city 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 of the provisions of this article. The city council retains the unlimited legal authority to revoke, amend or otherwise legislate as to the operation of golf carts on city streets without liability of any kind arising from its legislative decisions.~~

~~**Sec. 23-204. 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 council to be a legislative act of the city pursuant to the authority granted by state statute.~~

Sec. 23-<u>203</u>~~5~~. Parking.

Golf carts ~~operated on designated city streets, when~~ parked in public parking spaces~~, such golf carts~~ shall be parked in a manner within such space to allow for another golf cart to park <u>adjacent thereto to the extent practicable</u> ~~side by side or in another fashion that allows either golf cart to leave the space when desired~~. It shall be the obligation of each golf cart operator to park the golf cart in a manner that will allow the use of the public parking space by another golf cart. 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, 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 <u>property</u> ~~lands~~ specifically allowing such use. ~~Identified handicapped parking spaces may be used by golf carts complying with the law for use of these spaces by vehicles.~~ Golf carts are not permitted to be parked on any grass area.

~~**Sec. 23-206. Driver's license.**~~

~~All persons operating a golf cart on a designated city street shall be at least sixteen (16) years of age and be in possession of a valid driver license. It shall be unlawful for a golf cart to be operated on any designated city street by any person who is not in possession of a valid driver license. No person may operate a golf cart on city streets who has a suspended or revoked driver license, per Florida Statute 322, et seq.~~

~~**Sec. 23-207. Registration of golf carts.**~~

~~All golf carts operating on city streets, prior to such operation, shall be inspected by and registered with the city police department on an annual basis by such person and in such 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 twenty-five dollars ($25.00).~~

~~An inspection to verify the presence of required equipment shall be conducted by the police department, as a condition of registration and operation of a golf cart on city designated streets. Decals reflecting a valid city 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 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.~~

~~All registrations must be renewed annually during January. Owner's re-registering after January 31st of each year will be considered expired until they re-register and shall not be permitted to operate a golf cart on designated city streets.~~

~~Driving a golf cart without a current registration:~~

~~(1) First offense, $50.00;~~

~~(2) Second offense, $100.00; and~~

~~(3) Third offense, $150.00, plus registration revoked for one (1) year.~~

Sec. 23-20<u>4</u>8. Required equipment.

All golf carts operated on designated city streets must be equipped<u>, as provided by state law,</u> with <u>efficient</u> ~~functioning:~~ brakes, ~~turn signals, brake lights, safety belts,~~ <u>a</u> reliable steering <u>apparatus</u>, ~~horn (meeting the standards of Chapter 316.271, Florida Statutes),~~ safe tires, a~~nd~~ rearview mirror<u>, and</u>~~.~~ <u>R</u>~~r~~red reflectorized warning devices ~~shall be affixed~~ in both the front and rear ~~of such golf cart, at all times the golf cart is operated on designated city streets~~. All golf carts <u>may be</u> operated between sunset and sunrise<u>, so long as they are equipped with</u> ~~on designated city streets shall also be properly equipped with functioning:~~ headlights<u>, brake lights, turn signals</u> and a windshield.

~~**Sec. 23-209. Designated streets.**~~

~~The city streets within the borders delineated on the exhibit "A" attached hereto and labeled, "New Port Richey Golf Cart Boundary" are designated city streets on which golf carts may be operated, and only in those designated areas. It shall be unlawful for a golf cart to cross a state or county road.~~

Sec. 23-2~~10~~5. Area of legal operation.

(a) ~~Golf carts may only be operated on city streets in areas east of U.S. Highway 19, and t~~<u>The</u> operation of golf carts on the following streets is prohibited, <u>except as provided in subsection (b) hereof:</u>

(1) Congress Street;

(2) Madison Street;

(3) Massachusetts Avenue;

(4) Marine Parkway from U.S. Highway 19 to Grand Boulevard;

(5) Grand Boulevard from Gulf Drive to Ridgewood Drive; and

(6) Trouble Creek Road.

(b) Golf carts may be operated within Sims Park during special events for which a special event permit has been issued for Sims Park and adjacent areas pursuant to Article VI of this chapter. Golf carts shall at all times yield to pedestrians and bicycles, and shall operate at safe speeds and only in authorized areas. The city manager may designate prohibited areas in Sims Park during any event where golf carts may not be operated, and may order any golf cart to vacate the park if such cart has been operated recklessly or in violation hereof. Notwithstanding the prohibition of golf cart operation on the streets designated in subsection (a) hereof, the operation of golf carts to cross the above prohibited streets is allowed at intersections of two streets where operation is not prohibited, so long as the two streets are directly aligned on each side of the prohibited street and the crossing is completed in the most expedient and direct manner, and golf carts are permitted to use prohibited streets to access properties accessible only from a prohibited street, only to the extent necessary to access the nearest street where operation is not prohibited.

~~Sec. 23-211. Number of occupants, speed, required insurance and miscellaneous.~~

~~(a) The number of occupants in any golf cart being operated on the designated city 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 manufacture. Occupants under five (5) years of age are not permitted. All occupants shall be restrained by a safety belt, appropriately adjusted which is fastened at all times when the golf cart is in motion.~~

~~(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 twenty miles per hour (20 m.p.h.).~~

~~(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 the 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 a lawful speed on such street as an exception to Section 9.1 and subparagraph (e) below.~~

~~(e) It is unlawful for a golf cart to be operated on city sidewalks, rights-of-way and other location 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 carts to operate on designated city streets, and to a law enforcement officer or code enforcement officer upon request~~.

Sec. 23-20~~612~~. Enforcement.

A violation of this article is enforceable as a violation of City Code ~~as a Class IV violation~~, or as a noncriminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as either a moving violation or nonmoving violation, as applicable. The provisions of this article may be enforced by law enforcement officers ~~offers~~ and as to such matters not requiring action only by a law enforcement officer, by both City Code enforcement officers and/or law enforcement officers.

~~Failure to pay a citation shall result in revocation of the license to operate a golf cart on city streets. In addition, other avenues for the enforcement of violations of this ordinance may be enforced by New Port Richey code enforcement and/or police department, as their jurisdiction and legal authority allows.~~

SECTION 2. Exhibit "A". The map attached as Exhibit "A" to Ordinance 2016-2076 is hereby repealed.

SECTION 3. Signs. The City Manager shall cause such signs to be erected throughout the City at the traffic entrances thereto notifying the public of the use of golf carts within the City, and along streets where golf carts are prohibited notifying the public of said prohibition, as deemed necessary.

SECTION 4. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2021, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2021.

ATTEST:

By: _____ By:_____

Judy Meyers, City Clerk Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE AND RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

_____

Timothy P. Driscoll, City Attorney

CA Approved 7-22-21