

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE III – OPERATION OF GOLF CARTS, SECTION 62-40 – GOLF CARTS; AMENDING THE TITLE OF THE SECTION TO INCLUDE LOW-SPEED VEHICLES AND MICROMOBILITY DEVICES; AMENDING THE SECTION TO ALIGN IT WITH STATE STATUTES; PROVIDING DEFINITIONS FOR TERMS TO BE USED IN THE SECTION; PROVIDING FOR REGULATION OF GOLF CARTS AND LOW-SPEED VEHICLE OPERATION ON SIDEWALKS; PROVIDING FOR THE PROHIBITION OF MICROMOBILITY SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Indian Rocks Beach currently regulates golf carts in Section 62-40 of the Code of Ordinances of the City of Indian Rocks Beach; and

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

**WHEREAS**, 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 recreation purposes and that is not capable of exceeding 20 miles per hour; and

**WHEREAS**, Section 316.212, Florida Statutes, states that a golf cart may only be operated on a designated roadway with a posted speed limit of 30 miles per hour or less; and

**WHEREAS**, per Section 316.212, Florida Statutes, a golf cart may not be operated on public roads or streets by any person under the age of 14 years old; and

**WHEREAS**, per Section 316.212, Florida Statutes, golf carts may only be operated between the hours of sunrise and sunset, unless the golf cart has headlights, brake lights, turn signals, and a windshield; and

**WHEREAS**, violations of Section 316.212, Florida Statutes, are considered noncriminal traffic infractions punishable as moving violations; and

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

**WHEREAS**, the City Commission finds 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, at what hours they may be operated within the City, and particular equipment golf carts should possess; and

**WHEREAS**, to effectuate that regulation, the City Code should be amended to reflect those regulations of golf carts; and

**WHEREAS**, Section 316.212(8), Florida Statutes permits local governments to regulate the operation of golf carts on sidewalks within the local government's jurisdiction; and

**WHEREAS**, the City Commission finds that, based on the intended and actual use of sidewalks by pedestrians, and the dimensions of sidewalks within the City, the operation of golf carts on sidewalks within the City's jurisdiction would have a negative effect on pedestrian safety and welfare; and

**WHEREAS**, pursuant to Section 316.212, Florida Statutes, the operation of golf carts on sidewalks within the City should be prohibited; and

**WHEREAS**, Section 320.01, Florida Statutes, defines a "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 and must comply with federal safety standards as found 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 signal lamps, 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 must be registered and 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 vehicle on certain public roads, therefore low-speed vehicles are not permitted to operate on sidewalks; and

**WHEREAS**, the City Commission finds that, pursuant to Florida Statutes, low-speed vehicles should be regulated in terms of where they me operated within the City, by whom they may be operated by, and particular equipment low-speed vehicles should possess; and

**WHEREAS**, to effectuate that regulation, the City Code should be amended to reflect those regulations of low-speed vehicles; and

**WHEREAS**, Chapter 2019-109, Laws of Florida, was the enactment of Florida House Bill 453 (2019) which was the comprehensive bill related to micromobility devices and motorized scooters signed into law in 2019 that amended various sections of Chapter 316, Florida Statutes; and

**WHEREAS**, Section 316.003, Florida Statutes, defines micromobility devices as any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground; and

**WHEREAS**, Section 316.2128, Florida Statutes, expressly authorizes local governments to adopt ordinances governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

**WHEREAS**, pursuant to Section 316.2128, Florida Statutes, the City Commission finds it in the best interest of the general health, safety, and welfare to prohibit the operation of micromobility scooters in the jurisdiction boundaries of the City; and

**WHEREAS**, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**Section 1.** Section 62-40 of Article III (Operation of Golf Carts) of Chapter 62 (Traffic and Vehicles) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 62-40. Golf carts, low-speed vehicles, and micromobility devices.**

Golf carts and low-speed vehicles ~~equipped in the manner prescribed by~~ as defined in this section may travel on or cross the public roads or streets within the ~~geographic boundaries~~ designated areas described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts and ~~low-speed vehicles~~ is ~~are~~ hereby permitted in the City with the stipulations to include the following provisions:

(1) ~~Required equipment. A golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield, and~~

~~standard hip restraints for all passengers.~~ Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) Golf cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreation purposes, and that is not capable of exceeding 20 miles per hour and that may only be operated on designated roadways with a posted speed limit of 30 miles per hour or less.

(b) Low-speed vehicle shall mean 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 and must comply with federal safety standards as found in 49 C.F.R. s. 571.500. Low-speed vehicles may only be operated on designated roadways with a posted speed limit of 35 miles per hour or less, must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking breaks, rearview mirrors, windshields, seat belts, vehicle identification numbers, and must be registered and insured with in accordance with § 320.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes.

(c) Micromobility device shall mean any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground.

(2) Golf cart and low-speed vehicle operators. ~~The golf cart operators must possess a valid driver's license pursuant to F.S. § 322.03.~~ Any person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old. Any person operating a low-speed vehicle within the jurisdictional boundaries of the City must have in his or her possession a valid driver's license.

(3) Designated areas. The "designated areas" encompassed by this authorization are the municipal streets of the city and the following Gulf Boulevard intersections:

8th Avenue  
12th Avenue  
15th Avenue  
16th Avenue  
17th Avenue  
18th Avenue  
19th Avenue  
20th Avenue  
21st Avenue  
22nd Avenue  
23rd Avenue

24th Avenue  
25th Avenue  
26th Avenue  
27th Avenue

Legally conforming golf carts may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard.

(4) ~~*Golf cart defined.*~~ ~~The golf carts authorized for use are incapable of exceeding 20 miles per hour.~~ *Sidewalks.* Golf carts and low-speed vehicles may not be operated on any sidewalks with the jurisdictional boundaries of the city.

(5) *Hours of operation.* Golf carts may only be operated during the hours between ~~the sunset and sunrise~~ and sunset well as during daylight hours in the designated areas only. Golf carts may be operated after sunset if the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) *Penalties.* Violations of this article shall be enforced pursuant to or otherwise consistent with the provisions of F.S. § 316.212, F.S. § 322.03, and cCity 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, and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

(7) *Territory embraced.* This section shall apply only to the designated municipal-owned streets and Gulf Boulevard intersections identified in subsection 62-40(3) within the territorial jurisdiction of the city.

(8) *Pinellas County approval.* The city shall obtain the advance approval of Pinellas County for all golf cart crossings on Gulf Boulevard under county jurisdiction and any related traffic control devices needed for safety purposes. No golf cart travel shall be allowed along Gulf Boulevard.

(9) *Prohibition on micromobility devices.* Micromobility devices may not be operated on streets, sidewalks, or sidewalk areas within the jurisdictional boundaries of the city.

**Section 2.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words underlined represent additions to original text, words stricken are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and

the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of October 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED** on this 28<sup>th</sup> day of October 2020 in the Tampa Bay Times.

**ADOPTED ON SECOND AND FINAL READING** on the 10<sup>th</sup> day of November 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

Attest: \_\_\_\_\_  
Deanne B. O'Reilly, MMC, City Clerk

Approved as to form:

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Randy Mora, City Attorney

RM/dor