

1 Introduced by Council Member Schellenberg and co-sponsored by
2 Council Member Ferraro and substituted by the Land Use and Zoning
3 Committee:

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5 **ORDINANCE 2018-266-E**

6 AN ORDINANCE CREATING A NEW PART 15 (GOLF
7 CARTS), CHAPTER 804 (JACKSONVILLE TRAFFIC
8 CODE), *ORDINANCE CODE*, SETTING FORTH STANDARDS
9 AND PROCEDURES FOR APPROVAL AND DESIGNATION OF
10 PUBLIC RIGHTS-OF-WAY FOR USE BY GOLF CARTS;
11 PROVIDING FOR SEVERABILITY; PROVIDING AN
12 EFFECTIVE DATE.

13
14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Creating a New Part 15 (Golf Carts), Chapter**
16 **804, Ordinance Code.** A new Part 15, Chapter 804 (JACKSONVILLE
17 TRAFFIC CODE), *Ordinance Code*, is hereby created to read as
18 follows:

19 **CHAPTER 804. (JACKSONVILLE TRAFFIC CODE)**

20 * * *

21 **Part 15. GOLF CARTS**

22 **Sec. 804.1501. - Findings.**

23 (a) The Council finds that golf carts provide residents an
24 alternative mode of transportation within communities,
25 reducing vehicle emission and gasoline consumption and
26 separate pathways for golf cart usage within public and
27 private rights-of-way can provide connections between
28 local roads so as to allow travel between residential,
29 retail and workplace areas without the need to use an
30 automobile.

(b) As more residents seek alternatives to automobile use the Council finds that having uniform standards for designation of roads and streets for use by golf carts and operations of golf carts is necessary to protect the health, safety and general welfare of the public.

(c) Section 316.212, Florida Statutes authorizes local governments to designate public municipal roads and streets for use by golf carts.

Sec. 804.1502. - Definitions. For purpose of this Section, the following definitions shall apply:

(a) "Applicant" means a person or entity who is requesting that a Road be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path.

(b) "Application" means a request for a Road to be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path.

(c) "Authorized Utility Vehicle" means a Golf Cart or LSV of the Jacksonville Fire and Rescue Division, Jacksonville Sherriff's Office vehicles, and such ambulances and Utility Vehicles of other City departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized.

(d) "City" means the City of Jacksonville, Florida.

(e) "City Council" mean the City Council for the City of Jacksonville, Florida.

(f) "City Traffic Engineer" shall mean that official

1 designated or recognized to be performing as a
2 professional traffic engineer of the City.

3 (g) "Designated Road" means a Road, or portion thereof, that,
4 consistent with this Section, has received approval from
5 the City for the use of Golf Cart. Designated Road shall
6 include Roads currently in existence or Roads planned for
7 construction.

8 (h) "Golf Cart" is defined as, "A motor vehicle designed and
9 manufactured for operation on a golf course for sporting
10 or recreational purposes and is not capable of exceeding
11 speeds of twenty (20) miles per hour.

12 (i) "Golf Cart Path" means a shared-use pathway which may be
13 used by pedestrians, roller-bladers/skaters, runners,
14 bicyclists, and golf carts.

15 (j) "Low-Speed Vehicle" or "LSV" means any four-wheeled
16 vehicle whose top speed is greater than twenty (20) miles
17 per hour but not greater than twenty-five (25) miles per
18 hour, including, but not limited to, neighborhood
19 electric vehicles. LSVs must comply with the safety
20 standards in 49 C.F.R. Section 571.500 and section
21 316.2122, Florida Statutes.

22 (k) "Prohibited Road" means a Road, or portion thereof, on
23 which, consistent with this Section, the City has
24 specifically prohibited the use of Golf Carts or LSVs.
25 However, no road shall allow Golf Carts unless so
26 designated by this Chapter, or pursuant to previous
27 ordinances.

28 (l) "Road" means, as consistent with Chapter 748, Ordinance
29 Code, a way open to travel by the public, including, but
30 not limited to, a street, highway, or alley. The term
31 includes associated sidewalks, the roadbed, the right-of-

1 way, and all culverts, drains, sluices, ditches, water
2 storage areas, waterways, embankments, slopes, retaining
3 walls, bridges, tunnels, and viaducts necessary for the
4 maintenance of travel and all ferries used in connection
5 therewith.

6 (m) "Sidewalk" means a paved area intended primarily for use
7 by pedestrians.

8 **Sec. 804.1503. - Designation Procedures.** The following
9 procedures shall be utilized in designating any portion of any Road
10 as a Designated Road or Prohibited Road or any portion of a
11 Sidewalk as a Golf Cart Path:

12 (a) Upon receipt of an Application, the City Traffic Engineer
13 shall, as may be applicable, conduct a study, review any
14 study provided by the Applicant, or review the proposed
15 construction plans, if the Application has been submitted
16 during development review. The City Traffic Engineer
17 shall review the Application in accordance with best
18 practices within the industry and with local, state and
19 federal design standards and guidelines and shall make a
20 determination of the following as may be applicable:

21 (1) In the case of a proposed Designated Road, whether
22 Golf Carts may travel on or cross the proposed
23 Designated Road, considering factors including the
24 speed, volume, and character of motor vehicle
25 traffic using said road or street, provided that, in
26 no event shall an Application for a proposed
27 Designated Road be granted unless the posted speed
28 limit is 30 miles per hour or less.

29 (2) In the case of a proposed Prohibited Road, whether
30 it is necessary in the interest of safety to
31 prohibit the operation of LSV on the proposed

1 Prohibited Road.

2 (3) In the case of a proposed conversion of an existing
3 Sidewalk into a Golf Cart Path or construction of a
4 Golf Cart path where no sidewalk and/or Road
5 currently exists, the City Traffic Engineer shall
6 consider, as applicable, the current or proposed
7 conditions for non-vehicular traffic in the
8 surrounding community, the character of the
9 surrounding community and the location of proposed
10 and/or existing authorized Golf Cart crossing(s),
11 and whether Golf Carts, bicycles and pedestrians may
12 safely share the proposed Golf Cart Path. Any Golf
13 Cart Path shall have a minimum of fourteen (14) feet
14 of clear width with pavement width of at least
15 twelve (12) feet, measured from the centerline of
16 the clear width. The City Traffic Engineer may
17 approve a deviation of both the required clear width
18 and required pavement width based on topographic
19 conditions, but may not approve a proposed Golf Cart
20 Path with less than eight (8) feet of pavement
21 width. Upon completion of the review, the City
22 Traffic Engineer shall either deny or grant the
23 Application.

24 (4) In the case of a proposed conversion into a Golf
25 Cart Path of an existing or planned Multi-Use Path
26 that was installed in lieu of a requirement for both
27 a bike lane and a sidewalk, said conversion will
28 only be allowed if an additional four feet of
29 pavement width and overall clear width is provided
30 (thus 16' of pavement width and 18' of clear width).
31 Additionally, the City Traffic Engineer shall

1 consider, as applicable, the current or proposed
2 conditions for non-vehicular traffic in the
3 surrounding community, the character of the
4 surrounding community and the location of the
5 proposed and/or existing authorized Golf Cart or
6 Multi-Use Path crossings, and whether Golf Carts,
7 bicycles and pedestrians may safely share the
8 proposed Golf Cart Path. The City Traffic Engineer
9 may approve a deviation of both the required clear
10 width and required pavement width based on
11 topographic conditions, but may not approve a
12 proposed Golf Cart Path in this instance with less
13 than twelve (12) feet of pavement width. Upon
14 completion of the review, the City Traffic Engineer
15 shall either deny or grant the Application.

16 (b) In the event the City Traffic Engineer denies the
17 Application, the City Traffic Engineer shall provide the
18 Applicant with written findings of fact in support of the
19 denial. The Applicant may appeal the denial to the City
20 Council by filing a written notice of appeal with the
21 Office of Legislative Services within thirty (30) days
22 after receipt of the written findings of fact. The
23 appeal shall be heard by the Council Committee charged
24 with the subject matter of transportation and context
25 sensitive streets, who shall report its findings to the
26 full Council.

27 (c) In the event the City Traffic Engineer grants the
28 Application, the Applicant shall install, or shall cause
29 to be installed, appropriate signs and/or pavement
30 markings to indicate where and that such vehicle use is
31 allowed or prohibited, as may be applicable. All signage

1 and pavement markings shall comply with the standards of
2 the *Manual on Uniform Traffic Control Devices* issued by
3 the Federal Highway Administration, United States
4 Department of Transportation, and with any permitting
5 requirements for such signs. At a minimum, signs shall be
6 located at entry points into the development, and on the
7 Roads and Golf Cart Paths. The signs shall be of a
8 design approved by the City Traffic Engineer. The
9 Applicant or designee shall pay in full for all costs and
10 expenses associated with the installation of such signage
11 and/or pavement markings. The Applicant or designee shall
12 also be responsible for the repair or replacement of such
13 signage and/or pavement markings. Failure to repair or
14 replace a damaged or missing sign or marking shall cause
15 a Road to lose its designation.

- 16 (d) Communities that own and maintain their own road system
17 (i.e. private communities, community development
18 districts, special districts) may apply pursuant to this
19 Section for the community-owned roads or sidewalks, or
20 any portion thereof, to be designated for Golf Cart use,
21 or for the use of LSVs to be prohibited upon the
22 community-owned roads, or any portion thereof, and for
23 enforcement of the provisions of this Part 15, if said
24 community has entered into a traffic enforcement
25 agreement with the Jacksonville Sheriff's Office. The
26 cost of any and all signage and/or pavement markings
27 required shall be the sole responsibility of the
28 community. Nothing in this Part 15 shall be construed to
29 convey to the City any ownership or maintenance
30 responsibility of the community-owned roads or sidewalks.

31 **Sec. 804.1504 - Golf Cart, LSV and Equipment.**

- 1 (a) No Golf Cart or LSV shall be operated in a reckless or
2 careless manner.
- 3 (b) The operation of a Golf Cart upon any Road or Golf Cart
4 Path is prohibited, except upon a Designated Road or Golf
5 Cart Path that has been appropriately marked with signs
6 and/or pavement markings as approved by the City Traffic
7 Engineer, or where such use predates this Section.
- 8 (c) The operation of a Golf Cart upon any Sidewalk adjacent to
9 a Road or state highway within the City is prohibited,
10 unless designated as a Golf Cart Path pursuant to this
11 Part. However, Golf Carts may be operated upon a
12 designated Golf Cart Path that has been appropriately
13 marked with signs and/or pavement markings, or where such
14 use predates this Section.
- 15 (d) A Golf Cart may be operated on a Designated Road or Golf
16 Cart Path only between sunrise and sunset, unless the Golf
17 Cart is equipped with headlights, tail lights, brake
18 lights, turn signals and a windshield.
- 19 (e) A Golf Cart may not be operated upon a Designated Road or
20 Golf Cart Path by any person under the age of 14.
- 21 (f) The operation of a Golf Cart upon a Golf Cart Path shall
22 be restricted to a maximum speed of 15 miles per hour.
- 23 (g) Any person operating a Golf Cart upon a Golf Cart Path
24 shall yield the right-of-way, slowing down or stopping if
25 need be, to a pedestrian or bicycle upon the Golf
26 CartPath.
- 27 (h) Any person operating an LSV must have in his or her
28 possession a valid driver license.
- 29 (i) No person who does not hold a valid driver license and who
30 is under 17 years of age may operate a Golf Cart upon a
31 Designated Road or Golf Cart Path after 11 p.m. and before

1 6 a.m.

2 (j) No person who does not hold a valid driver license and who
3 is 17 years of age may operate a Golf Cart upon a
4 Designated Road or Golf Cart Path after 1 a.m. and before
5 5 a.m.

6 (k) A Golf Cart operating on a Designated Road or Golf Cart
7 Path must be equipped with efficient brakes, reliable
8 steering apparatus, safe tires, a rearview mirror, and red
9 reflectorized warning devices in both the front and rear.
10 Additionally, a Golf Cart operating on a Golf Cart Path
11 must be equipped with a horn or other warning device
12 required by section 316.271, Florida Statutes.

13 (l) An LSV must be equipped with headlamps, stop lamps, turn
14 signal lamps, taillamps, reflex reflectors, parking
15 brakes, rearview mirrors, windshields, seat belts, and
16 vehicle identification numbers.

17 (m) An LSV must be registered and insured in accordance with
18 section 302.02, Florida Statutes, and titled pursuant to
19 Chapter 319, Florida Statutes.

20 (n) The City may use Golf Carts and LSVs upon any Road or
21 Sidewalk in accordance with the provisions of this Part
22 15, as applicable, and of section 316.2126(1) and (4),
23 Florida Statutes.

24 (o) Notwithstanding any provision of this Ordinance to the
25 contrary, any Authorized Utility Vehicle may operate on
26 any Road or sidewalk while carrying out official duties
27 and in accordance with section 316.21265, Florida
28 Statutes.

29 (p) In addition to the above provisions, the Florida Uniform
30 Traffic Control Law (Chapter 316, Florida Statutes) shall
31 apply where applicable, as per Florida law.

(q) Roads and Golf Cart Paths approved prior to the effective date of this section shall continue to be governed pursuant to their respective approval ordinances. The standards and regulations contained herein shall only apply to said Roads and Sidewalks if subsequent approval is obtained pursuant to this section. LSVs are prohibited from operating on Sidewalks and Golf Cart Paths unless they are Authorized Utility Vehicles.

Sec. 804.1505. - Enforcement and Penalties. Violations of this Part may be enforced by the Jacksonville Sheriff's Office.

(a) The Sheriff is authorized to stop persons whom he or she reasonably suspects is in violation of the provisions of this Part and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this Part.

(b) The Sheriff, upon finding a person suspected to be in violation of this Part shall allow the person an opportunity to explain why he or she is not in violation of the ordinance. If a person is in violation of the ordinance, the Sheriff shall ascertain the name and address of the person, warn the person that he or she is in violation of the Golf Cart ordinance, and if there is any doubt about the will or capacity of the person to return safely to their home or usual place of abode, the Sheriff may take the person immediately to their home or usual place of abode.

(c) Any person who violates this Part 15 shall receive a written warning for his or her first violation. Any person who violates this Part, after having received a prior written warning, is guilty of a civil infraction and shall be assessed a civil fine of \$100.00 for each

violation and court costs of \$15.00. The Clerk of the Court shall have the authority to collect said fines and costs.

(d) The County Court in and for the Fourth Judicial Circuit shall have jurisdiction to hear charges of violations herein.

(e) A person fined for a violation of this Part may choose to perform community service in lieu of paying a fine. The Sheriff is authorized to create a program to supervise the performance of community service performed hereunder. Community service shall be performed at a rate of each hour equaling the federal minimum wage in effect at the time of the violation. The Sheriff shall notify the Clerk of Court when a person performs community service hereunder so the Clerk may reduce the amount of civil fine owed.

(f) The enforcement provisions of this Part are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

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Form Approved:

 /s/ Susan C. Grandin

Office of General Counsel

Legislation Prepared By: Susan C. Grandin

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