

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE II, CHAPTER 26, “GOLF CARTS,” OF THE VILLAGE CODE OF ORDINANCES RELATING TO PENALTIES FOR GOLF CART VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (“Village”) desires to amend Article II, Chapter 26 of the Village Code of Ordinances to amend penalties relating to golf cart violations; and

WHEREAS, the Village has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Chapter 316, Florida Statutes; and

WHEREAS, the Village Council hereby finds that this Ordinance is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. **Amending Section 26-30 of the Village Code.** That Section 26-30, “Enforcement,” of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 26 – TRAFFIC AND VEHICLES

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ARTICLE II. GOLF CARTS

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Section 26-30. Enforcement.

The Village Police Department shall be responsible for enforcing this article. Violations occurring under ~~Section 26-24~~ this article shall be enforced as follows:

<u>Article II, Section 26-24</u>	<u>Offense</u>	<u>Penalty</u>
Section 26-24	Any Offense	Pursuant to Chapters 316 or 318, F.S., as applicable.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

(1) Without a valid, current learner's driver's license, or driver's license		
<u>Section 26-24</u> <u>(3) Without a valid, current Permit issued by the Village Police Department and affixed the Golf Cart in a conspicuous location</u>	<u>First Offense</u>	<u>\$75.00</u>
<u>Section 26-24</u> <u>(3) Without a valid, current Permit issued by the Village Police Department and affixed the Golf Cart in a conspicuous location</u>	<u>Second and Subsequent Offenses</u>	<u>\$175.00</u>
<u>Section 26-24</u> <u>(3) Without a valid, current Permit issued by the Village Police Department and affixed the Golf Cart in a conspicuous location</u> (4) In violation of Village traffic regulations not otherwise governed by State or County law (6) On the beaches, parks, bicycle paths, sidewalks, or swales of Village (9) Carrying more passengers than those for which the Golf Cart was designed	First Offense	\$75.00 <u>\$250.00</u>

<p>Section 26-24</p> <p>(3) Without a valid, current Permit issued by the Village Police Department and affixed the Golf Cart in a conspicuous location</p> <p>(4) In violation of Village traffic regulations not otherwise governed by State or County law</p> <p>(6) On the beaches, parks, bicycle paths, sidewalks, or swales of Village</p> <p>(9) Carrying more passengers than those for which the Golf Cart was designed</p>	<p>Second Offense and <u>Subsequent Offenses</u></p>	<p>\$175.00 <u>\$500.00</u></p> <p>Notwithstanding the foregoing, with regard to Section 26-24(6), violations for golf carts traveling on bicycle paths or sidewalks shall be penalized pursuant to Chapter 30 of the Miami-Dade County, Florida Code of Ordinances.</p>
<p style="text-align: center;">* * *</p>		
<p>Section 26-28</p> <p>Operators over the age of 18 who do not possess a valid driver's license or valid learner's driver's license</p>	<p><u>Any First Offense</u></p>	<p>\$75.00 <u>\$250.00</u></p>
<p>Section 26-28</p> <p>Operators over the age of 18 who do not possess a valid driver's license or valid learner's driver's license</p>	<p>Second Offense and <u>Subsequent Offenses</u></p>	<p>\$175.00 <u>\$500.00</u></p>

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Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 9th day of April, 2024.

PASSED AND ADOPTED on second reading on the 11th day of June, 2024.



JOE I. RASCO, MAYOR

ATTEST:


JOCELYN B. KOCH
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
VILLAGE ATTORNEY