

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA; ADOPTING A GOLF CART LOCAL CITY ROAD NETWORK MAP WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF CAPE CANAVERAL; AUTHORIZING THE PURCHASE AND INSTALLATION OF APPROPRIATE SIGNAGE ALONG SAID LOCAL STREET NETWORK; INCORPORATING THE GOLF CART NETWORK MAP INTO CHAPTER 74, ARTICLE IV OF THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City is granted authority, under Section 2(b), Article VIII, of the State Constitution, and §§ 166.221; 316.212; 316.2122, Florida Statutes to authorize the operation of golf carts and regulate such operation within its jurisdictional limits; and

WHEREAS, the operation of golf carts upon public roads is ordinarily prohibited on such roads unless otherwise authorized by the agency with jurisdiction over such roads including authorized by a city on city streets; county on county roads; and State of Florida on state highways pursuant to § 316.212, Florida Statutes; and

WHEREAS, the City Council recently adopted Ordinance No. 04-2022 establishing golf cart and low speed vehicle regulations within the jurisdictional limits of the City of Cape Canaveral and said Ordinance was codified in Chapter 74, Article IV of the City Code; and

WHEREAS, following the adoption of the Ordinance No. 04-2022, the City Council commissioned a Golf Cart Study to determine whether golf cart use is suitable on local city roads within a certain geographical study area within the jurisdictional limits of the City and if suitable, to identify the specific local roads on which golf carts may travel; and

WHEREAS, the Golf Cart Study was performed and published by Kimley-Horn and Associates, Inc. in January 2023 ("Study") and presented to and approved by the City Council at a public meeting on February 21, 2023; and

WHEREAS, the Study recommended a Cape Canaveral Golf Cart Network Map identifying the local roads on which golf carts may travel upon adoption of a resolution by the City Council; and

WHEREAS, the City Council hereby desires to adopt a Golf Cart Network Map authorizing the use of golf carts on the local roads identified on the Map subject to the terms and conditions of Chapter 74, Article IV of the City Code; and

WHEREAS, the City Council of the City of Cape Canaveral, Florida, recognizes that the use of golf carts in certain areas may be a safe, economical form of transportation which can reduce traffic congestion and gasoline consumption; and

WHEREAS, the City Council hereby finds that this Resolution provides for alternative forms of electric vehicle transportation that is in the best interests of the public health, safety and welfare of the citizens.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cape Canaveral, Florida:

Section 1. Recitals. The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2. Approval of Local Golf Cart Network Map. The City Council of the City of Cape Canaveral hereby approves the Golf Cart Network Map, as attached hereto and incorporated herein by reference as **Exhibit "A"**. Golf cart use is hereby authorized on the local roads recommended in the Study and depicted on the Map. Said local roads are hereby considered "designated roadways" pursuant to Section 74-76 (b)(ii) of the City Code.

Section 3. Authorization to Purchase and Install Signage. The City Council of the City of Cape Canaveral hereby authorizes the City Manager and his designees to promptly purchase and install appropriate roadway signage, as recommended in the Golf Cart Study and required by Section 316.212(1), Florida Statutes, authorizing and limiting the use of golf carts on the local roads identified in the Study. Nothing herein shall be interpreted as authorizing and allowing golf cart use on any other local roads not identified for such use on the Golf Cart Network Map approved in Section 2 herein or on any other roads requiring approval by a private property owner, Brevard County, Port Canaveral, or the State of Florida.

Section 4. Repeal of Prior Inconsistent Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 6. Incorporation into the Code. The Golf Cart Network Map adopted pursuant to Section 2 of this Resolution shall be incorporated into Chapter 74, Article IV of the Cape Canaveral City Code as **Figure 1** and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this resolution and the City Code may be freely made.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Cape Canaveral, Florida.

ADOPTED in a Regular Meeting of the City Council of the City of Cape Canaveral, Florida, this 21st day of March 2023.

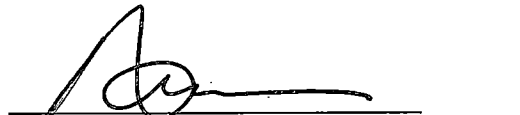

Wes Morrison, Mayor

Name	FOR	AGAINST
Kim Davis	_____	___ <u>X</u> ___
Mickie Kellum	<u>Motion</u>	_____
Wes Morrison	___ <u>X</u> ___	_____
Angela Raymond	_____	___ <u>X</u> ___
Don Willis	<u>Second</u>	_____


ATTEST:

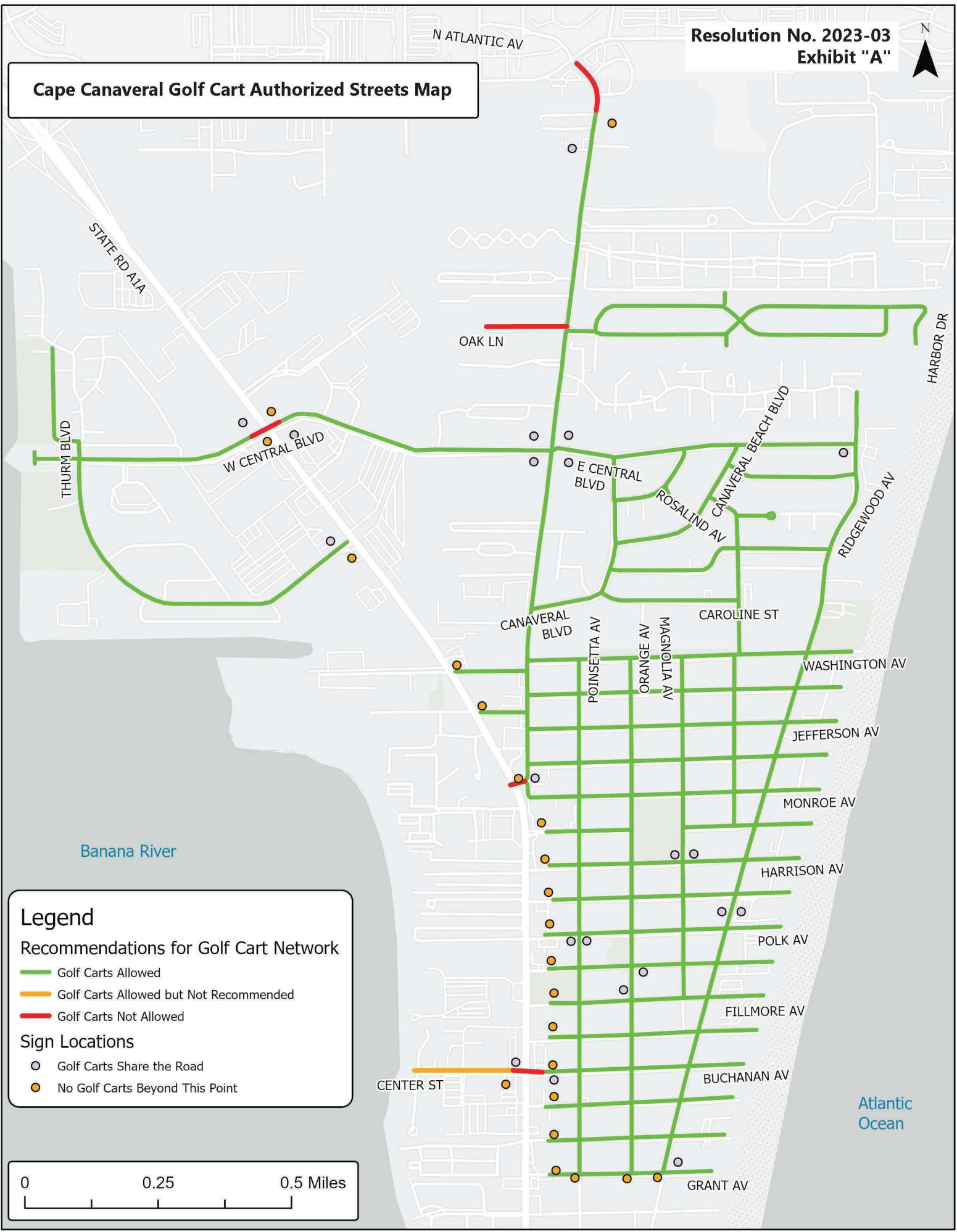
Mia Goforth, CMC, City Clerk

Approved as to legal form and sufficiency
For the City of Cape Canaveral only by:


Anthony A. Garganese, City Attorney



Cape Canaveral Golf Cart Authorized Streets Map



Legend

Recommendations for Golf Cart Network

- Golf Carts Allowed
- Golf Carts Allowed but Not Recommended
- Golf Carts Not Allowed

Sign Locations

- Golf Carts Share the Road
- No Golf Carts Beyond This Point

