

**CITY OF BRADENTON BEACH, FLORIDA
ORDINANCE NO. 19-514**

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA, RELATING TO THE OPERATION OF GOLF CARTS, LOW-SPEED VEHICLES, AND MINI TRUCKS ON CITY ROADS; PROVIDING GOLF CART, LOW-SPEED VEHICLE, AND MINI TRUCK OPERATION AND EQUIPMENT REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, as follows:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, Section 316.212(1), Florida Statutes, provides that Golf Carts may be operated only upon a City Road that has been designated by the City for use by Golf Carts; and

WHEREAS, Section 316.212(1), Florida Statutes, provides that designation of a City Road for use by Golf Carts must be preceded by a determination by the City that Golf Carts may safely travel upon or cross the City Road, considering factors including the speed, volume, and character of motor vehicular traffic using the City Road; and

WHEREAS, Section 316.212(5), Florida Statutes, provides that a Golf Cart may be operated only during the hours sunrise and sunset, unless the responsible governmental entity has determined that a Golf Cart may be operated during the hours between sunset and sunrise and provided that the Golf Cart is equipped with headlights, brake lights, turn signals, and windshields; and

WHEREAS, Section 316.212(8), Florida Statutes, expressly allows the City to enact an ordinance relating to Golf Cart operation and equipment, which is more

restrictive than the provisions enumerated in Section 316.212; Florida Statutes, and that applies only to an unlicensed driver; and

WHEREAS, Sections 316.008(7) and 316.212(8), Florida Statutes, expressly allow the City to enact an ordinance relating to Golf Cart operation on sidewalks adjacent to specific segments of City Roads; and

WHEREAS, Section 316.2122, Florida Statutes, provides for the operation of Low-Speed Vehicles and Mini Trucks on certain streets and with certain restrictions and expressly allows the City to prohibit the operation of Low-Speed Vehicles or Mini Trucks on any road under its jurisdiction if the governing body of the City determines that such prohibition is necessary in the interest of safety; and

WHEREAS, a determination by the City that Golf Carts may safely travel upon or cross a City Road, that a Golf Cart may be operated during the hours between sunset and sunrise, that Golf Carts and/or Low-Speed Vehicles may be operated on sidewalks adjacent to specific segments of City Roads, or that the operation of Low-Speed Vehicles or Mini Trucks on any road under the City's jurisdiction should be prohibited is discretionary, planning and policy level determination; and

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COMMISSION, as follows:

Section 1. Findings of Fact. The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

Section 2. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

- A. "Authorized Emergency Vehicle" means a Golf Cart, LSV, or Mini Truck of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of City or municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.
- B. "Board" means the Board of City Commissioners of Bradenton Beach, Florida.

- C. "City" means City of Bradenton Beach, Florida.
- D. "City Road" means land in which the City owns the fee, or has a right-of-way or easement devoted to or restricted for use as a transportation facility for the public use; a road or street opened to travel by the public.
- E. "Golf Cart" means a motor vehicle that is 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. All Golf Carts moving within the municipal boundaries of the City shall be legally licensed by the State of Florida.
- F. "Low-Speed Vehicle," or "LSV," means 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. Low-speed vehicles must comply with the safety standards in the Federal Motor Vehicle Safety Standards as set forth in 49 C.F.R. Part 571 and Section 316.2122, Florida Statutes, as may be amended. To the extent that the weight limitations set forth in the Federal and State regulations have not preempted regulation by the City, said limitations are waived.
- G. "Mini Truck" means any four-wheeled, reduced-dimension truck that does not have National Highway Traffic Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.
- H. "Multi-Use Path" means a sidewalk, pathway, or portion thereof, that, consistent with this Ordinance, has been designated by the City for the use of Golf Carts, LSVs, or both.
- I. "Prohibited City Road" means a City Road, or portion thereof, on which, consistent with this Ordinance; the City has prohibited the use of Golf Carts, LSVs, and/or Mini Trucks.
- J. "Sidewalk" means that portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Section 2. **Purpose.** The purpose of this Ordinance is to:

- A. Provide for the safe and orderly operation of Golf Carts on City Roads, Golf Carts and LSVs on Designated Multi-Use Paths, and LSVs and Mini Trucks on City Roads;

- B. Provide for the prohibition of the operation of LSVs, Mini Trucks, or both, on a Prohibited City Road where the City has determined that such prohibition is necessary in the interest of safety; and

Section 3. Golf Cart, LSV, and Mini Truck Operation and Equipment.

- A. No Golf Cart, LSV, or Mini Truck shall be operated in a reckless or careless manner upon any City Road or sidewalk.
- B. The operation of a Golf Cart upon any City Road is permitted, except upon a Designated Prohibited City Road that has been appropriately marked with signs and/or pavement markings by the City.
- C. The operation of a Golf Cart, LSV, or Mini Truck upon any sidewalk is prohibited, except upon a Multi-Use Path that has been appropriately marked with signs and/or pavement markings.
- D. An LSV or Mini Truck may be operated only upon a City Road where the posted speed limit is 35 miles per hour or less and, which has not been designated a Prohibited City Road. This does not prohibit an LSV or Mini Truck from crossing a City Road at an intersection where the City Road has a posted speed limit of more than 35 miles per hour or where the City Road has been designated a Prohibited City Road.
- E. A Golf Cart may be operated between sunrise and sunset, unless the Golf Cart is equipped with headlights, brake lights, turn signals, and a windshield.
- F. The operation of a Golf Cart, LSV or Mini Truck upon a Multi-Use Path shall be restricted to a maximum speed of 25 miles per hour and may only be operated by a City-authorized user or Manatee County/City of Bradenton Beach employee. The City reserves the right to limit the number of authorized users on any designated Multi-Use Trail and may revoke said authorization with cause, including, but not limited to, violation of the Florida Uniform Traffic Code or reckless/careless operation of the Golf Cart, LSV or Mini Truck.
- G. Any person operating a Golf Cart or LSV upon a Multi-Use Path shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian or bicycle upon the Multi-Use Path.
- H. Any person operating an LSV or Mini Truck must have in his or her possession a valid driver license.

- I. Any person over the age of 16 years, who does not hold a valid driver license must have in his or her possession photographic identification while operating a Golf Cart upon a City Road or Multi-Use Path.
- J. A Golf Cart may not be operated in the City by any person under the age of 14 years.
- K. No person who does not hold a valid driver license, and who is under 17 years of age, may operate a Golf Cart upon a City Road or Multi-Use Path after 11 p.m. and before 6 a.m.
- L. No person who does not hold a valid driver license and who is 17 years of age may operate a Golf Cart upon a City Road or Multi-Use Path after 1 a.m. and before 5 a.m.
- M. A Golf Cart, LSV or Mini Truck operating on a City Road or Multi-Use Path must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear. Additionally, a Golf Cart or LSV operating on a Multi-Use Path must be equipped with a horn or other warning device required by section 316.271, Florida Statutes.
- N. In addition to the requirements set forth in paragraph "M" above, LSVs and Mini Trucks must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps; reflex reflectors, parking brakes; windshields, seat belts, and vehicle identification numbers, or like identifying information.
- O. An LSV or Mini Truck must be registered and insured in accordance with Section 302.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes. A waiver may be provided on an individual basis with approval of the City Commission. Any approval or denial of a waiver shall not serve as a precedent for future waiver requests.
- P. Operators of Golf Carts, LSVs, and Mini Trucks upon any City Road, Multi-Use Trail, or sidewalk shall be used in accordance with the provisions of this Section, as applicable, and Sections 316.2126(1) and (4), Florida Statutes.
- Q. The number of occupants in any Golf Cart operated on the City Roads and Streets shall be restricted to the number of seats on the Golf Cart/LSV. No occupants of a Golf Cart, LSV or Mini Truck shall stand at any time while the vehicle is in motion.
- R. Before Golf Carts may be operated under this section, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of Golf Carts on the

designated public roads and streets. Proof of such insurance must be possessed at all times while operating a Golf Cart on the designated roads. LSVs shall be registered and insured in accordance with F.S. § 320.02, and titled pursuant to F.S. Ch. 319. A waiver of this provision may be provided on an individual basis with approval of the City Commission. Any approval or denial of a waiver shall not serve as a precedent for future waiver requests.

- S. Notwithstanding any provision of this Ordinance to the contrary, any Authorized Emergency Vehicle may operate on any City Road, Multi-Use Trail, or sidewalk while carrying out official duties and in accordance with Section 316.21265, Florida Statutes.
- T. In addition to the above provisions, the Florida Uniform Traffic Control Law (hereinafter, "UTC") (Chapter 316, Florida Statutes) shall apply where applicable; as per Florida law. The City of Bradenton Beach Police Department shall be granted the authority and discretion herein to waive violations of the UTC.

Section 4. Geographic Limits of Ordinance. The Ordinance shall apply to the municipal boundaries of the City.

Section 5. Enforcement and Penalties. "Violation of this Ordinance" means: doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by Ordinance or by rule or regulation authorized by Ordinance; failure to perform an act that is required to be performed by Ordinance or by rule or regulation authorized by Ordinance; or failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by Ordinance or by rule or regulation authorized by Ordinance. Violations of this Ordinance may be enforced by the City of Bradenton Beach Police Department, Manatee County Sheriff or Code Enforcement Officers by any method allowable in law or equity, including but not limited to the following:

A. Any person or entity violating any of the provisions of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted and, shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense.

B. Municipal Citation and Code Enforcement Citation.

- 1. **Municipal Citation.** Any person or entity violating any of the provisions of this Ordinance may be enforced by the City of Bradenton Beach Police Department through the issuance of a citation on the operator of the Golf Cart, LSV, and/or Mini-Truck.

2. Code Enforcement Citation. This Ordinance may also be enforced in accordance with the provisions of Chapter 162, Florida Statutes (Code Enforcement Board, or Citation) as a civil infraction punishable by civil penalty in the amounts set forth below. The maximum civil penalty shall not exceed five hundred dollars (\$500.00). A civil penalty of less than the maximum civil penalty shall be imposed if the person who has committed the civil infraction does not contest the citation. An officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that a person has committed a violation of this Ordinance. A citation issued pursuant to this Section 5(C) shall comply with the requirements of Chapter 162, Part II, Florida Statutes.

3. Appeal. Citations may be contested to the City's Special Master within three business days from the date the citation is issued by providing a timely written request to the City Clerk with a refundable (if no violation is found by the Special Master) hearing fee of \$150.00. Violations enforced in accordance with this Section 5(C) are a civil infraction and shall include fines as follows:

	<u>Uncontested</u>	<u>Contested</u>
First Violation:	\$75.00	\$93.00
Second Violation (and every violation thereafter):	\$150.00	\$168.00

The above fine amounts may be changed by resolution of the City Commission. In addition to the fines set forth above, a person who is issued a citation for a violation of this Ordinance shall pay any filing fees or court costs assessed in connection with the citation.

C. Uniform Traffic Citations shall only be used for violations of this Ordinance where there is also a violation of the Florida Uniform Traffic Control Law.

D. The enforcement provisions of this Section 5 are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

Section 6. Repeal of Ordinances and Resolutions. Any ordinance or resolution in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 7. Severability. In the event, any Section, Paragraph, Sub-Paragraph, Sentence, Clause, Phrase or Word of this Ordinance shall be called invalid, illegal or unenforceable by a Court of competent jurisdiction, such declaration shall not effect the validity of the remaining portions hereof.

Section 8. Scrivener's Errors and Renumbering. Staff shall be vested with the authority to correct any scrivener's errors and to renumber this Ordinance.

Section 9. Effective Date. This Ordinance shall become effective immediately after adoption, or as provided by law.

PASSED AND DULY ADOPTED with a quorum present in voting this 9th day of

January, 2010.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH

BY: 
John Chappie, Mayor

ATTEST: Terri Sanclemente, City Clerk

BY: 
Clerk/Deputy Clerk