

**ORDINANCE NO. 01-2021**

**AN ORDINANCE OF THE CITY OF SAN ANTONIO, FLORIDA AUTHORIZING GOLF CART OPERATION ON DESIGNATED CITY ROADWAYS; PROVIDING FOR LEGISLATIVE PURPOSE AND INTENT; PROVIDING FOR FINDINGS REQUIRED BY FLORIDA STATUTE SECTION 316.212 FS; PROVIDING FOR DEFINITIONS, DESIGNATING ROADS WHERE OPERATION OF GOLF CARTS IS AUTHORIZED, ESTABLISHING REGULATIONS RELATING TO OPERATION OF GOLF CARTS ON DESIGNATED ROADS AND STRICTER REGULATIONS FOR UNLICENSED DRIVERS; PROVIDING FOR THE PLACEMENT OF SIGNAGE, WAIVER OF CLAIMS, AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, citizens of the City of San Antonio ("City") have expressed their desire to operate golf carts within the City limits; and,

**WHEREAS**, the City has a duty to its citizens to ensure that the laws are clear and enforced in a manner so as to keep its roads and streets safe at all times; and,

**WHEREAS**, the City is desirous of allowing the operation of golf carts on certain city streets and adjacent to State and County Roads in such locations and under such conditions which ensure that such operation can be done safely and will not interfere with motorists, bicyclists, or pedestrians; and,

**WHEREAS**, the City desires to adopt certain regulations pertaining to unlicensed drivers that are more restrictive and protective of passengers than those set forth in state statute as provided for in the statute; and,

**WHEREAS**, the City otherwise desires to avail itself of the opportunity to designate certain City roads for the use of golf carts as more particularly provided for in Florida Statutes;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF SAN ANTONIO, FLORIDA, AS FOLLOWS:**

**SECTION 1. PURPOSE AND INTENT.**

It is the intent and purpose of this Ordinance to implement procedures and regulations relating to permitting golf cart operation on City and County public roadways within the City limits (hereinafter "City Streets") in order to implement the provisions of section 316.212, Florida Statutes ("FS"), and which are more restrictive than those contained in section 316.212 FS, to protect the public health safety and welfare of the citizens of San Antonio.

**SECTION 2. Findings.**

After hearing presentations and comments by the Clerk, Pasco County Sheriff Office, San Antonio Streets Commissioner, and citizens regarding the safety of operating golf carts within the City, the City Commission finds that golf carts may safely travel on or cross the City Streets in San Antonio,

considering factors including the speed, volume, and character of motor vehicle traffic using the road or street.

### **SECTION 3. Definitions.**

For the purpose of this Ordinance, the following definitions shall be applicable hereto in interpreting the meaning of this Ordinance. In the event of conflict between these definitions and state law, the state law definitions shall take precedence:

- (1) Golf cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course or for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour as defined in Section 320.01(22), Florida Statutes.
- (2) County road shall mean any road which is part of the County Road System as defined in Florida Statutes.
- (3) City road (or street) shall mean any local or collector road within the corporate limits of the City of San Antonio and which is not part of the County Road System or State Road System as defined in Florida Statutes.
- (4) District shall mean the area(s) designated by the City within which owners of golf carts may operate on City Roads as depicted on the map attached to and incorporated in this Ordinance as Exhibit "A".
- (5) Driver means the person driving and having physical control over the golf cart.
- (6) Owner means the person(s) in whose name(s) show on the bill of sale for the golf cart, or otherwise who paid for the purchase of the golf cart if there is no bill of sale.

### **SECTION 4. CITY ROADS DESIGNATED FOR GOLF CART DRIVING.**

The City hereby designates all City roads within the City limits, as amended from time to time, for the operation of golf carts. Golf Carts may cross County roads, but may not drive on them. Golf Carts shall not cross a state road except at locations that have been specifically designated and posted for such use by the Florida Department of Transportation in accordance with F.S. 316.212(a) or (b).

### **SECTION 5. OPERATION OF GOLF CARTS.**

- (1) The operation of a golf cart upon City Streets is prohibited, unless the golf cart is operated and equipped in full compliance with the City Code of Ordinances and state law.
- (2) The following restrictions shall also apply to the operation of golf carts on City streets:
  - (a) Golf carts operated on City Streets between sunrise and sunset ("daylight operation") shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror and red reflectorized warning devices in both the front and rear. Golf carts operated on City Streets between sunset and sunrise ("24-hour operation") shall, in addition to the equipment required for daylight operation above, be equipped with headlights, brake lights, turn signals and a windshield.
  - (b) Except as otherwise provided in this Ordinance and state law, drivers of golf carts on City Streets must observe state and local traffic laws applicable to motor vehicles, except that they

shall not be operated at speeds in excess of the lesser of the posted speed limit, or 20 mph, regardless of a higher speed limit for that street.

- (c) It is unlawful to operate a golf cart on any City sidewalks, or rights-of-way not authorized by this Ordinance or state law, or any other location in which a motor vehicle is prohibited by State Statute or City Ordinance.

#### **SECTION 6. OPERATION OF GOLF CARTS BY UNLICENSED DRIVERS**

In addition to the other provisions of this Ordinance, the following regulations apply to unlicensed drivers operating golf carts on the City Streets.

- (1) Persons under the age of 14 years shall not be drivers of golf carts.
- (2) Unlicensed drivers shall have a licensed driver as a front seat passenger.
- (2) Golf carts operated by unlicensed drivers shall have seat belts, and the driver and passengers shall wear such seat belts anytime the golf cart is under the control of the unlicensed driver.
- (3) Golf carts operated by unlicensed drivers carrying children passengers under the age of 6, shall provide for protection of each child by properly using a crash-tested, federally approved child restraint device as follows:
  - a. For children aged from birth through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat;
  - b. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement to use a child restraint device under this subparagraph does not apply when a safety belt is used as required in s. 316.614(4)(a) and the child:
    - 1. Is being transported gratuitously by an operator who is not a member of the child's immediate family;
    - 2. Is being transported in a medical emergency situation involving the child; or
    - 3. Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

#### **SECTION 7. SIGNAGE REQUIREMENTS.**

The City shall post signage which satisfies the requirements of FS 316.212.

#### **SECTION 8. WAIVER OF CLAIM.**

Any person operating a golf cart on City Streets and all persons who are passengers in such golf carts shall be deemed to have waived any claim against the City for its legislative decision to allow the operation of such golf carts on City streets as permitted herein.

#### **SECTION 9. VIOLATIONS.**

Violations of this article shall be enforced pursuant to section 316.212(9) FS.

#### **SECTION 10. CONFLICTS**

All ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 11. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 12. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage.

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This Ordinance was read for the first time at the regular  special  session of the City Commission held on February 16 2021. The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bassinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Markley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Schrader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Vogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on 16 day of March, 2021, at a regular ; special  session of the City Commission, and this Ordinance was adopted ; rejected .

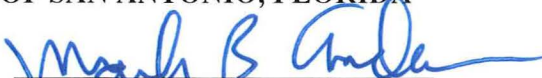
The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bassinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Markley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Schrader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Vogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

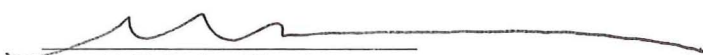
**ATTEST:**

**CITY OF SAN ANTONIO, FLORIDA**

  
Rick Alley, City Clerk

  
Mark B. Anderson, Mayor

**APPROVED AS TO FORM:**

  
Gerald T. Buhr, City Attorney