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ORDINANCE NO. 2012-001

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA CREATING ARTICLE IV IN CHAPTER 164 OF THE CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW-SPEED VEHICLES; AUTHORIZING AND PROVIDING RESTRICTIONS FOR THE USE OF GOLF CARTS AND LOW SPEED VEHICLES WITHIN TOWN LIMITS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Amendment to Howey-in-the-Hills Code of Ordinances. A new Article IV entitled "Golf Carts and Low-Speed Vehicles" is hereby added to Chapter 164 of the Code of Ordinances and Sections 164-8 and 164-9 are hereby created as follows:

Sec. 164-8. Operation of Low-Speed Vehicles

(a) **Definition of low speed vehicle.** Pursuant to Florida Statutes, a low-speed vehicle is any four-wheeled electric vehicle whose top speed is greater than twenty miles per hour but not greater than twenty-five (25) miles per hour, including neighborhood electric vehicles. Said vehicles must conform to the safety standards in 49 C.F.R. Section 571.500 and Florida Statutes. For purposes of this section, "golf carts" as defined in Florida Statutes or "speed modified golf carts" shall not be considered "low-speed vehicles" and shall be subject to the specific rules and regulations governing golf carts adopted by the Town of Howey-in-the-Hills.

(b) **Authorization to operate low-speed vehicles.** Low-speed vehicles may be operated within the Town limits where the posted speed limit is thirty-five (35) miles per hour or less. Pursuant to Florida Statutes, this does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five (35) miles per hour.

(c) **Equipment and minimum standards.** According to the requirements set forth in Florida Statutes, a low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts and vehicle identification numbers. A low-speed vehicle must be registered and insured in accordance with Florida Statutes. Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(d) **Hours of operation.** Low-speed vehicles may be operated at any time.

(e) **Compliance with traffic laws.** Low-speed vehicles shall comply with all local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

49 (f) **Enforcement.** The Town of Howey-in-the-Hills shall have the authority to
50 enforce the provisions set forth herein and applicable traffic laws, provided however,
51 that the enforcement of additional rules and regulations established by communities in
52 which they are operating shall be the sole responsibility of said communities.
53

54 **Sec. 168-9. Operation of Golf Carts on Public Town Roads**

55 (a) **Definitions.**

56 (i) *"Golf Cart"*. Pursuant to Florida Statutes, a "golf cart" is defined as a
57 motor vehicle that is designed and manufactured for operation on a golf course
58 for sporting or recreational purposes and that is not capable of exceeding
59 speeds of twenty miles per hour.
60
61

62 (ii) *"Public Town Road"* shall mean any thoroughfare maintained by the
63 Town of Howey-in-the-Hills that is commonly used for vehicular traffic.
64

65 (b) **Authorization to operate golf carts.** Golf carts may be operated within
66 the boundaries of the Town on designated Public Town Roads for golf cart usage.
67 Such signage will reference this ordinance as required by the Florida Statutes.
68
69

70 (c) **Equipment and minimum standards.** All golf carts operated shall meet
71 the minimum equipment standards established by Florida Statutes. Golf carts that are
72 operated before sunrise or after sunset must be equipped with headlights, brake lights,
73 rear view mirror, turn signals, and a windshield.
74

75 (d) **Registration.** Golf carts shall be registered with the Howey-in-the-Hills
76 Police Department. Persons registering a golf cart shall have a valid bill of sale proving
77 ownership or sign an affidavit indicating ownership. Registration shall be for a 12
78 month period and renewed prior to or on the last day of the 12 month period. Cost of
79 registration and renewal shall be \$25.00 payable to the Town and will be used to
80 maintain the Town's streets and signage for golf carts. A sticker shall be provided at
81 registration and placed on the rear area of golf cart in clear plain site for easy reading.
82

83 (e) **Hours of operation.** Golf carts meeting the equipment standards
84 established in subsection (c) above for operation before sunrise or after sunset may be
85 operated at anytime during the day or night. Golf carts that do not meet these
86 additional standards shall only be operated during the hours between sunrise and
87 sunset.
88

89 (f) **Compliance with traffic laws.** Golf carts shall comply with all applicable
90 local and State traffic laws, and may be ticketed for traffic and parking violations in the
91 same manner as motor vehicles.
92

93 (g) **Operation.** Drivers of a golf cart must possess a valid driver's license within
94 the United States. The number of occupants of a golf cart cannot exceed the number of
95 seats. No person may stand while the golf cart is in motion.
96

97 (h) **Enforcement.** The Town of Howey-in-the-Hills Police Department shall have
98 the authority to enforce the provisions set forth herein and applicable traffic laws.
99

100 **Section 2. Severability.** If any section, sentence, clause, or phrase of this
101 ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
102 then said holding shall in no way affect the validity of the remaining portion of this
103 ordinance.
104

105 **Section 3. Codification.** The amendments in Section 1 of this Ordinance shall
106 be codified and made part of the official Code of Ordinances of the Town of Howey-in-
107 the-Hills.
108

109 **Section 4. Effective Date.** This ordinance shall become effective immediately
110 upon its passage and approval as a non-emergency ordinance at two regular meetings
111 of the Town Council.
112

113 **APPROVED and ADOPTED** this 14th day of May, 2012, by the Town Council of
114 the Town of Howey-in-the-Hills, Florida.
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118
119
120 ATTEST:

121
122
123 _____
124 Brenda Brasher, CMC
125 Town Clerk
126
127
128

119 _____
Chris Sears, Mayor

122 APPROVED AS TO FORM AND
123 LEGALITY for use and reliance by the
124 Town of Howey-in-the-Hills, Florida,
125 only.
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129 _____
Heather Blom-Ramos
130 Town Attorney
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135 First Reading held April 9, 2012
136 Second Ready and Adoption held May 14, 2012
137 Advertised April 25, 2012