



ORDINANCE NO. 2015-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, AMENDING CHAPTER 42 "TRAFFIC AND VEHICLES" CREATING ARTICLE IV, "GOLF CARTS" SECTIONS 42-80 THROUGH 42- 90 OF THE CITY CODES OF THE CITY OF ST. CLOUD AUTHORIZING THE USE OF GOLF CARTS UPON DESIGNATED STREETS; PROVIDING THAT STATE AND COUNTY ROADS ARE NOT AUTHORIZED; PROVIDING FOR A REVOCABLE LICENSE; PROVIDING FOR WAIVER OF CLAIMS; PROVIDING FOR PARKING REGULATIONS; PROVIDING THAT A DRIVER'S LICENSE IS REQUIRED; PROVIDING FOR REGISTRATION; PROVIDING FOR REQUIRED EQUIPMENT; DESIGNATING A GOLF CART BOUNDARY AREA AUTHORIZING USE ON CERTAIN STREETS; PROVIDING FOR NUMBER OF OCCUPANTS, SPEED AND REQUIRED INSURANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council has the authority to authorize the operation of golf carts and regulate such operation within its jurisdictional boundaries pursuant to Article VIII, § 2(b) of the Florida Constitution and §§ 166.221; 316.212, Florida Statutes;

WHEREAS, citizens of the city have expressed an interest in allowing golf carts to be driven upon streets located within the city;

WHEREAS, the operation of golf carts upon public roads is ordinarily prohibited unless otherwise authorized by the city pursuant to § 316.212, Fla. Stat.;

WHEREAS, to protect the health, safety, and welfare of its citizens, the City Council desires to prohibit the operation of golf carts along roads and thoroughfares incompatible with such operation and regulate the manner and times of the operation of golf carts upon city streets where such operation is authorized;

WHEREAS, the City Council has found based on factors including the speed, volume, and character of motor vehicle traffic that golf carts may safely travel on or across the public roads or streets designated and set forth in the body hereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

Section 2. Chapter 42, "Traffic and Vehicles", Article IV "Golf Carts" of the Code of the City of St. Cloud, Florida, is hereby created to read as follows:

Sec. 42-80. Use of golf carts upon designated streets.

It shall be lawful for a person holding and in possession of a valid driver license to operate a golf cart, as defined by F.S. § 320.01(22), upon certain designated streets within the boundaries of the city. No such golf cart shall be operated on any other portion of the right-of-way of city, county or state roads except the paved portion of the right-of-way of said street, and there shall be no operation of golf carts on sidewalks, parks or other portions of city lands, the Lakefront Trail and spurs or extensions thereof, right-of-ways or city streets except as specifically designated herein, and public golf courses and private lands allowing such use. All use of golf carts on designated city streets shall be in strict accordance with F.S. § 316.212 or any amendments thereto or any other provisions of Florida Statutes regulating the use of golf carts on public streets. All persons operating a golf cart on city streets must comply with all other applicable traffic laws regarding the operation of such a vehicle. Nothing herein shall relieve the operator of a golf cart from compliance with all laws and ordinances otherwise pertaining to the operation of a vehicle.

Sec. 42-81. State and county roads not authorized.

Nothing herein shall be deemed to authorize the operation of a golf cart on a state or county road or right-of-way or to allow the crossing of a state or county road other than at such crossings and in such locations as shall be permitted and specified by the F.S. § 316.212 or by specific authorization from the state, or an administrative agency thereof, or by the county.

Sec. 42-82. Licensed use; revocable.

(a) The operation of a golf cart on designated city streets shall be deemed to be a licensed use of those streets and to be revocable upon the will of the city council in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use.

(b) The issuance of a license or other permission for the operation of golf carts on city streets shall not limit or otherwise preclude the city council from the amendment of this article, revocation of this article, contracting or expanding the streets or roads on which golf cars can be operated, or the designation of crossing points for state and county roads. All persons operating golf carts on city streets under this license from the city shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed golf cart operation on such streets or any monetary claim therefore based on a claim for action in reliance on the provisions of this article. The city council retains the unlimited legal authority to revoke, amend or to otherwise legislate as to the operation of golf carts on city streets without liability of any kind arising from its legislative decisions.

Sec. 42-83. Waiver of claim.

Any person operating a golf cart enjoying a license hereunder for such purpose and all persons who are passengers in such golf cart shall be deemed to have waived any claim against the city for its legislative decision to allow the operation of such golf carts on designated city streets in compliance with this article, and this article is declared by the city commission to be a legislative act of the city pursuant to the authority granted by state statute.

Sec. 42-84. Parking.

Golf carts operated on designated city streets, when parked in public parking spaces, such golf carts shall be parked in a manner within such space side by side or in another fashion that allows either golf cart to leave the space when desired. It shall be the obligation of each golf cart operator to park the golf cart in a manner that will allow the use of the public parking space by another golf cart. This section shall be applicable to such areas as are specifically designated for vehicle parking use either on city streets or off the right-of-way of city streets, in parking lots owned and controlled by the city, or in such other areas as are designated by signage or ground marking for such usage, and on public lands specifically allowing such use. Identified handicapped parking spaces may be used by golf carts complying with the law for use of these spaces by vehicles.

Sec. 42-85. Driver license.

All persons operating a golf cart on designated city streets shall, upon request of a law enforcement officer, be in possession of a valid driver license; it shall be unlawful for a golf cart to be operated on designated city streets by any person who is not the owner of and in possession of a valid driver license. No person may operate a golf cart on city streets who has a suspended driver's license or whose driver's license has been revoked.

Sec. 42-86. Registration of golf carts.

All golf carts operating on city streets, prior to such operation, shall be registered with the city on an annual basis by such persons and in such a manner as is administratively determined by the city manager. The registration process shall include the payment of an annual registration fee in the amount of \$25. An inspection to verify road worthiness, and the presence of required equipment may be instituted by the city as a condition of registration and operation of a golf cart on city designated streets. Decals reflecting a valid registration must be visibly affixed to each registered golf cart on the back driver's side of said golf cart in a location that is easily visible to law enforcement personnel. Such registration and decal must be current at all times the golf cart is operated on city streets. No registration is required for golf carts which are not operated on city streets.

Sec. 42-87. Required equipment.

All golf carts operated on designated streets must be equipped with efficient brakes, reliable steering, a horn meeting the standards of F.S. § 316.271, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear of such golf cart, at all times

while the golf cart is operated on designated city streets. All golf carts operated between sunset and sunrise on designated city streets shall also be properly equipped with headlights, brake lights, turn signals and a windshield. The provisions of this article may be enforced by law enforcement officers and as to such matters not requiring action only by a law enforcement officer, by both city code enforcement officers and law enforcement officers.

Sec. 42-88. Designated streets.

The city streets within the borders delineated on the exhibits attached hereto and labeled "Golf Cart Boundary" are the designated city streets on which golf carts may be operated, and only in those designated areas. The crossings of state and county roads as depicted thereon shall be lawful for the operation of golf carts only when and if those crossings are approved by the appropriate state and county agencies having jurisdiction over that decision. It is unlawful for a golf cart to cross a state or county road at any other location.

Sec. 42-89. Number of occupants, speed and required insurance.

(a) The number of occupants in any golf cart being operated on the designated streets of the city shall be restricted to the number of seats on the golf cart, not exceeding the number of persons for which the golf cart was designed and which is consistent with the number of seats provided by the golf cart manufacturer.

(b) It shall be unlawful for any occupant of a golf cart to stand at any time while the golf cart is in motion.

(c) All golf carts permitted to travel on designated city streets within the city shall have a maximum attainable speed of 30 miles per hour.

(d) It is unlawful for a person to drive a golf cart at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. It is the duty of the operator of a golf cart to leave the paved surface of a designated street to allow other motor vehicles to proceed at the lawful speed on such street as an exception to this Article and subparagraph (e) below.

(e) It is unlawful for a golf cart to be operated on city sidewalks, rights-of-way and other locations on which a motor vehicle cannot be operated, and as proscribed by state statute or city ordinance, except for compliance with subparagraph (d) above.

(f) It shall be unlawful for any golf cart to be operated on the designated streets of the city unless and until the owner(s) thereof has purchased liability insurance insuring against personal injury and damage to property relative to the operation of golf carts on said designated city streets. The said insurance must be in full force and effect at all times the golf cart is operated on designated city streets. Proof of insurance must be presented to the city upon registration and licensing of the golf cart to operate on designated city streets, and to a law enforcement officer or code enforcement officer upon request.

Sec. 42-90. Enforcement.

Violations of this article shall be enforced pursuant to the provisions of F.S. § 316.212(8) and city ordinances by a law enforcement officer or city code enforcement officer as such officer's legal authority and jurisdiction allows. Code enforcement officers shall have the right to

enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, the lawful parking of golf carts and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers. In addition, other avenues for the enforcement of violations of this article may be enforced by city code enforcement officers and the city code enforcement board or special magistrate as their jurisdiction and legal authority allows.

Sec. 42-91 – 42 -100. Reserved

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Codification. The text of Section 2 of this ordinance shall be codified as a part of the St. Cloud City Code. The codifier is authorized to make editorial changes not effecting the substance of this ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

Section 6. Effective Date. This Ordinance shall take effect January 1, 2016.

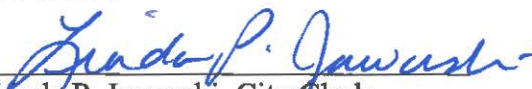
FIRST READING ON THE 10TH DAY OF SEPTEMBER, 2015

SECOND READING ON THE 24TH DAY OF SEPTEMBER, 2015

PASSED AND ADOPTED by the City Council of the City of St. Cloud, this 24th day of September, 2015.


Jeff Rinehart, Deputy Mayor

ATTEST:


Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:

DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP


Daniel F. Mantzaris, City Attorney