



# CITY OF NEWBERRY

ORDINANCE NUMBER 2017-01

AN ORDINANCE PROVIDING AUTHORITY FOR GOLF CART OPERATION ON CITY STREETS WITHIN THE CITY OF NEWBERRY; CREATING SECTION 94-38 OF THE CITY OF NEWBERRY CODE OF ORDINANCES ENTITLED "USE OF GOLF CARTS ON DESIGNATED STREETS"; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statute, Section 316.12 authorizes the operation of golf carts on certain roadways;

WHEREAS, Section 316.212(1), Florida Statutes, allows that a golf cart may only be operated on a City road if it has been first designated by the City; and

WHEREAS, Section 316.212(8), Florida Statutes, allows a local government entity to enact an ordinance relating to golf carts operation and equipment which is more restrictive than those enumerated in Section 316.212

WHEREAS, after due consideration by the City Commission of the City of Newberry, the City Commission has determined it is appropriate to establish the authority for the operation of golf carts on certain designated City streets within the City of Newberry as set forth in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF NEWBERRY, FLORIDA, as follows:

Section One: Section 94-38 relating to the operation of golf carts on City streets within the City of Newberry is hereby established as follows:

**(a) Definitions.**

For purposes of this section, and unless the context clearly requires otherwise, the following terms and phrases shall have meanings herein ascribed:

- (1) "City" means the City of Newberry.
- (2) "City Commission" means the City Commission of the City of Newberry.
- (3) "County" means Alachua County.
- (4) "Golf Cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty (20) miles per hour.
- (5) "Operator" means a person who is 15 years of age or older while operating a golf cart within the City.

- (6) "Street" means all of those city streets as determined by the City Commission to meet the criteria of this section and applicable Florida Statutes for the use of golf carts thereon.

**(b) Findings.**

Pursuant to Florida Statute, Section 316.212, it is the intent of the City Commission of the City of Newberry, to allow golf carts on certain City streets under certain conditions set forth in this article. The provisions of this Ordinance shall not be construed or interpreted to authorize any use of the City's right-of-way, roads or streets for the operation of all-terrain vehicles. Pursuant to Florida Statute, Section 316.212(1), the City Commission shall consider the following factors in determining if a particular road is appropriate for golf cart travel:

- (1) The City shall determine whether a golf cart may safely travel or cross the streets, considering factors including the speed, volume, and character of motor vehicle traffic using such streets.
- (2) Any other factor which may affect the whether a golf cart may safely travel or cross the street.

**(c) Designation.**

- (1) The City Commission may impose an administrative fee associated with the establishment of streets approved for golf cart use.
- (2) Upon a determination that golf carts may be safely operated on a designated road or street, the City shall post appropriate signs to indicate that such operation is allowed.
- (3) After consideration of the factors, the City Commission has determined that golf carts may safely travel and operate on all City streets with a posted speed limit of thirty (30) miles per hour or less. The City Commission may at any time revoke the designation and approval for golf cart use of any designated City street.

**(d) Golf cart use on a city street is conditioned upon the following:**

- (1) The cart 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.
- (2) If the golf cart is operated between the hours of sunset and sunrise, the golf cart must be equipped with headlights, brake lights, turn signals and a windshield.
- (3) No golf cart shall be drive on a public sidewalk, sidewalk area, or other area not designed for motor vehicle use or not specifically designated for golf cart use.
- (4) While operating a golf cart on a City street as authorized in this section, the operator shall comply with and obey all applicable state and local traffic laws, including, but not limited to the State Uniform Traffic Control Law. A golf cart operator who violates any traffic law may be ticketed in the same manner as the operator of a motor

vehicle.

- (5) Any golf cart operating pursuant to this section shall be occupied by no more passengers than there is reasonable space for such passengers to sit on a seat or seats in the golf cart.
- (6) Any person operating a golf cart on any designated street does so at their own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City, in designating certain City streets for the operation of golf carts, extends such operating privileges on the express condition that the operators of any golf carts under this section undertakes such operation at their own risk and assumes sole liability for operating the vehicle on the designed streets. By such operation they agree to defend, release, indemnify and hold harmless the City, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation.

**(e) Minimum required equipment.**

- (1) All golf carts operated on designated City streets pursuant to this section shall at a minimum be equipped with the following:
  - a. Properly functioning brakes;
  - b. Property functioning steering apparatus;
  - c. Safe tires;
  - d. A rearview mirror; and
  - e. Red reflectorized warning devices in both the front and rear of the golf cart.
- (2) All golf carts operated on designed City streets in fog, smoke and rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30) minutes before sunset shall at a minimum be equipped with the following:
  - a. Two (2) properly functioning headlights;
  - b. Two (2) properly functioning brake lights;
  - c. Properly functioning left and right turn signals; and
  - d. A windshield;

**(f) Golf Carts not to be authorized on State Road 26 or U.S. Route 27-41**

- (1) No golf cart shall be authorized to be driven on or to cross State Road 26 (Newberry Road) or U.S. Route 27-41.
- (2) Nothing in this section 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.

**(g) Violations.**

- (1) A violation of this article is a non-criminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as a moving violation for infractions of subsections (1)—(5) of Florida Statutes Section 316.212 or punishable pursuant to Florida

Statutes Chapter 318 as a non-moving violation for infractions of subsections (6) and (7) of Florida Statutes Section 316.212.

(2) The City may enforce the provisions of this section through any legal means..

Section Two: Effective Date: This Ordinance shall take effect upon its passage.

Section Three: All Ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section Four: It is the intention of the City Commission of the City of Newberry, Florida, and it hereby provided that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Newberry, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" maybe changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Manager or designee without public hearing, by filing a corrected or re-codified copy of the same with the City.

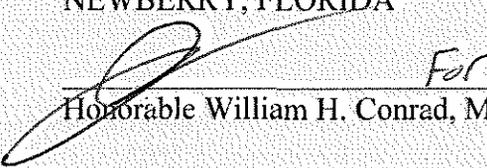
Section Five: If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

**DONE THE FIRST READING**, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 23<sup>rd</sup> day of January, 2017.

**DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 16<sup>th</sup> day of February, 2017.

**DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 27<sup>th</sup> day of February, 2017.

BY THE MAYOR OF THE CITY OF  
NEWBERRY, FLORIDA

  
For  
Honorable William H. Conrad, Mayor

ATTEST, BY THE CLERK OF THE  
CITY COMMISSION OF THE CITY OF  
NEWBERRY, FLORIDA:

  
Judy S. Rice, City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

*County Johnson for*  
\_\_\_\_\_  
S. Scott Walker, City Attorney