

ORDINANCE NO. 16-05

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; CREATING CHAPTER 23, ARTICLE V, OF THE CODE OF ORDINANCES, CITY OF FORT MEADE, FLORIDA; AUTHORIZING GOLF CART OPERATION ON DESIGNATED CITY ROADWAYS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, citizens of the City of Fort Meade ("City") have expressed confusion over their ability to operate golf carts that do not qualify as low speed vehicles under Florida law within the City limits: and,

WHEREAS, the Polk County Sheriff's Department has recently issued several citations to operators of golf carts based upon observed violations of state law, specifically section 316.212, Florida Statutes; and,

WHEREAS, the City has a duty to its citizens to insure 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 roads 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 which are more restrictive than those set forth in state statute as provided for in the statute; and,

WHEREAS, the City desires to provide for the specific designation of districts within the City within which golf carts may be operated upon City Roads ;

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; and,

WHEREAS, the City previously approved Emergency Ordinance No. 16-04 so as to implement a set of rules to govern golf cart operation in the City limits; and,

WHEREAS, the City simultaneously developed these permanent operation rules and designations to replace the emergency ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA, AS FOLLOWS:

SECTION 1. CREATION OF SECTION 23-61, THE CODE OF ORDINANCES, CITY OF FORT MEADE, FLORIDA. Section 23-61, Code of Ordinances, City of Fort Meade, Florida (hereafter "Code of Ordinances"), is hereby created to read as follows:

"23-61. – Purpose and Intent.

It is the intent and purpose of this Ordinance to implement procedures and regulations relating to golf cart operation on public roadways which are more restrictive than those contained in Chapter 316, Florida Statutes, to protect the public health safety and welfare of the citizens of Fort Meade."

SECTION 2. CREATION OF SECTION 23-62, CODE OF ORDINANCES.

Section 23-62, Code of Ordinances, is hereby created to read as follows:

"23-62. – Legislative Findings.

The above recitals represent the legislative findings of the City of Fort Meade, Florida, relative to the provisions of this Ordinance and are incorporated herein by reference."

SECTION 3. CREATION OF SECTION 23-63, CODE OF ORDINANCES.

Section 23-63, Code of Ordinances, is hereby created to read as follows:

"23-63. – Declaration of Emergency.

Pursuant to state law and based upon the Legislative Findings set forth in the above-stated Recitals, the City Commission of Fort Meade hereby finds and declares that an emergency exists requiring immediate action by the City Commission. By virtue of the threat to public health and safety and the threat to those lawfully operating lawful vehicles within the City of Fort Meade, it is necessary for the City to adopt regulations for the operation of golf carts in certain areas and upon certain City roads and streets within the City limits."

SECTION 4. CREATION OF SECTION 23-64, CODE OF ORDINANCES.

Section 23-64, Code of Ordinances, is hereby created to read as follows:

"23-64. – Definitions.

For the purpose of this chapter the following definitions shall be applicable hereto in interpreting the meaning of this chapter:

(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 shall mean any local or collector road within the corporate limits of the City of Fort Meade and which is not part of the County Road System or State Road System as defined in Florida Statutes.

(4) District shall mean one of the four districts 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) Calendar year means the period between January 1 and December 31, during which a golf cart registration is valid.

(6) Driver means the person driving and having physical control over the golf cart.

(7) "Golf cart registration" — a privilege granted, upon compliance with the terms of this Chapter, to legally operate a golf cart upon public streets or roadways within the boundaries of the City of Fort Meade during the year granted.

(8) Golf cart registration decal means the certificate for attachment to the golf cart which indicates the serial number associated with the owner's registration.

(9) Golf cart registration fee means the administrative charge imposed for the granting of a golf cart registration and the issuance of a golf cart registration decal.

(10) Owner means the person holding the bill of sale to the golf cart and authorized to register the golf cart with the City of Fort Meade."

SECTION 5. CREATION OF SECTION 23-65, CODE OF ORDINANCES.

Section 23-65, Code of Ordinances, is hereby created to read as follows:

"23-65. – Registration.

Golf Carts shall be registered annually with the City Manager or his designee. The City is authorized to charge a fee to compensate the City for the cost of the registration and regulation in an amount to be established initially by this Ordinance and in the future may be modified by resolution of the City Commission. Each Golf Cart shall be issued a registration certificate by the City of Fort Meade. Such certificate must be visibly affixed to the front of the Golf Cart. All golf carts operated upon City roads must be registered with the City and must display the golf cart registration decal affixed to the front driver's side fender of the golf cart. This registration requirement does not apply to golf carts that are not operated on City roads. Registration of golf carts may only be made by the owner of the golf cart. The owner of the golf cart will be charged an initial registration fee of \$50.00. The renewal registration fee thereafter shall be \$50.00. Registration with the City must be renewed by January 1 of each calendar year after initial registration occurs. The registration application process must be completed prior to any golf cart being operated on City roads. In order to register a golf cart, its owner must certify that the golf cart is equipped to the standards established herein during the initial registration and every subsequent renewal registration. Certification of compliance with equipment standards and a completed registration application must be provided to the City in order to obtain a registration decal. The City may maintain a list of all golf cart registrations."

SECTION 6. CREATION OF SECTION 23-66, CODE OF ORDINANCES.

Section 23-66, Code of Ordinances, is hereby created to read as follows:

“23-66. – Registration. 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 operation of golf carts. Golf carts may be registered within the City to operate on City roads. Furthermore, Golf Carts may not cross a county or state road except at locations which have been specifically designated and posted for such by Polk County or the Florida Department of Transportation.”

SECTION 7. CREATION OF SECTION 23-67, CODE OF ORDINANCES.

Section 23-67, Code of Ordinances, is hereby created to read as follows:

“23-67. – Operation of Golf Carts.

(1) The operation of a golf cart upon City streets is prohibited unless the golf cart is registered, operated and equipped in full compliance with the City Code of Ordinances.

(2) In addition to the requirements of F.S. §316.212, which are applicable to the operation of golf carts, the following restrictions shall also apply to the operation of golf carts on City roads,

(a) Golf carts must be registered and properly equipped in compliance with this Ordinance. Golf carts operated on city roads 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 roads

between sunset and sunrise ("24-hour operation") shall, in addition to the equipment required for daylight operation, be equipped with headlights, brake lights, turn signals and a windshield.

(b) A golf cart having the equipment required for daylight operation may be operated on designated roadways during daylight hours only the hours between sunrise and sunset. A golf cart having the equipment required for 24-hour operation may operate at any time of the day or night.

(c) Golf carts may not be operated on any designated public roadways by anyone under the age of sixteen 16 years. Drivers of golf carts on City roads must have in their possession a valid driver's license.

(d) Every driver of a golf cart on City roads must, while transporting a child under the age of six, provide for the protection of the child by placing the child in and properly using a federally approved child restraint device.

(e) Drivers of golf carts on City streets must observe state and local traffic laws applicable to motor vehicles.

(f) It is unlawful to operate a golf cart on any City sidewalks, rights-of-way or any other location in which a motor vehicle is prohibited as proscribed by State Statute or City Ordinance.

(g) Golf Carts may not carry more passengers than the maximum number for which the Golf Cart was designed. Generally this will allow for no more than two (2) passengers per bench seat.

SECTION 8. CREATION OF SECTION 23-68, CODE OF ORDINANCES.

Section 23-68, Code of Ordinances, is hereby created to read as follows:

“23-68. – Signage Requirements.

The City shall post signage which satisfies the requirements of Florida Statutes on all City Streets designated for Golf Cart operation.”

SECTION 9. CREATION OF SECTION 23-69, CODE OF ORDINANCES.

Section 23-69, Code of Ordinances, is hereby created to read as follows:

“23-69. – Licensed Use; Revocable.

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

(2) The issuance of a registration for the operation of golf carts on City streets shall not limit or otherwise preclude the City Commission from amendment or revocation of this Ordinance, contracting or expanding the streets or roads on which golf carts can be operated.

(3) All persons operating golf carts on City roads under registration with the City shall do so on the condition that there shall be no claim made against the City for any monetary loss or other claims for any loss by allowing golf cart operation on streets or any monetary loss therefore based on a claim for action in reliance on the provisions of this Section.

SECTION 10. CREATION OF SECTION 23-70, CODE OF ORDINANCES. Section 23-70, Code of Ordinances, is hereby created to read as follows:

“23-70. – 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 11. CREATION OF SECTION 23-71, CODE OF ORDINANCES. Section 23-71, Code of Ordinances, is hereby created to read as follows:

“23-71. – Violations.

Violations of this article shall be enforced pursuant to the procedures established by section 1-11, Code of Ordinances, and in accordance with the provisions of Chapters 162, 316, and 318, Florida Statutes, by law enforcement officers and code compliance officers as their legal authority and jurisdiction allow.

SECTION 12. CODIFICATION. Sections 1 through 11 inclusive of this ordinance shall be codified and incorporated into the Code of Ordinances as sections 23-61 through 23-71, Chapter 23, Article V, said article to be entitled “Golf Cart Ordinance.”

SECTION 13. CONFLICTS; REPEAL OF EMERGENCY ORDINANCE NO. 16-04. All ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed, including specifically Emergency Ordinance No. 16-04, which is hereby superseded by this Ordinance.

SECTION 14. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of

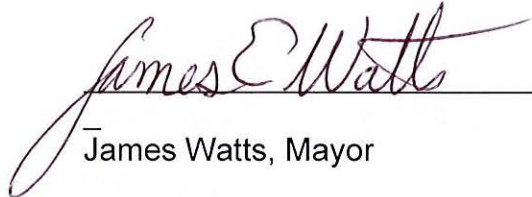
competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

PASSED ON FIRST READING this 9th day of February, 2016.

PASSED ON SECOND READING this 8th day of March, 2016.


CITY OF FORT MEADE, FLORIDA


James Watts, Mayor

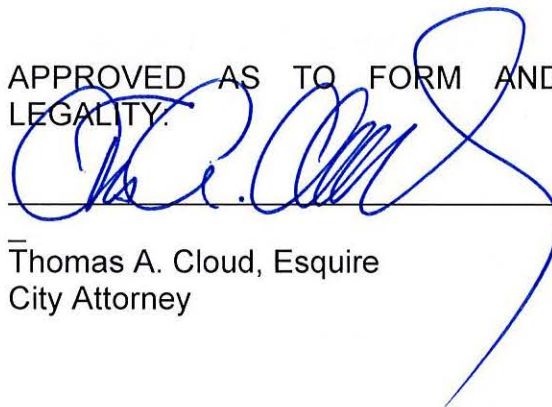
ATTEST:


Melissa Newman, City Clerk

APPROVED:


Fred Hilliard, City Manager

APPROVED AS TO FORM AND
LEGALITY:


Thomas A. Cloud, Esquire
City Attorney