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ORDINANCE NO. 2021-10

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES BY CREATING NEW ARTICLE V, SECTIONS 62-41 THROUGH 62-47, AUTHORIZING THE OPERATION OF GOLF CARTS ON DESIGNATED VILLAGE ROADS AND DESIGNATED MULTI MODAL PATHWAYS SUBJECT TO SPECIFIC RESTRICTIONS AND CONSISTENT WITH FEDERAL AND STATE LAW; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the ~~Village-Wellington~~ Council, as the governing body, has the authority to permit the operation of golf carts and regulate such operation within its jurisdictional boundaries pursuant to Article VIII, §2(b) of the Florida Constitution, and Chapter 166, ~~and~~ Section 316.212, and Section 316.008 of the Florida Statutes; and

WHEREAS, the operation of golf carts upon Village roads and sidewalks is ordinarily prohibited unless otherwise authorized by the Village pursuant to section 316.212 of the Florida Statutes; and

WHEREAS, the Village desires to permit the operation of golf carts on Designated Village Roads and Designated Multi Modal Pathways, as defined herein, in a manner that is consistent with state and federal law and that promotes the general health, safety, and welfare of residents traveling throughout the Village; and

WHEREAS, the Village has determined that golf carts may safely travel on or cross Designated Village Roads, as defined herein, based on factors including the speed, volume, and character of motor vehicle traffic using the roads; and

WHEREAS, the Village has determined, after considering the condition and current use of its sidewalks, the character of the surrounding community, and the locations of Authorized Golf Cart Crossings, that golf carts, bicycles, and pedestrians may safely share Designated Multi Modal Pathways, as defined herein; and

WHEREAS, the Village has consulted with the Florida Department of Transportation before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:

SECTION 1: Chapter 62 of the Code of Ordinances of the Village of Wellington is hereby amended to create new Article V, to be numbered Sections 62-41 through 62-47, which Article reads as follows:

1
2 **Article V - GOLF CART OPERATION ON DESIGNATED VILLAGE ROADS AND**
3 **DESIGNATED MULTI MODAL PATHWAYS**

4
5 **Section 62-41. - Legislative intent.**

6
7 The purpose of this Article is to authorize and regulate the operation of golf carts
8 upon Designated Village Roads and Designated Multi Modal Pathways in a manner that
9 is consistent with state and federal law and that promotes the general health, safety, and
10 welfare of the community. This Article does not regulate the operation of low-speed
11 vehicles within the Village.

12
13 **Section 62-42. - Definitions.**

14
15 In addition to the definitions in section 62-3, the following definitions apply to this
16 Article:

17
18 *Authorized Golf Cart Crossing* means a crosswalk at a signalized intersection, a
19 stop-controlled intersection, a mid-block crossing, or a side street crossing that is marked
20 by the Village with signs/pavement markings indicating that it is an Authorized Golf Cart
21 Crossing. Crossings will be evaluated for approval of use by golf carts by the Village
22 Engineer and must conform to the standards of FDOT Traffic Engineering Manual, Latest
23 Edition.

24
25 *Designated Multi Modal Pathway* means a sidewalk or portion of a sidewalk that is
26 within the jurisdictional boundaries of the Village and approved for use by pedestrians,
27 bicycles, and golf carts. A Designated Multi Modal Pathway meets all of the following
28 criteria: 1) it is a minimum of eight (8) feet wide; 2) it is paved; 3) it is located adjacent to
29 one of the collector roads listed on Table A of this Article; and 4) it is marked by the Village
30 with signs/pavement markings indicating that it is a Designated Multi Modal Pathway. In
31 cases where a road listed on Table A has a sidewalk on either side of the road and only
32 one side meets the requirements of this section, golf carts are permitted only on the side
33 that is marked by the Village with signs/pavement markings indicating that it is a
34 Designated Multi Modal Pathway.

35
36 *Designated Village Road* means a Village Road or portion of a Village Road upon
37 which golf carts are allowed to operate consistent with this Article. A Designated Village
38 Road meets all of the following criteria: 1) it has a posted speed limit of twenty-five (25)
39 miles per hour or less; 2) it is ~~located within a residential neighborhood~~ listed on Table B
40 of this Article; and 3) it is marked with signs/pavement markings indicating that it is a
41 Designated Village Road.

42
43 *Golf cart* means a motor vehicle that is designed and manufactured for operation
44 on a golf course for sporting or recreational purposes.

45
46 *Low-speed vehicle* means any four-wheeled vehicle whose top speed is greater

Commented [RB1]: This change was not discussed on first reading but is recommended in conjunction with the new Table B listing all designated roads alphabetically (rather than by neighborhood)

1 than 20 miles per hour but not greater than 25 miles per hour, including, but not limited
2 to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety
3 standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

4
5 *Nighttime Safety Equipment* means headlights, brake lights, turn signals, and a
6 windshield.

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7
8 *Sidewalk* means that portion of a street between the curbline, or the lateral line, of
9 a roadway and the adjacent property lines, intended for use by pedestrians.

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10
11 *Village Road* means a road or street within the jurisdictional boundaries of the
12 Village that is open to travel by the public and is not maintained by a private entity.

13
14 **Section 62-43. - Golf cart operation and equipment.**

15
16 (a) *Designated Village Roads and Authorized Golf Cart Crossings.* The
17 operation of a golf cart is permitted only on Designated Village Roads or at Authorized
18 Golf Cart Crossings. The operation of a golf cart on a Village Road is otherwise
19 prohibited.

20
21 (b) *Designated Multi Modal Pathways.* The operation of a golf cart is permitted
22 only on Designated Multi Modal Pathways. The operation of a golf cart on a sidewalk is
23 otherwise prohibited.

24
25 (c) *Age.* A golf cart may be operated on a Designated Village Road ~~or a~~
26 ~~Designated Multi Modal Pathway~~ by a person who is at least fourteen (14) years old
27 pursuant to s. 316.212, F.S. *A golf cart may only be operated on a Designated Multi*
28 *Modal Pathway by a person with a valid driver license or learner's driver license.*

29
30 (d) *Hours of operation.* A golf cart may only be operated on a Designated
31 Village Road or a Designated Multi Modal Pathway during the hours between sunrise and
32 sunset, *unless the golf cart is equipped with Nighttime Safety Equipment.*

33
34 (e) *Equipment.* A golf cart operating on a Designated Village Road or a
35 Designated Multi Modal Pathway must be equipped with efficient brakes, reliable steering
36 apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the
37 front and rear. Additionally, a golf cart operating on a Designated Multi Modal Pathway
38 must be equipped with a horn or other warning device required by s. 316.271, F.S. *A golf*
39 *cart operating on a Designated Village Road or a Designated Multi Modal Pathway*
40 *between the hours of sunset and sunrise must also have Nighttime Safety Equipment.*

41
42 (f) *Speed.* The operation of a golf cart upon a Designated Village Road is
43 restricted to the posted speed limit. The operation of a golf cart upon a Designated Multi
44 Modal Pathway is restricted to a maximum speed of fifteen (15) miles per hour.

45
46 (g) *Yield.* Any person operating a golf cart upon a Designated Multi Modal

1 Pathway must yield the right-of-way, slowing down, stopping, or pulling off the pathway if
2 need be, to pedestrians, bicyclists, and horses at all times.

3
4 (h) *Traffic regulations.* A golf cart operating upon a Designated Village Road or
5 upon a Designated Multi Modal Pathway must operate along the right side/shoulder of
6 the road or multi modal pathway in either direction. The golf cart operator must abide by
7 all other applicable state, county, and Village traffic regulations.

8
9 (i) *Occupancy.* The number of occupants of a golf cart must not exceed the
10 number of seats in the golf cart, as specified by the manufacturer, *except that a child*
11 *under the age of seven (7) years may ride on the lap of an adult passenger who is not*
12 *operating the golf cart. A child may not ride on the lap of the person operating the golf*
13 *cart.* Each occupant of the golf cart must remain seated at all times while the golf cart is
14 in motion.

15
16 **Section 62-44. - Gated communities and private roads.**

17
18 The provisions of this Article do not apply to the operation of golf carts within gated
19 communities or on other privately owned roads within the Village. The operation of golf
20 carts within gated communities or on other privately owned roads within the Village is
21 governed by the applicable association or owner of the road.

22
23 **Section 62-45. - Village golf cart use.**

24
25 This Village may operate golf carts upon any Village Road or sidewalk in
26 accordance with the provisions of section 62-43, as applicable, and of s. 316.2126, F.S.,
27 as amended from time to time.

28
29 **Section 62-46. - Enforcement; penalties.**

30
31 (a) Violations of this Article may be enforced by the Palm Beach County
32 Sherriff's Office in accordance with the provisions of Ch. 162, Part II, F.S., as amended
33 from time to time. A violation of this Article is a civil infraction punishable by civil penalty
34 in the amounts set forth below:

35		
36	<u>First Violation:</u>	<u>Warning</u>
37	<u>Second Violation:</u>	<u>\$3550</u>
38	<u>Third Violation (and every violation thereafter):</u>	<u>\$60100</u>
39		

40 *With the exception of the penalties set forth above, A-a* citation issued pursuant to this
41 section shall comply with the requirements of Chapter 2, Article IV, Division 2 of this Code
42 and may be contested in the county court as set forth therein.

43
44 (b) The enforcement provisions of this section are supplemental in nature and
45 are not intended to prohibit the Village from seeking any other remedy available at law or
46 in equity.

Commented [RB2]: This change was not discussed on first reading but is recommended to clarify that although golf cart violations will be enforced through the citation procedures set forth in Chapter 2, Article IV, Division 2, the penalties set forth in this section shall apply. We are considering revisions to Chapter 2, Article IV, Division 2 as part of the full Code rewrite which will be forthcoming.

1
2 **Section 62-47. - Licensed use and revocation.**

3
4 The operation of a golf cart on Designated Village Roads and Designated Multi
5 Modal Pathways pursuant to this Article shall be deemed to be a licensed use of those
6 roads and pathways. The license granted pursuant to this Article shall not limit or
7 otherwise preclude the Village Council from amending this Article, revoking or repealing
8 this Article, or contracting or expanding the Designated Village Roads or Designated Multi
9 Modal Pathways on which golf carts may be operated pursuant to this Article.

10
11 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
12 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
13 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
14 this Ordinance shall prevail to the extent of such conflict.

15
16 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
17 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
18 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
19 other than the part so declared to be invalid.

20
21 **SECTION 4:** This Ordinance shall become effective ~~180 days~~ on March 29, 2022
22 after adoption of the Wellington Council following second reading.

23
24 **PASSED** this _____ day of _____, 20__ upon first reading.

25
26 **PASSED AND ADOPTED** this _____ day of _____, 20__ on second and
27 final reading.

28
29 **WELLINGTON**

	FOR	AGAINST
30 BY: _____	_____	_____
31 Anne Gerwig, Mayor		
32 _____	_____	_____
33 John McGovern, Vice Mayor		
34 _____	_____	_____
35 Michael Drahos, Councilman		
36 _____	_____	_____
37 Michael J. Napoleone, Councilman		
38 _____	_____	_____
39 Tanya Siskind, Councilwoman		

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45 **ATTEST:**

46 BY: _____

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Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie S. Cohen, Village Attorney

