ORDINANCE NO. 2020-xx

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER XX OF THE CODE OF ORDINANCES BY CREATING NEW ARTICLE XX, SECTIONS XX THROUGH XX, AUTHORIZING THE OPERATION OF GOLF CARTS ON DESIGNATED VILLAGE ROADS AND MULTI-USE 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 Council 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 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 multi-use 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 Village multi-use 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 XX of the Code of Ordinances of the Village of Wellington is hereby amended to create new Article XX, to be numbered Sections XX through XX, which Article reads as follows:

Article XX - GOLF CART OPERATION ON DESIGNATED VILLAGE ROADS AND MULTI-USE PATHWAYS

Section XX. - Legislative intent.

The purpose of this Article is to authorize the operation of golf carts upon designated Village roads and multi-use pathways in a manner that is consistent with state and federal law and that promotes the general health, safety, and welfare of the community.

Section XX. - Definitions.

Designated Village crossings means those portions of roads or streets that intersect designated Village multi-use pathways and are approved for use by golf carts consistent with section XX of this Article. The Village will post signs indicating those crossings that are designated Village crossings.

Designated Village multi-use pathways means all sidewalks approved for use by pedestrians, bicycles, and golf carts consistent with section XX of this Article and section 316.212, Florida Statutes. A designated Village multi-use pathway is 1) a minimum of ten (10) feet wide; (2) paved; and 3) located adjacent to one of the collector roads listed on Table A of this Article. The Village will post appropriate signs to indicate those sidewalks that are designated Village multi-use pathways.

Designated Village roads means all roads or streets or portions of roads or streets upon which golf carts are allowed to operate consistent with section XX of this Article and section 316.212, Florida Statutes. A designated Village road: 1) has a posted speed limit of twenty-five (25) miles per hour or less; and 2) is located within a residential neighborhood listed on Table B of this Article. The Village will post appropriate signs to indicate those roads or streets that are designated Village roads.

Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour pursuant to section 320.01(22), Florida Statutes. Golf carts are prohibited on Village roads and sidewalks except as expressly set forth in this Article.

Sidewalk means that portion of a street between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians pursuant to section 316.003(76), Florida Statutes.

Section XX. - Operation of golf carts on designated Village roads.

(a) The operation of a golf cart is allowed on designated Village roads under the following conditions:

(1) ***Age.*** The person operating the golf cart must be at least fourteen (14) years old.

(2) ***Equipment.*** The golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices in both the front and rear. A golf cart operating on designated Village roads during the hours between sunset and sunrise must also be equipped with headlights, brake lights, turn signals, and a windshield.

(3) ***Traffic Regulations.*** The golf cart may only be operated along the right side/shoulder of the designated Village road. The golf cart operator must observe the posted speed limit and abide by all other applicable state, county, and Village traffic regulations.

(b) The operation of a golf cart on a designated Village road that does not comply with the requirements of this section is prohibited.

(c) The operation of a golf cart on a road or street that is not a designated Village road is prohibited, except at designated Village crossings consistent with section XX.

Section XX. - Operation of golf carts on designated Village multi-use pathways.

(a) The operation of a golf cart on designated Village multi-use pathways is allowed under the following conditions:

(1) ***Age.*** The person operating the golf cart must be at least sixteen (16) years old and possess a valid driver's license.

(2) ***Registration.*** The golf cart must be registered with the Village consistent with section XX of this Article and display a Village-issued decal.

Commented [RB1]: Where do we want them to display this?

(3) ***Equipment.*** The golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices in both the front and rear, and a horn or other warning device required by section 316.271, Florida Statutes. A golf cart operating on designated Village multi-use pathways during the hours between sunset and sunrise must also be equipped with headlights, brake lights, turn signals, and a windshield.

(4) ***Speed Limit.*** The golf cart may be operated up to a maximum speed of fifteen (15) miles per hour.

(5) ***Traffic Regulations.*** The golf cart may only be operated along the right side/shoulder of a designated Village multi-use pathway. Golf cart operators must comply with all other applicable state, county, and Village traffic regulations.

(6) ***Yield to Other Traffic.*** The golf cart must yield to pedestrians, bicyclists, horses, and any other human powered vehicle at all times.

(7) ***Occupancy.*** The number of occupants in the golf cart must not exceed the number of seats in the golf cart. Each occupant of the golf cart must remain seated at all times while the ~~the~~ golf cart is in motion.

(b) The operation of a golf cart on a designated Village multi-use pathway that does not comply with the requirements of this section is prohibited.

(c) The operation of a golf cart on a sidewalk that is not a designated Village multi-use pathway is prohibited.

Section XX. – Operation of golf carts at designated Village crossings.

(a) The operation of a golf cart is allowed at all designated Village crossings.

(b) The operation of a golf cart at designated Village crossings must comply with the requirements for operation of a golf cart on Village multi-use pathways set forth in section XX.

Section XX. - Parking.

Golf carts must be parked in compliance with the regulations set forth in Chapter 62 of this Code and Chapter 316, Florida Statutes, Florida Uniform Traffic Control Law.

Section XX. - Registration for golf cart operation on Village multi-use pathways.

(a) Each golf cart owner who desires to operate a golf cart on designated Village multi-use pathways pursuant to this Article must register the golf cart with the Village. The application for registration shall be in a form prescribed by the Village and contain, at a minimum, the following:

(1) Name, address, phone number, and email address for each owner of the golf cart;

(2) Proof of insurance that complies with the requirements of section XX; and

(3) Acknowledgment that each owner of the golf cart has received a copy of this Article and agrees to comply with the terms set forth

herein.

(b) The Village Manager or his or her designee shall review registration applications submitted pursuant to subsection (a). If the Village Manager or his or her designee determines that the owner submitted information in accordance with subsection (a) of this section, the registration will be effective and the Village will notify the owner of such effectiveness in writing and provide the owner with a decal to be displayed on the golf cart when operating on designated Village multi-use pathways. If the Village Manager or his or her designee determines that the information has not been submitted in accordance with subsection (a) of this section, the Village will notify the owner of the non-effectiveness of the registration and the reasons for such non-effectiveness in writing. Non-effectiveness of the registration does not preclude an owner from filing subsequent applications under this section.

Commented [RB2]: Same comment as above. Where on the golf cart?

(c) An owner may cancel a registration issued pursuant to this section upon written notice to the Village stating that it will no longer operate the golf cart on designated Village multi-use pathways.

(d) Registrations issued pursuant to this section are not transferable to another owner or golf cart.

Commented [RB3]: Do we want to provide for an expiration/renewal every few years?

Section XX. – Insurance required for golf cart operation on Village multi-use pathways.

Any person operating a golf cart on the designated Village multi-use pathways must be covered by motor vehicle or other liability insurance that includes operation of the golf cart, insuring the owner and/or operator against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of the golf cart of not less than the limits described in section 324.021(7), Florida Statutes.

Section XX. - Gated communities and private roads.

The provisions of this Article do not apply to the operation of golf carts within gated communities or on other privately owned roads within the Village.

Section XX. - Village owned golf carts.

This provisions of this Article do not apply to the operation of Village-owned golf carts by Village staff in conjunction with routine maintenance or special events.

Section XX. - Enforcement.

Commented [RB4]: This section was written based on the belief that the ordinance will be enforced by PBSO. Need to revisit if the intent is to enforce these provisions through code/special magistrate or a combination of code and PBSO.

In addition to the regulations set forth in this Article, golf carts must comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as other motor vehicles. A violation of this Article is a noncriminal traffic infraction punishable pursuant to Chapter 318, Florida Statutes.

Section XX. - Licensed use and revocation.

The operation of a golf cart on designated Village roads and designated Village multi-use pathways pursuant to this Article shall be deemed to be a licensed use of those roads and pathways. The license granted pursuant to this Article shall not limit or otherwise preclude the Village Council from amending this Article, revoking or repealing this Article, or contracting or expanding the designated Village roads or designated Village multi-use pathways on which golf carts may be operated pursuant to this Article.

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

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

SECTION 4: This Ordinance shall become effective ninety days after adoption of the Wellington Council following second reading.

PASSED this _____ day of _____, 20___ upon first reading.

PASSED AND ADOPTED this _____ day of _____, 20___ on second and final reading.

WELLINGTON

	FOR	**AGAINST**
BY: _____ Anne Gerwig, Mayor	_____	_____
_____ Tanya Siskind, Vice Mayor	_____	_____
_____ Michael Drahos, Councilman	_____	_____
_____ John McGovern, Councilman	_____	_____
_____ Michael J. Napoleone, Councilman	_____	_____

ATTEST:

BY: _____

Chevelle D. Addie Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Laurie S. Cohen, Village Attorney