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 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, 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:

Article V - GOLF CART OPERATION ON DESIGNATED VILLAGE ROADS AND DESIGNATED MULTI MODAL PATHWAYS

Section 62-41. - Legislative intent.

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

Section 62-42. - Definitions.

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

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

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

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

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

Low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited

to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

Nighttime Safety Equipment means headlights, brake lights, turn signals, and a windshield.

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.

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

Section 62-43. - Golf cart operation and equipment.

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

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

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

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

(e) *Equipment.* A golf cart operating on a Designated Village Road or a Designated Multi Modal Pathway 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. Additionally, a golf cart operating on a Designated Multi Modal Pathway must be equipped with a horn or other warning device required by s. 316.271, F.S. A golf cart operating on a Designated Village Road or a Designated Multi Modal Pathway between the hours of sunset and sunrise must also have Nighttime Safety Equipment.

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

(g) *Yield.* Any person operating a golf cart upon a Designated Multi Modal Pathway must yield the right-of-way, slowing down, stopping, or pulling off the pathway if

need be, to pedestrians, bicyclists, and horses at all times.

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

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

Section 62-44. - 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. The operation of golf carts within gated communities or on other privately owned roads within the Village is governed by the applicable association or owner of the road.

Section 62-45. - Village golf cart use.

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

Section 62-46. - Enforcement; penalties.

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

First Violation:	Warning
Second Violation:	$50
Third Violation (and every violation thereafter):	$100

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

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

Section 62-47. - Licensed use and revocation.

The operation of a golf cart on Designated Village Roads and Designated Multi Modal 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 Multi Modal 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 on March 29, 2022 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	_____	_____
_____ John McGovern, Vice Mayor	_____	_____
_____ Michael Drahos, Councilman	_____	_____
_____ Michael J. Napoleone, Councilman	_____	_____
_____ Tanya Siskind, Councilwoman	_____	_____

ATTEST:

BY: _____
Chevelle D. Addie Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____
Laurie S. Cohen, Village Attorney