

**ORDINANCE NO. 2021-XX**

**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 62-53, 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 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 62-53, which Article reads as follows:

1  
2 **Article V - GOLF CART OPERATION ON DESIGNATED VILLAGE ROADS AND**  
3 **MULTI-USE PATHWAYS**  
4

5 **Section 62-41. - Legislative intent.**  
6

7 The purpose of this Article is to authorize the operation of golf carts upon  
8 designated Village roads and multi-use pathways in a manner that is consistent with state  
9 and federal law and that promotes the general health, safety, and welfare of the  
10 community.  
11

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

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

17 *Designated Village crossings* means those portions of roads or streets that  
18 intersect designated Village multi-use pathways and are approved for use by golf carts  
19 consistent with section 62-45 of this Article. The Village will post signs indicating those  
20 crossings that are designated Village crossings.  
21

22 *Designated Village multi-use pathways* means all sidewalks approved for use by  
23 pedestrians, bicycles, and golf carts consistent with section 62-44 of this Article and  
24 section 316.212, Florida Statutes. A designated Village multi-use pathway is 1) a  
25 minimum of ten (10) feet wide; (2) paved; and 3) located adjacent to one of the collector  
26 roads listed on Table A of this Article. The Village will post appropriate signs to indicate  
27 those sidewalks that are designated Village multi-use pathways.  
28

29 *Designated Village roads* means all roads or streets or portions of roads or streets  
30 upon which golf carts are allowed to operate consistent with section 62-43 of this Article  
31 and section 316.212, Florida Statutes. A designated Village road: 1) has a posted speed  
32 limit of twenty-five (25) miles per hour or less; and 2) is located within a residential  
33 neighborhood listed on Table B of this Article. The Village will post appropriate signs to  
34 indicate those roads or streets that are designated Village roads.  
35

36 *Golf cart* means a motor vehicle that is designed and manufactured for operation  
37 on a golf course for sporting or recreational purposes and that is not capable of exceeding  
38 speeds of twenty (20) miles per hour pursuant to section 320.01(22), Florida Statutes.  
39 Golf carts are prohibited on Village roads and sidewalks except as expressly set forth in  
40 this Article.  
41

42 *Sidewalk* means that portion of a street between the curb line, or the lateral line,  
43 of a roadway and the adjacent property lines, intended for use by pedestrians pursuant  
44 to section 316.003(76), Florida Statutes.  
45

46 **Section 62-43. - Operation of golf carts on designated Village roads.**

1  
2       (a) The operation of a golf cart is allowed on designated Village roads under  
3 the following conditions:

4  
5           (1) **Age.** The person operating the golf cart must be at least fourteen  
6 (14) years old.

7  
8           (2) **Equipment.** The golf cart must be equipped with efficient brakes,  
9 reliable steering apparatus, safe tires, a rearview mirror, red  
10 reflectorized warning devices in both the front and rear. A golf cart  
11 operating on designated Village roads during the hours between  
12 sunset and sunrise must also be equipped with headlights, brake  
13 lights, turn signals, and a windshield.

14  
15          (3) **Traffic Regulations.** The golf cart may only be operated along the  
16 right side/shoulder in either direction of the designated Village road.  
17 The golf cart operator must observe the posted speed limit and abide  
18 by all other applicable state, county, and Village traffic regulations.

19  
20       (b) The operation of a golf cart on a designated Village road that does not  
21 comply with the requirements of this section is prohibited.

22  
23       (c) The operation of a golf cart on a road or street that is not a designated  
24 Village road is prohibited, except at designated Village crossings consistent with section  
25 62-45.

26  
27 **Section 62-44. - Operation of golf carts on designated Village multi-use pathways.**

28  
29       (a) The operation of a golf cart on designated Village multi-use pathways is  
30 allowed under the following conditions:

31  
32           (1) **Age.** The person operating the golf cart must be at least sixteen (16)  
33 years old and possess a valid driver's license.

34  
35           (2) **Registration.** The golf cart must be registered with the Village  
36 consistent with section 62-47 of this Article and display a Village-  
37 issued decal.

38  
39           (3) **Equipment.** The golf cart must be equipped with efficient brakes,  
40 reliable steering apparatus, safe tires, a rearview mirror, red  
41 reflectorized warning devices in both the front and rear, and a horn  
42 or other warning device required by section 316.271, Florida  
43 Statutes. A golf cart operating on designated Village multi-use  
44 pathways during the hours between sunset and sunrise must also be  
45 equipped with headlights, brake lights, turn signals, and a  
46 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 in either direction 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 occupants the golf cart is designed for, as specified by the manufacturer. Each occupant of the golf cart must remain seated at all times while 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 62-45. – 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 62-44.

#### **Section 62-46. – Parking.**

Golf carts must be parked in compliance with the regulations set forth in Articles I through IV of this Chapter and Chapter 316, Florida Statutes, Florida Uniform Traffic Control Law. Golf cart parking violations may be enforced by village enforcement officers as set forth in Articles I through IV of this Chapter.

#### **Section 62-47. - 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

1                   of the golf cart;

2                   (2) Proof of insurance that complies with the requirements of section 62-  
3                   48; and

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

7  
8                   (b) The Village Manager or his or her designee shall review registration  
9                   applications submitted pursuant to subsection (a). If the Village Manager or his or her  
10                  designee determines that the owner submitted information in accordance with subsection  
11                  (a) of this section, the registration will be effective and the Village will notify the owner of  
12                  such effectiveness in writing and provide the owner with a decal to be displayed on the  
13                  golf cart when operating on designated Village multi-use pathways. If the Village  
14                  Manager or his or her designee determines that the information has not been submitted  
15                  in accordance with subsection (a) of this section, the Village will notify the owner of the  
16                  non-effectiveness of the registration and the reasons for such non-effectiveness in writing.  
17                  Non-effectiveness of the registration does not preclude an owner from filing subsequent  
18                  applications under this section.

19  
20                  (c) An owner may cancel a registration issued pursuant to this section upon  
21                  written notice to the Village stating that it will no longer operate the golf cart on designated  
22                  Village multi-use pathways.

23  
24                  (d) Registrations issued pursuant to this section are not transferable to another  
25                  owner or golf cart.

26  
27                  **Section 62-48. – Insurance required for golf cart operation on Village multi-use**  
28                  **pathways.**

29  
30                  Any person operating a golf cart on designated Village multi-use pathways must  
31                  be covered by motor vehicle or other liability insurance that includes operation of the golf  
32                  cart, insuring the owner and/or operator against loss from liability for bodily injury, death,  
33                  and property damage arising out of the ownership, maintenance, or use of the golf cart of  
34                  not less than the limits described in section 324.021(7), Florida Statutes.

35  
36                  **Section 62-49. - Gated communities and private roads.**

37  
38                  The provisions of this Article do not apply to the operation of golf carts within gated  
39                  communities or on other privately owned roads within the Village.

40  
41                  **Section 62-50. - Village owned golf carts.**

42  
43                  This provisions of this Article do not apply to the operation of Village-owned golf  
44                  carts by Village staff in conjunction with routine maintenance or special events.

45  
46                  **Section 62-51. – Enforcement; penalties.**

1  
2       (a) Violations of this Article may be enforced by the Palm Beach County  
3 Sherriff's Office in accordance with this section.

4  
5       (b) A violation of this Article is a noncriminal traffic infraction punishable by civil  
6 penalty as set forth in F.S. § 318.18, as amended from time to time.

7  
8       (c) Any person owing money for a citation issued pursuant to this Article shall  
9 remit payment for same at the place designated on the ticket within 30 days of the date  
10 of issuance of such ticket.

11  
12       (d) The provisions of this section do not apply to golf cart parking violations,  
13 which may be enforced as set forth in section 62-46.

14  
15 **Section 62-52. – Administrative appeal.**

16  
17       (a) Any person wishing to contest a citation issued pursuant to this Article may  
18 appeal by contacting the county clerk within 30 days of the date the citation was issued  
19 to request an administrative hearing. Failure to contest such violation by way of this  
20 procedure shall constitute an admission by the violator that the infraction was committed  
21 and will operate as a waiver of the right to a hearing on the issue.

22  
23       (b) The hearing shall be conducted in accordance with F.S. § 318.14 and the  
24 Florida Rules of Traffic Court, as amended from time to time. The Florida Rules of Traffic  
25 Court are available at: [floridabar.org/rules/ctproc/](http://floridabar.org/rules/ctproc/).

26  
27       (c) The provisions of this section do not apply to golf cart parking citations,  
28 which may be contested as set forth in section 62-39.

29  
30 **Section 62-53. - Licensed use and revocation.**

31  
32       The operation of a golf cart on designated Village roads and designated Village  
33 multi-use pathways pursuant to this Article shall be deemed to be a licensed use of those  
34 roads and pathways. The license granted pursuant to this Article shall not limit or  
35 otherwise preclude the Village Council from amending this Article, revoking or repealing  
36 this Article, or contracting or expanding the designated Village roads or designated Village  
37 multi-use pathways on which golf carts may be operated pursuant to this Article.

38  
39       **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this  
40 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
41 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of  
42 this Ordinance shall prevail to the extent of such conflict.

43  
44       **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this  
45 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
46 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,

1 other than the part so declared to be invalid.

2  
3 **SECTION 4.** This Ordinance shall become effective ninety days after adoption of  
4 the Wellington Council following second reading.

5  
6 **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ upon first reading.

7  
8 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on second and  
9 final reading.

10  
11 **WELLINGTON**

12 **FOR**

12 **AGAINST**

13 BY: \_\_\_\_\_

14 Anne Gerwig, Mayor

15  
16 \_\_\_\_\_

17 Tanya Siskind, Vice Mayor

18  
19 \_\_\_\_\_

20 Michael Drahos, Councilman

21  
22 \_\_\_\_\_

23 John McGovern, Councilman

24  
25 \_\_\_\_\_

26 Michael J. Napoleone, Councilman

27  
28 **ATTEST:**

29  
30 BY: \_\_\_\_\_

31 Chevelle D. Addie Village Clerk

32  
33  
34 **APPROVED AS TO FORM AND**  
35 **LEGAL SUFFICIENCY**

36  
37  
38 BY: \_\_\_\_\_

39 Laurie S. Cohen, Village Attorney