

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

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

3  
4 **Section 62-41. - Legislative intent.**

5  
6 The purpose of this Article is to authorize and regulate the operation of golf carts  
7 upon designated Village roads and designated multi modal pathways in a manner that is  
8 consistent with state and federal law and that promotes the general health, safety, and  
9 welfare of the community. This Article does not regulate the operation of low-speed  
10 vehicles within the Village.

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

23  
24 Designated multi modal pathway means a sidewalk or portion of a sidewalk that is  
25 within the jurisdictional boundaries of the Village and approved for use by pedestrians,  
26 bicycles, and golf carts. A designated multi modal pathway meets all of the following  
27 criteria: 1) it is a minimum of eight (8) feet wide; 2) it is paved; 3) it is located adjacent to  
28 one of the collector roads listed on Table A of this Article; and 4) it is marked by the Village  
29 with signs/pavement markings indicating that it is a designated multi modal pathway. In  
30 cases where a road listed on Table A has a sidewalk on either side of the road and only  
31 one side meets the requirements of this section, golf carts are permitted only on the side  
32 that is marked by the Village with signs/pavement markings indicating that it is a  
33 designated multi modal pathway.

34  
35 Designated Village road means a Village road or portion of a Village road upon  
36 which golf carts are allowed to operate consistent with this Article. A designated Village  
37 road meets all of the following criteria: 1) it has a posted speed limit of twenty-five (25)  
38 miles per hour or less; 2) it is located within a residential neighborhood listed on Table B  
39 of this Article; and 3) it is marked with signs/pavement markings indicating that it is a  
40 designated Village road.

41  
42 Golf cart means a motor vehicle that is designed and manufactured for operation  
43 on a golf course for sporting or recreational purposes.

44  
45 Low-speed vehicle means any four-wheeled vehicle whose top speed is greater  
46 than 20 miles per hour but not greater than 25 miles per hour, including, but not limited

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

3  
4 Sidewalk means that portion of a street between the curblin, or the lateral line, of  
5 a roadway and the adjacent property lines, intended for use by pedestrians.

6  
7 Village road means a road or street within the jurisdictional boundaries of the  
8 Village that is open to travel by the public and is not maintained by a private entity.

9  
10 **Section 62-43. - Golf cart operation and equipment.**

11  
12 (a) Designated Village roads and authorized golf cart crossings. The operation  
13 of a golf cart upon any Village road is prohibited, except upon a designated Village road  
14 or at an authorized golf cart crossing.

15  
16 (b) Designated multi modal pathways. The operation of a golf cart upon any  
17 sidewalk within the Village is prohibited, except upon a designated multi modal pathway.

18  
19 (c) Age. A golf cart may be operated on a designated Village road or a  
20 designated multi modal pathway by a person who is at least fourteen (14) years old.

21  
22 (d) Hours of operation. A golf cart may only be operated on a designated Village  
23 road or a designated multi modal pathway during the hours between sunrise and sunset.

24  
25 (e) Equipment. A golf cart operating on a designated Village road or a  
26 designated multi modal pathway must be equipped with efficient brakes, reliable steering  
27 apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the  
28 front and rear. Additionally, a golf cart operating on a designated multi modal pathway  
29 must be equipped with a horn or other warning device required by s. 316.271, F.S.

30  
31 (f) Speed. The operation of a golf cart upon a designated Village road is  
32 restricted to the posted speed limit. The operation of a golf cart upon a designated multi  
33 modal pathway is restricted to a maximum speed of fifteen (15) miles per hour.

34  
35 (g) Yield. Any person operating a golf cart upon a designated multi modal  
36 pathway must yield the right-of-way, slowing down or stopping if need be, to pedestrians,  
37 bicyclists, and horses at all times.

38  
39 (h) Traffic regulations. A golf cart operating upon a designated Village road or  
40 upon a designated multi modal pathway must operate along the right side/shoulder of the  
41 road or multi modal pathway in either direction. The golf cart operator must abide by all  
42 other applicable state, county, and Village traffic regulations.

43  
44 (i) Occupancy. The number of occupants of a golf cart must not exceed the  
45 number of seats in the golf cart, as specified by the manufacturer. Each occupant of the  
46 golf cart must remain seated at all times while the golf cart is in motion.

1  
2 **Section 62-44. - Gated communities and private roads.**

3  
4 The provisions of this Article do not apply to the operation of golf carts within gated  
5 communities or on other privately owned roads within the Village.

6  
7 **Section 62-45. - Village golf cart use.**

8  
9 This Village may operate golf carts upon any Village road or sidewalk in  
10 accordance with the provisions of section 62-43, as applicable, and of s. 316.2126, F.S.,  
11 as amended from time to time.

12  
13 **Section 62-46. – Enforcement; penalties.**

14  
15 (a) Violations of this Article may be enforced by the Palm Beach County  
16 Sherriff's Office in accordance with the provisions of Ch. 162, Part II, F.S., as amended  
17 from time to time. A violation of this Article is a civil infraction punishable by civil penalty  
18 in the amounts set forth below:

19  
20

<u>First Violation:</u>	<u>Warning</u>
<u>Second Violation:</u>	<u>\$35</u>
<u>Third Violation (and every violation thereafter):</u>	<u>\$50</u>

21  
22  
23

24 A citation issued pursuant to this section shall comply with the requirements of Chapter  
25 2, Article IV, Division 2 of this Code and may be contested in the county court as set forth  
26 therein.

27  
28 (b) The enforcement provisions of this section are supplemental in nature and  
29 are not intended to prohibit the Village from seeking any other remedy available at law or  
30 in equity.

31  
32 **Section 62-47. - Licensed use and revocation.**

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

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

45  
46 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this

1 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
2 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,  
3 other than the part so declared to be invalid.  
4

5 **SECTION 4:** This Ordinance shall become effective 180 days after adoption of the  
6 Wellington Council following second reading.  
7

8 **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ upon first reading.  
9

10 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on second and  
11 final reading.  
12

13 **WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
14 BY: _____	_____	_____
15 Anne Gerwig, Mayor		
16 _____	_____	_____
17 John McGovern, Vice Mayor		
18 _____	_____	_____
19 Michael Drahos, Councilman		
20 _____	_____	_____
21 Michael J. Napoleone, Councilman		
22 _____	_____	_____
23 Tanya Siskind, Councilwoman		

24 **ATTEST:**

25 BY: \_\_\_\_\_  
26 Chevelle D. Addie Village Clerk  
27

28 **APPROVED AS TO FORM AND  
29 LEGAL SUFFICIENCY**

30 BY: \_\_\_\_\_  
31 Laurie S. Cohen, Village Attorney  
32  
33  
34  
35