ORDINANCE NO. 11-O-18

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AUTHORIZING THE USE OF GOLF CARTS UPON DESIGNATED MUNICIPAL STREETS SUBJECT TO SPECIFIED RESTRICTIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits municipalities to allow golf carts to be operated upon municipal streets provided that the local government first determine that golf carts may safely travel on or across such public roads or streets upon considering such factors as the speed, volume, and character of motor vehicle traffic using those roads or streets in question; and,

WHEREAS, Section 316.212(5), Florida Statutes, requires that golf carts may only be operated on such public roads or streets during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also operate during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals and windshield; and,

WHEREAS, Section 316.212(8), Florida Statutes, allows municipalities to enact restrictions and regulations regarding golf cart operation by unlicensed drivers that are more restrictive than are enumerated in Section 316.212, Florida Statutes, as long as appropriate signs are posted or the residents are otherwise informed that the regulation of golf cart operation in the designated area will be in accordance with a stricter local ordinance; and,

WHEREAS, the City of Crystal River has conducted a study and determined that golf carts may safely be operated on or across certain roads or streets within the city limits, after the consideration of the speed, volume, and the character of motor vehicle traffic on the relevant roads or streets; and

WHEREAS, the City desires to provide additional regulations for the operation of golf carts on designated roads and streets in Crystal River, Florida; and

WHEREAS, the City believes that regulations proposed in this ordinance promote and enhance the health, safety and welfare of its citizens.

NOW THEREFORE, be it ordained by the City of Crystal River, Florida, that its Code of Ordinances, Chapter 14, Traffic and Motor Vehicles, be supplemented as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to supplement the current City of Crystal River Code of Ordinances, through the addition of CHAPTER 15, ARTICLE VI, Operation of Golf Carts on Designated Roads, for the reasons set forth in the above Whereas clauses, which are incorporated herein, in haec verba.
SECTION 2. AUTHORITY.

The City Council is authorized to amend the Crystal River Code of Ordinances pursuant to Article III of the City Charter of the City of Crystal River and Part II, Code of Ordinances, Chapter 1, General Provisions, of the Code of Ordinances of the City of Crystal River, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. AMENDMENT OF CODE OF ORDINANCES, CHAPTER 9.

The City of Crystal River Code of Ordinances is supplemented through the addition of CHAPTER 15, ARTICLE VI, Operation of Golf Carts on Designated Roads, which shall state as follows:

CHAPTER 15, TRAFFIC, ARTICLE VI, OPERATION OF GOLF CARTS ON DESIGNATED ROADS

Sec. 15-80. Purpose and Intent.

It is the intent of this Section to authorize and regulate the use of golf carts upon certain designated streets of the City of Crystal River, Florida, during non-restricted hours by individuals holding a valid, current driver’s license. The roads and streets upon which golf carts are permitted by the City to be operated shall be designated by Resolution, which may be modified from time to time.

Sec. 15-81. Definitions.

A) Golf Cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. Chapter 316.003(68)

Sec. 15-82. Authorized Use

1. Golf carts may be operated on all roads and streets designated for such use by Resolution of the City of Crystal River, in accordance with Florida Statute, Section 316.212.

2. In addition to the requirements of Florida Statutes, Section 316.212, the following restrictions shall also apply to the operation of golf carts on City designated roads and streets:

   a) The number of occupants in any golf cart operated on City streets designated for golf cart use shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion.

   b) All golf carts operating subject to this ordinance must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices, in both the front and rear, at all times while operated on City designated roads and streets.
c) Golf carts may only be operated on City designated roads and streets during the hours between official sunrise and official sunset, and only by persons that hold a valid, current driver’s license.

d) Golf carts equipped with headlights, brake lights, turn signals, and a windshield may be operated between the hours of sunset and sunrise, and only by a person who holds a valid, current driver’s license.

e) Before golf carts may be operated under this section, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of golf carts on City designated roads and streets. Minimum required insurance will be the same as for motor vehicles registered in the State of Florida for personal use and as designated by Florida Statutes. Proof of such insurance must be possessed at all times while operating a golf cart on City designated roads and streets.

3. Violations of this section shall constitute a non-criminal infraction punishable pursuant to the provisions of Florida Statutes, Section 316.212(9). The use of a golf cart resulting in violations of the Florida “Uniform Traffic Control” statute and the Florida “Uniform Disposition of Traffic Infractions Act” are punishable pursuant to Florida Statutes, Chapter 316 and 318, as applicable. All other City Ordinances pertaining to the use of motor vehicles within the City of Crystal River, Florida shall also apply to this section.

4. The City shall post signs along designated roads and streets where golf cart operation is authorized, advising motorists of possible golf cart traffic, and alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance.

5. Notwithstanding any other provision of this Section, golf carts may not be operated on any sidewalk within the City of Crystal River, Florida.

6. Golf carts may not be operated on the roads or streets of Crystal River, Florida, by any person under the age of 16.

SECTION 4. CODIFICATION.

It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Crystal River, Florida, with the exception of Sections 2, 4, 5 and 6. The word “Ordinance,” or similar words may be changed to “section,” “article,” or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein, within Chapter 15 of the Code, entitled “Traffic”. 

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Crystal River, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.
SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the City of Crystal River, Florida, City Council.

PASSED on First Reading ______________________________________________

NOTICE published on ____ ______________________________________________

PASSED on Second & Final Reading _______________________________________

ATTEST: CITY OF CRYSTAL RIVER

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CAROL A. HARRINGTON, CITY CLERK  JIM FARLEY, MAYOR

APPROVED AS TO FORM AND CONTENT:

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GEORGE ANGELIADIS, CITY ATTORNEY

Approved as to form for the Reliance of the City of Crystal River only:

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George G. Angeliadis, City Attorney

VOTE OF COUNCIL:

Farley       Wheeler       McNiff     Gudis     Kitchen