

ORDINANCE NO. 15-36

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, CREATING SECTION 2-22-9.5 OF THE MANATEE COUNTY CODE OF ORDINANCES RELATING TO DESIGNATION OF CERTAIN COUNTY SIDEWALKS PERMITTING OPERATION OF GOLF CARTS; PROVIDING FOR DEFINITIONS; PERMITTING THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY SIDEWALKS; PROVIDING MAXIMUM SPEED FOR GOLF CARTS OPERATED ON COUNTY SIDEWALKS; PROVIDING EQUIPMENT REQUIREMENTS FOR GOLF CARTS OPERATED ON COUNTY SIDEWALKS; INCORPORATING PROVISIONS OF FLORIDA STATUTES RELATING TO GOLF CART OPERATION; REQUIRING POSTING OF SIGNS ON COUNTY SIDEWALKS; PROVIDING FOR ENFORCEMENT AND PUNISHMENT PURSUANT TO FLORIDA STATUTES; PROVIDING DESIGNATION OF COUNTY SIDEWALKS FOR THE OPERATION OF GOLF CARTS WITHIN IMG ACADEMIES GOLF & COUNTRY CLUB AND PALM AIRE; PROVIDING FOR CODIFICATION; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212, Florida Statutes, provides for the operation of golf carts upon public roads and streets; and

WHEREAS, Paragraph 316.212(8)(b), Florida Statutes, authorizes a county to enact an ordinance relating to golf cart operation on sidewalks adjacent to specific segments of county roads or state highways within the jurisdictional territory of the county, subject to requirements set forth in said paragraph; and

WHEREAS, Subparagraph 316.212(8)(b)1., Florida Statutes, requires the county to determine, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk; and

WHEREAS, Subparagraph 316.212(8)(b)2., Florida Statutes, requires the county to consult with the State of Florida Department of Transportation before adopting an ordinance relating to golf cart operation on sidewalks; and

WHEREAS, Subparagraph 316.212(8)(b)3., Florida Statutes, authorizes a county ordinance relating to golf cart operation on sidewalks provided that the ordinance restricts golf carts to a maximum speed of fifteen (15) miles per hour; and

WHEREAS, Subparagraph 316.212(8)(b)3., Florida Statutes, authorizes a county ordinance permitting the use of golf carts on sidewalks adjacent to state highways only if the sidewalks are at least eight (8) feet wide; and

WHEREAS, Subparagraph 316.212(8)(b)4., Florida Statutes, authorizes a county ordinance relating to golf cart operation on sidewalks provided that the ordinance requires the golf carts to meet the equipment requirements in Subsection 316.212(6), Florida Statutes; and

WHEREAS, Subparagraph 316.212(8)(b)5., Florida Statutes, requires the county to post appropriate signs informing residents that the ordinance relating to golf cart operation on sidewalks exists and applies to the designated sidewalks; and

WHEREAS, on June 21, 1988, the Board of County Commissioners of Manatee County passed and adopted Ordinance No. 88-27, which designated certain roads within El Conquistador Country Club as golf cart roads and golf cart crossing areas; and

WHEREAS, the property located within El Conquistador Country Club was conveyed to IMG/Bollettieri Academies Country Club, LLC, by Special Warranty Deed dated July 19, 2005, and recorded in Official Records Book 2042, Page 326, Public Records of Manatee County, Florida; and

WHEREAS, on February 24, 2012, the name of IMG/Bollettieri Academies Country Club, LLC, was changed to IMG Academies Golf & Country Club, LLC; and

WHEREAS, Ordinance No. 88-27, codified as Section 2-22-9 of the Manatee County Code of Ordinances, designated El Conquistador Parkway as a golf cart road; and

WHEREAS, after considering factors including the speed, volume, and character of motor vehicle traffic using El Conquistador Parkway, county staff have proposed deleting El Conquistador Parkway as a golf cart road and permitting the operation of golf carts on certain county sidewalks within IMG Academies Golf & Country Club; and

WHEREAS, county staff have met with residents to discuss the operation of golf carts on certain county sidewalks within IMG Academies Golf & Country Club; and

WHEREAS, county staff have considered the condition and current use of the county sidewalks, the character of the surrounding community, and the locations of authorized crossings, and determined that golf carts, bicycles, and pedestrians may safely share the county sidewalks within IMG Academies Golf & Country Club; and

WHEREAS, county staff have consulted with the State of Florida Department of Transportation relating to golf cart operation on the county sidewalks within IMG Academies Golf & Country Club; and

WHEREAS, the county sidewalks within IMG Academies Golf & Country Club are adjacent to county roads and streets, not state highways; and

WHEREAS, county staff have proposed the operation of golf carts on certain county sidewalks within IMG Academies Golf & Country Club designated in this ordinance creating Section 2-22-9.5 of the Manatee County Code of Ordinances; and

WHEREAS, based on the recommendations of county staff and considering factors including the condition and current use of the county sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, the Board of County Commissioners of Manatee County hereby determines that golf carts, bicycles, and pedestrians may safely share the county sidewalks within IMG Academies Golf & Country Club designated in this ordinance creating Section 2-22-9.5 of the Manatee County Code of Ordinances; and

WHEREAS, the Board of County Commissioners of Manatee County finds and determines that it is in the best interest of the county and the residents of the county to approve the operation of golf carts on certain county sidewalks within IMG Academies Golf & Country Club and to create Section 2-22-9.5 of the Manatee County Code of Ordinances as set forth in this ordinance designating certain county sidewalks for the operation of golf carts; and

WHEREAS, on March 15, 1994, the Board of County Commissioners of Manatee County passed and adopted Ordinance 94-25, which designated certain roads within the Palm Aire area as golf cart roads and golf cart crossing areas; and

WHEREAS, Ordinance 94-25, codified as Section 2-22-9 of the Manatee County Code of Ordinances, designated Whitfield Avenue as a golf cart road; and

WHEREAS, after considering factors including the speed, volume, and character of motor vehicle traffic using Whitfield Avenue, county staff have proposed deleting Whitfield Avenue as a golf cart road and permitting the operation of golf carts on certain county sidewalks within Palm Aire; and

WHEREAS, county staff have met with residents to discuss the operation of golf carts on certain county sidewalks within Palm Aire; and

WHEREAS, county staff have considered the condition and current use of the county sidewalks, the character of the surrounding community, and the locations of authorized crossings, and determined that golf carts, bicycles, and pedestrians may safely share the county sidewalks within Palm Aire; and

WHEREAS, county staff have consulted with the State of Florida Department of Transportation relating to golf cart operation on the county sidewalks within Palm Aire; and

WHEREAS, the county sidewalks within Palm Aire are adjacent to county roads and streets, not state highways; and

WHEREAS, county staff have proposed the operation of golf carts on certain county sidewalks within Palm Aire designated in this ordinance creating Section 2-22-9.5 of the Manatee County Code of Ordinances; and

WHEREAS, based on the recommendations of county staff and considering factors including the condition and current use of the county sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, the Board of County Commissioners of Manatee County hereby determines that golf carts, bicycles, and pedestrians may safely share the county sidewalks within Palm Aire designated in this ordinance creating Section 2-22-9.5 of the Manatee County Code of Ordinances; and

WHEREAS, the Board of County Commissioners of Manatee County finds and determines that it is in the best interest of the county and the residents of the county to approve the operation of golf carts on certain county sidewalks within Palm Aire and to create Section 2-22-9.5 of the Manatee County Code of Ordinances as set forth in this ordinance designating certain county sidewalks for the operation of golf carts.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Section 2-22-9.5 of the Manatee County Code of Ordinances is hereby created to read as follows:

Sec. 2-22-9.5. Designation of certain county sidewalks permitting operation of golf carts.

(a) The definitions of the applicable words and terms set forth in Section 316.003, Florida Statutes, as amended, shall apply to this section.

(b) The operation of a golf cart upon specified county sidewalks is permitted and golf carts may be operated upon those county sidewalks within the unincorporated area of Manatee County, Florida, set forth in subsection (h) of this section.

(c) Golf carts operated on the county sidewalks designated in subsection (h) of this section shall be restricted to a maximum speed of fifteen (15) miles per hour.

(d) Golf carts operated on the county sidewalks designated in subsection (h) of this section shall meet the equipment requirements set forth in Subsection 316.212(6), Florida Statutes, as amended.

(e) All applicable provisions relating to golf cart operation set forth in Section 316.212, Florida Statutes, as amended, are hereby incorporated by reference in this section.

(f) The county administrator or his designee shall post appropriate signs on the county sidewalks listed in subsection (h) of this section to inform residents that the operation of golf carts is allowed and applies to said county sidewalks.

(g) Pursuant to Subsection 316.212(9), Florida Statutes, the provisions of this section may be enforced and punished as provided in Chapters 316 and 318, Florida Statutes, as amended.

(h) Designation of county sidewalks for the operation of golf carts within the following areas:

(1) IMG Academies Golf & Country Club:

El Conquistador Parkway

north sidewalk

From Courtside Drive to 43rd Street West

(2) Palm Aire:

Whitfield Avenue

east sidewalk

From Gardens Drive to 650 feet north of Lakeside Woods Circle

Section 2. This ordinance shall be codified in the Manatee County Code of Ordinances.

Section 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall take effect upon filing with the State of Florida Secretary of State.

APPROVED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the ____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: Angelina M. Colonnese
Manatee County Clerk of the Circuit Court and Comptroller

By: _____