

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 155, STREETS, ROADS AND BRIDGES, AND AMENDING CHAPTER 115, MOTOR VEHICLES AND TRAFFIC, ALL OF THE GENERAL ORDINANCES, MARTIN COUNTY CODE, RELATING TO OPERATION OF GOLF CARTS ON COUNTY ROADS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized pursuant to Sections 1 and 6 of Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the County has responsibility for safe and proper usage of County roads and declares it to be in the public interest to regulate their use in order to establish control over the method and manner of said use in the best interest of the public health, safety, and welfare; and

WHEREAS, it is the intent of this ordinance to provide for safe operation of golf carts on County roads designated for such use.

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

PART ONE: AMENDMENT OF CHAPTER 155, STREETS, ROADS AND BRIDGES, GENERAL ORDINANCES, MARTIN COUNTY CODE

Article 3, Designation for Golf Cart Use, Chapter 155, Streets, Roads and Bridges, General Ordinances, Martin County Code, is hereby added to read as follows:

ARTICLE 3. DESIGNATION FOR GOLF CART USE

Sec. 155.61. Definitions. For the purpose of this article, the following terms shall have the meanings ascribed to them in this section.

Affected property owner means the owner of property adjacent to the County road(s) to be designated for golf cart use.

County road means that portion of a road under the jurisdiction of Martin County that is designed, improved, and ordinarily used for vehicular travel.

Golf cart means a motor vehicle as defined in F.S. § 320.01(22), that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Sec. 155.62. Designation.

The Board of County Commissioners may, by Resolution, designate County roads as appropriate for operation of golf carts upon determining that golf carts may safely travel on or across

the County road, considering factors including the speed, volume, and character of motor vehicle traffic using the County road.

Sec. 155.63. Petition. A petition for the designation of County roads for golf cart use shall be submitted to the County Engineer. The petition shall identify the segments of the County roads that are the subject of the requested designation and the results of a poll of each affected property owner as to whether he or she is "in favor of," or "opposed to," or "neutral to" the proposed designation. If at least 51-percent of all the affected property owners sign the petition "in favor of" the proposed designation, the County Engineer shall review the requested designation. Should the County Engineer, considering the minimum qualifications identified herein, determine that golf carts may safely travel on or across the County roads and that operation of golf carts is appropriate on the County roads, the County Engineer will request the Board of County Commissioners adopt a resolution designating the County roads for use by golf carts.

Section 155.64. Minimum Qualifications. For a County road to be designated for use by golf carts, the road segment shall:

- a. have a posted speed limit of 35 miles per hour or less;
- b. have an 85th-percentile speed or have the upper limit of the 10 mile per hour pace speed less than 35 miles per hour;
- c. be functionally classified as a local road or a minor collector;
- d. have an average daily traffic volume less than 3,200 vehicles per day;
- e. consist of only one through lane in each direction;
- f. consist of only vertical and horizontal deflections that meet the minimum passing sight distance for the posted speed;
- g. contain a level 4-foot wide shoulder in each direction;
- h. not cross a State or County road consisting of more than two through lanes in each direction at a non-signalized intersection;
- i. not cross a State or County road consisting of more than three through lanes in each direction; and
- j. not cross a railroad.

Sec. 155.65. Signage. The County shall be responsible for posting appropriate signage on roads designated by the Board of County Commissioners to indicate operation of golf carts is permitted.

PART TWO: AMENDMENT OF CHAPTER 115, MOTOR VEHICLES AND TRAFFIC, GENERAL ORDINANCES, MARTIN COUNTY CODE

Article 3, Golf Carts, Chapter 115, Motor Vehicles and Traffic, General Ordinances, Martin County Code, is hereby added to read as follows:

ARTICLE 3. GOLF CARTS

Sec. 115.31. Definitions. For the purpose of this article, the following terms shall have the meanings ascribed to them in this section.

Board means the Board of County Commissioners of Martin County, a political subdivision of the State of Florida.

County road means that portion of a road under the jurisdiction of Martin County that is designed, improved, and ordinarily used for vehicular travel.

Golf cart means a motor vehicle as defined in F.S. § 320.01(22), that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Unlicensed driver means an individual who does not possess a valid governmental driver's license.

Sec. 115.32. Operation on County roads.

115.32.A. Operation of golf carts on County roads is prohibited except on those County roads that are designated for such use pursuant to Chapter 155, General Ordinances, Martin County Code.

115.32.B. Golf carts operated on designated County roads must comply with the requirements of Section 316.212, Fla. Stat., including but not limited to, required equipment and operating hours.

115.32.C. Notwithstanding the provisions of Section 316.212, Fla. Stat., all persons operating a golf cart on designated County roads shall be in possession of a valid driver license and present such license upon request of a law enforcement officer. It shall be unlawful for a golf cart to be operated on designated County roads by any person who is not the holder of and in possession of a valid driver license. No person may operate a golf cart on designated County roads who has a suspended driver license or whose driver license has been revoked.

115.32.D. Operators of golf carts on designated County roads must comply with all traffic control devices and may be cited or summonsed for traffic and moving violations, and for parking violations, in the same manner as with other motor vehicles.

115.32.E. Golf carts on designated County roads must not be operated in a manner so as to impede or block the normal and reasonable movement of motor vehicle traffic. It is the duty of the operator of the golf cart to temporarily leave the County road in a safe location to allow motor vehicles to proceed at the lawful speed on the County road.

115.32.F. Operators of golf carts on designated County roads must limit the number of occupants on the golf cart to the number of seats on the golf cart installed by the golf cart manufacturer and not exceed the number of persons for which the golf cart was designed and manufactured.

115.32.G. Operators of golf carts on designated County roads must ensure that nobody on the golf cart is standing at any time the golf cart is in motion.

Sec. 115.33. Other roads; crossings; parking.

115.33.A. Nothing in this article shall be deemed to authorize the operation of a golf cart on a state or municipal road.

115.33.B. Golf carts may lawfully cross State and County roads only at designated golf cart crossings.

Sec. 115.34. Licensed use and revocation; legislative authority.

115.34.A. *Licensed use.* The operation and use of a golf cart on the designated County roads shall be deemed to be pursuant to a revocable license granted by the County for use of the designated roads for such limited purpose so long as such operation and use is in compliance with the provisions of this article and all other applicable laws and regulations.

115.34.B *Revocation of license.* Such license shall be revocable upon the will of the Board in its legislative capacity based on its consideration of the health, safety, and welfare of the public arising from such use.

115.34.C. *Legislative authority.* This article is declared by the Board to be a legislative act of the County pursuant to its home rule authority and authority granted by state law. The grant of the license pursuant to this section shall not limit or otherwise preclude the Board from the amendment of this article, revocation or repeal of this article, contracting or expanding the designated County roads on which golf carts may be lawfully operated, or the designation of crossing points for state and county roads. The Board retains the authority to revoke, amend, or to otherwise legislate as to the operation of golf carts on County roads without liability of any kind arising from its legislative decisions.

Sec. 115.35. Waiver of claims. All persons operating or otherwise using golf carts on the designated County roads under the license do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed golf cart operation on any designated County road based on action or inaction in reliance on the provisions of this article or based on any revocation of the license. Any person operating a golf cart and all persons who are passengers in such golf cart shall be deemed to have waived any claim against the County for its legislative decision to allow the operation of such golf carts on the designated County roads in compliance with this article.

Sec. 115.36. Enforcement. This article shall be enforced as provided in Section 316.212, F.S.

PART THREE: CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART FOUR: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any other person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART FIVE: APPLICABILITY.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART SIX: FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SEVEN: EFFECTIVE DATE.

This ordinance is effective upon filing with the Department of State.

PART EIGHT: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code and the word “ordinance” may be changed to “section,” “article” or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts three through eight shall not be codified.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD JENKINS, II, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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