

ORDINANCE NO. 2021-10

AN ORDINANCE AMENDING CHAPTER 54 OF THE HILLIARD TOWN CODE, TRAFFIC AND VEHICLES TO PERMIT THE USE OF GOLF CARTS ON ROADS WITHIN THE TOWN LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS this Ordinance is enacted pursuant to §316.212, Fla. Stat., which prohibits operation of golf carts on any public street or road, unless the local government has designated a County Road, municipal road, or portion of a State Road, to be available for use of golf carts; and

WHEREAS §316.212, Fla. Stat., requires that the local government determine said road to be safe for use of golf carts, and sets certain minimum requirements and limitations to the operation of golf carts on public roads; and

WHEREAS the Town of Hilliard Town Council has evaluated certain Town maintained roads, or public easements which are being used as local roads, and has determined that its roads are safe for use of golf carts under the limitations contained herein and as set forth in the above-referenced statute; and

WHEREAS the citizens in the areas subject to this Ordinance have shown an interest in the roads being designated for use by golf carts; and

WHEREAS the Town desires amending Chapter 54 of the Town Code to permit the use of golf carts consistent with applicable Florida law, specifically implementing Town Code Sections 54-31 through 54-36.

NOW, THEREFORE, BE IT ORDAINED this _____ day of _____, 2021, by the Town Council of the Hilliard, Florida, that Ordinance No. 2021-10 be enacted as follows:

1. **INTENT.** Pursuant to §316.212, Fla. Stat, it is the intent of the Town Council to allow and authorize operation of golf carts under the conditions specified herein and set forth in the above-referenced statute on the municipal roads in the Town of Hilliard.
2. **DEFINITIONS.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf Cart: Pursuant to §320.01(22), Fla. Stat., a golf cart is a motor vehicle designed for operation on a golf course for sporting or recreational purposes, and that is not capable of exceeding speeds of twenty (20) miles per hour.

Municipal Roads: For the purposes of this section only, Town of Hilliard roads mean any road open for use to the public whether or not it has been dedicated to public use by plat or other means, and regardless of whether it is maintained by the Town.

3. **LIMITATIONS ON OPERATING GOLF CARTS.**

- (a) Golf carts may be operated on Town of Hilliard roads only.
- (b) Golf carts operated on designated municipal roads between sunrise and sunset must be equipped with efficient brakes; reliable steering apparatus; safe tires; a rearview mirror; and red reflectorized warning devices in both the front and rear. However, golf carts operated on designated municipal roads between sunset and sunrise must be equipped with headlights, brake lights, turn signals, and a windshield.
- (c) Golf carts may not be operated on any municipal roads by anyone under the age of fifteen (15) years.

- (d) Golf carts may be operated on designated municipal roads between sunrise and sunset or between sunset and sunrise subject to the golf cart having equipment and features as stated in Section 3(b).
- (e) Golf carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as a motor vehicle operator under Florida Law.
- (f) Golf Carts shall be registered by the Town as provided in Section 4 below.

4. **OPERATOR ASSUMES RISK, INDEMNIFIES AND HOLDS HARMLESS.** Any person operating a golf cart on any municipal road does so at the person's own risk and must operate such a vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The Town, in extending operating privileges to golf carts, does so on the express condition that the operator undertakes such operation at the operator's own risk and assumes sole responsibility for operating said vehicle, and shall be deemed to defend, release, indemnify and hold harmless the Town of Hilliard, its officials and employees from any and all claims, demands, damages, or causes of action, known or unknown, of any nature arising from such operation by any person against the Town of Hilliard, its officials and employees. As a condition precedent to the exercise of this privilege, a golf cart owner shall register the golf cart with the Town of Hilliard and shall pay a twenty-dollar (\$20.00) registration fee. By registering the golf cart, the owner shall confirm compliance with this section; assume the risk of operating golf carts on public roads;

and shall hold the Town harmless for any loss suffered as a result of operating the golf cart on a public road.

5. **PENALTIES.** Violation of this section is a non-criminal traffic infraction punishable as provided in §316.212, Fla. Stat., pursuant to Chapter 318, Florida Statutes.

6. **DESIGNATED AREAS.**

(a) To alert motorists to the presence of golf carts on roads in Hilliard, the Town of Hilliard shall post signs in all designated areas approved for golf cart traffic.

(b) Golf cart traffic shall be permitted on all roads within the Town limits except for the following roads: *US Highway 1, US Highway 301, US Highway 23, County Road 108 – East of US Highway 1, Kings Ferry Road, Eastwood Road, Henry Smith Road, County Road 108 – West of Pond Drive, and Bay Road.*

(c) The Town may revoke any and all designations and may close a road to golf cart traffic by resolution of the Town Council.

7. **EFFECTIVE DATE.** This ordinance shall become effective upon its passage.

8. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall not affect the validity of the remaining portion of this Ordinance.

ADOPTED this _____ day of _____, 2021, by the Hilliard Town Council.

John P. Beasley
Council President

ATTEST:

Lisa Purvis
Town Clerk

APPROVED:

Floyd L. Vanzant
Mayor

Town Council First Reading: October 21, 2021
Town Council Publication: November 17, 2021
Town Council Public Hearing: December 2, 2021
Town Council Final Reading: December 2, 2021



GOLF CART REGISTRATION AFFIDAVIT

State of Florida
Town of Hilliard

BEFORE ME, the undersigned Notary, _____ *[Name of Notary whom affidavit is sworn]*, on this _____ *[day of month]* day of _____ *[month]*, 20____, personally appeared _____ *[Name of Affiant]*, known to me to be of lawful age, who being by me first duly sworn, on _____ *[his or her]* oath, deposes and says:

The Golf Cart that is being registered meets all requirements for such vehicles in the State law and specifically those detailed in Florida Statutes including, but not limited to, those contained in Chapter 316, "State Uniform Traffic Control" and the Town of Hilliard Code Section 54-31 through 54-36.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature of Affiant]

[Address of Affiant]

[Typed/Printed Name of Affiant]

[Contact Number]

For Notary Public Use Only:

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____,
by _____.
[Name of Affiant]

[Signature of Notary Public – State of Florida]

[Print, Type, or Stamp Commissioned Name of Notary Public]

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



TOWN OF HILLIARD GOLF CART REGISTRATION FORM

Name: _____

Street Address: _____

City, State, Zip: _____

Email Address: _____

Phone No.: _____

Driver's License No.: _____

Affidavit Executed: _____

Permittee acknowledges the following in order to receive this permit:

A copy of "Golf Cart Rules & Regulations: Town Code Section 54-31 through 54-36" has been provided to the Permittee. All persons who operate or ride in golf carts, as defined in the Florida Statutes Chapter 316.003(68), on Town roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Hilliard has no liability under any theory of law for permitting golf carts to be operated on Town roads. Golf Carts, as defined in Florida Statutes Chapter 316.003(68), are only permitted to be operated on roads within the Town's municipal boundaries except for prohibited streets; US Highway 1, US Highway 301, US Highway 23, County Road 108 – East of US Highway 1, Kings Ferry Road, Eastwood Road, Henry Smith Road, County Road 108 – West of Pond Drive, and Bay Road.

Acknowledge by: _____
[Permittee/Applicant Signature]

For Staff Use Only:

- Golf Cart Registration Form Executed
- Golf Cart Registration Affidavit Notarized
- Proof of Insurance Provided, Per Town Code Section 54-31 through 54-36
- Valid Driver's License Provided
- \$20.00 Registration Fee Paid
- Town Issued Permit Number: _____