

**Bay County Board of County Commissioners
Agenda Item Summary**

1. DEPARTMENT MAKING REQUEST/NAME:

Office of the County Attorney
Terrell K. Arline, County Attorney

2. MEETING DATE:

April 15, 2008

3. REQUESTED MOTION/ACTION:

Board to conduct public hearing and consider amendments to Ordinance 07-02 regarding the operation of golf carts on certain public roads.

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes No *IF NO, STATE ACTION REQUIRED*

BUDGET ACTION: NOT APPLICABLE.
FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: Yes No

6. BACKGROUND: (*WHY IS THE ACTION NECESSARY, WHAT ACTION WILL BE ACCOMPLISHED, (WHO, WHERE, WHEN & HOW)*)

On April 1, 2008, staff was directed by the Board to prepare an ordinance amending the golf cart ordinance to include certain roads. While updating the ordinance staff determined that posting all roads with signs was not required by the enabling legislation and that the requirement that all users have a drivers' license is not required by state law.

Staff recommends the Board conduct a public hearing, consider the proposed ordinance, determine that certain roads may be safely used by golf carts, and vote to approve the attached ordinance. **(EXHIBIT 1)**

ORDINANCE NO. 08-

**AN ORDINANCE OF BAY COUNTY, FLORIDA
AMENDING ORDINANCE NO. 07-02 REGARDING THE
OPERATION OF GOLF CARTS ON CERTAIN PUBLIC
ROADS; PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL; PROVIDING FOR INCLUSION IN CODE;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on February 6, 2007, the Board of County Commissioners enacted Ordinance No. 07-02 regarding the operation of golf carts on certain public roads; and

WHEREAS, Section 316.212, Florida Statutes authorizes counties to designate certain county roads for lawful operation of golf carts if the County determines such operation of golf carts is safe, and to regulate said operations; and

WHEREAS, the Board has determined, after considering factors including speed limits, volume, and the character of motor vehicle traffic using Toledo Place, Malaga Place, Wisteria Lane and Kelly Street that the operation of golf carts may safely travel on or cross said public roadways; and

WHEREAS, Section 316.212 Florida Statutes provides that appropriate signs shall be posted to indicate that golf cart operation is allowed; and

WHEREAS, Section 322.041(1)(e) Florida Statutes provides that a person operating a golf cart in accordance with Section 316.212, Florida Statutes is exempt from the requirement of a drivers license; and

WHEREAS, Section 316.212(6), Florida Statutes provides that a golf cart may not be operated on public roads or streets by any person under the age of 14.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, AS FOLLOWS:

SECTION 1. PURPOSE. AMENDMENT OF SECTION 24-58 THRU SECTION 24-60. Section 24-58 thru Section 24-60 are amended to read as follows with underline provisions as additions and stricken provisions as deletions:

Sec. 24-58. Operation of Golf Carts on Bay County Roads.

1. Persons over the age of 14 ~~with valid drivers' licenses~~ shall be allowed to operate golf carts, which are defined in § 320.01 (22), Florida Statutes as motor vehicles designed and manufactured for operation on a golf course for sporting and recreational purposes and that are not capable of exceeding speeds of 20 miles per hour, on all public roads within those portions of unincorporated areas of Bay County located south of the Intracoastal Waterway (ICW), subject to the following limitations:

A. Prohibition of Operation on Certain Roads.

- (1) Golf carts shall not be operated on the following public roads:
 - (i) Any road designated and numbered as a US Highway, a State Road,
or a County Road; and
 - (ii) Any road on which the speed limit exceeds 30 miles per hour; and
 - ~~(iii) Toledo Place, Malaga Place, Wisteria Lane and Kelly Street.~~
- (2) Golf carts shall be authorized to cross roads specified in subsection 1
(A) above only at such points designated and marked by the Florida Department of Transportation or by Bay County. Interested residents may apply to the County Manager to have crossing points designated on roads within the county road system that have been authorized for operation of golf carts by this Chapter. The County Manager is hereby delegated authority to determine which crossing points shall be designated and appropriately marked on roads within the county road system. Crossing points on all roads within the State Highway System may only be authorized by the Florida Department of Transportation.

Section 24-59. Regulation of Golf Cart Operation.

1. Golf carts may only be operated on authorized roads by operators over the age of 14 ~~with valid, current drivers' licenses~~, and only during the hours from sunrise to sunset.
2. Golf carts must be operated in accordance with all traffic regulations, and their operation must not obstruct nor interfere with normal traffic flow.
3. Golf carts 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.
4. A golf cart shall not be operated with more occupants than the number for which it was designed to carry safely.

Section 24-60. Posting of Appropriate Signs.

1. Bay County shall post appropriate signs ~~on authorized roads~~ indicating that the operation of golf carts is allowed.

Section 24-61. Penalties for Violations.

1. A violation of this Ordinance shall be a non-criminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes.

SECTION 3. REPEAL.

All ordinances, or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 4. INCLUSION IN CODE.

It is the intention of the board of county commissioners of Bay County Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Bay County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 5. EFFECTIVE DATE.

A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

DULY ADOPTED in regular session this ____ day of _____ 2008.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**

Harold Bazzel, Clerk

Jerry L. Girvin, Chairman

Content:

Reviewed and Approved as to Form and

Office of the County Attorney