

18.
ORDINANCES
November 25, 2008
CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM

Meeting Date: November 25, 2008

Second Reading Date: January 22, 2009

Presenter's Name and Title: Keith Dunn, Assistant Chief of Police

Temp Ord Number: 1477

Item Description: [First Reading] Temp. Ord. No. 1477, AMENDING CHAPTER 20 OF THE CITY CODE, "TRAFFIC AND MOTOR VEHICLES", BY CREATING ARTICLE V, "OPERATION OF GOLF CARTS ON CERTAIN ROADWAYS" TO PERMIT THE USE OF GOLF CARTS ON CERTAIN LOCAL ROADWAYS WITHIN THE CITY. (Assistant Police Chief Keith Dunn)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Summary Explanation and Background: On May 15, 2007, the City of Miramar adopted Resolution number 08-167 which supports green initiatives within the City and calls for heightened awareness of alternative energy technologies and practices that would ultimately improve air quality as a City and nation. The use of golf carts as an alternative means of travel in the City could ease traffic congestion, reduce gas consumption and result in a corresponding reduction in greenhouse emissions.

Instructions for the Office of the City Clerk:

Public Notice – As Required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____, in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____. (Fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____ Florida Statutes, approval of this item requires a _____ (unanimous 4/5ths etc. vote of the City Commission).

Fiscal Impact: Yes No

REMARKS:

Attachments:



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Robert A. Payton

FROM: Keith Dunn, Assistant Chief of Police

DATE: November 12, 2008

RE: Temp Ord. No. 1477, amending Chapter 20 of the City Code, "Traffic and Motor Vehicles", to permit the use of golf carts on certain local roadways.

RECOMMENDATION: Staff recommends approval.

ISSUE: On May 15, 2007, the City of Miramar adopted Resolution number 08-167, which supports green initiatives within the City and calls for heightened awareness of alternative energy technologies and practices that would ultimately improve air quality. The use of golf carts as an alternative means of travel in the City could ease traffic congestion, reduce gas consumption and result in a corresponding reduction in greenhouse emissions.

BACKGROUND: The City's green initiatives resolution was in direct support of the National Mayors' Climate Protection Summit, which called for cities to adopt policies to limit greenhouse gases. Section 316.212, Florida Statutes allows local authorities to adopt regulations that authorize the use of golf carts to traverse upon public roadways under specific guidelines. This Ordinance permits the use of golf carts on designated roadways during the hours between sunrise and sunset.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CHAPTER 20 OF THE CITY CODE, "TRAFFIC AND MOTOR VEHICLES", BY CREATING ARTICLE V, "OPERATION OF GOLF CARTS ON CERTAIN ROADWAYS" TO PERMIT THE USE OF GOLF CARTS ON CERTAIN LOCAL ROADWAYS WITHIN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miramar adopted Resolution No. 08-167, which supports "green" initiatives within the City; and

WHEREAS, the City of Miramar supports the National Mayors' Climate Protection Summit's call upon cities to adopt policies to limit greenhouse gas emissions; and

WHEREAS, the use of golf carts by residents to travel around their neighborhoods and complete local errands will reduce traffic congestion, save residents' money by reducing gas purchases, and offer reductions in greenhouse gas emissions; and

WHEREAS, Section §316.212, Florida Statutes, permits municipalities to enact ordinances authorizing the operation of low speed golf carts consistent with the Section; and

WHEREAS, the City of Miramar conducted a traffic study to determine whether golf carts can safely travel upon and cross public roads and streets; and

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WHEREAS, the traffic study found that certain streets within the jurisdictional limits of the City do not lend themselves to the safe operation of golf carts; and

WHEREAS, the City Commission of the City of Miramar deems it to be in the best interest of the citizens and residents of Miramar to amend City Code Chapter 20, "Traffic and Motor Vehicles", by creating Article V, "Operation of Golf Carts on Certain Roadways" to permit the use of golf carts on certain roadways within the City subject to the conditions and limitations provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made as specific part of this Resolution.

Section 2: That Chapter 20, "Traffic and Motor Vehicles" of the City Code of Miramar is hereby amended to create Article V, "Operation of Golf Carts on Certain Roadways" to read as follows:

Article V. Operation of Golf Carts on Certain Roadways.

Section 20-54. Golf Cart defined.

A golf cart means "a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in Section 316.003(63)."

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Section 20-55. Restrictions on Golf Cart Modifications.

Speed-modified golf carts, including those with increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart, are not authorized for use in the City of Miramar. All golf carts operated within the City of Miramar shall meet the minimum equipment standards established by State and local law.

Section 20-56. Required Equipment on Golf Carts.

All golf carts operated on areas and streets designated as permitted by this Article 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 of the golf cart.

Section 20-57. Age Restrictions.

Pursuant to Section §316.212(7), Florida Statutes, a golf cart may not be operated by any person under the age of 14.

Section 20-58. Authorization to Operate Golf Carts within the City.

Golf carts that meet the standards of this Article, and are operated by persons aged 14 and above, may be operated during the hours between sunrise and sunset on the following streets designated for cart usage:

(a) *Permitted Designated Streets.*

- (1) On the travel lanes of all City-maintained residential or business area roadways with a posted speed limit of 30 miles per hour or less, unless otherwise designated as Not Permitted by this Article.

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(2) On the bicycle lanes and swale areas of City-maintained roadways with a posted speed limit of 35 miles per hour or less, unless otherwise designated as prohibited by this Article.

(3) On the swale areas of city-maintained roadways with a posted speed limit of 45 miles per hour or less, unless otherwise designated as prohibited by this Article.

(4) Areas, trails, or greenway systems designated for use by golf carts via posted signage.

(5) Any private property owned by the golf cart's owner or with the written consent of the property owner. If the property owner is present on the property where a golf cart is being used, said owner may give verbal consent.

(b) *Prohibited Streets and Areas.*

(6) Golf carts may not be operated on any state road or highway, except to cross said roadway or highway at a roadway intersection equipped with a traffic signal.

(7) Pursuant to Section §316.212(1), Florida Statutes, a golf cart may only be operated upon a County road that has been designated by the County for use by golf carts.

(8) Due to safety concerns, golf carts are not permitted to travel on sidewalks where pedestrian use is exclusive.

(9) On existing bicycle lanes that are posted for use by bicycles only.

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- (10) Southwest Sixty Second Avenue between Pembroke Road and County Line Road.
- (11) Southwest Sixty Fourth Avenue between Pembroke Road and Miramar Parkway.
- (12) Pembroke Road between Hiatus Road and Southwest One Hundred Forty Fifth Avenue.
- (13) Miramar Boulevard between Stacey Lane and Palm Avenue.
- (14) The commercial areas abutting Miramar Parkway between Palm Avenue and Red Road.
- (15) Red Road between Pembroke Road and Honey Hill Road.
- (16) Flamingo Road between Pembroke Road and Honey Hill Road.
- (17) Monarch Lakes Boulevard.
- (18) Southwest One Hundred Forty Fifth Avenue between Pembroke Road and Miramar Parkway.
- (19) Hotel Road.
- (20) Southwest Thirtieth Street from Southwest One Hundred Forty Fifth Avenue to its western end.
- (21) Southwest One Hundred Forty Eighth Avenue.
- (22) Dykes Road/Southwest One Hundred Sixtieth Avenue.
- (23) Bass Creek Road between Southwest One Hundred Forty Eighth Avenue and Dykes Road/Southwest One Hundred Sixtieth Avenue.

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- (24) Southwest Twenty Fifth Street from Dykes Road/Southwest One Hundred Sixtieth Avenue to its eastern end.
- (25) Southwest Twenty Ninth Street from Dykes Road/Southwest One Hundred Sixtieth Avenue to its eastern end.
- (26) Pembroke Road from Dykes Road/Southwest One Hundred Sixtieth Avenue to its eastern end.
- (27) Pembroke Road between Southwest One Hundred Seventy Eighth Avenue to Southwest One Hundred Eighty Fourth Avenue.
- (28) Southwest One Hundred Eighty Fourth Avenue.
- (29) Southwest One Hundred Eighty Sixth Avenue.
- (30) Any highway or roadway overpass designed for pedestrian or motor vehicle use.

Section 20-59. Compliance with Traffic Laws.

All persons operating golf carts shall comply with all applicable local and State traffic laws.

Section 3: That upon enactment of this Ordinance, the City of Miramar shall post appropriate signs and otherwise inform its residents of this Ordinance and that it will be enforced within the City's jurisdictional limits.

Section 4: That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

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Section 5: That this Ordinance shall take effect upon adoption on second reading.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Lori C. Moseley

Vice Mayor, Yvonne Garth

ATTEST:

City Clerk Yvette M. McLeary

I HEREBY CERTIFY that I have approved this ORDINANCE as to form:

City Attorney
Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Vice Mayor Yvonne Garth	_____
Commissioner Carl J. Lanke	_____
Commissioner Troy R. Samuels	_____
Mayor Lori C. Moseley	_____