

Ordinance No. 2013-4285

An ordinance of the City of Sanford, Florida pertaining to the use of golf carts upon designated roads within the City of Sanford subject to specified restrictions and the provisions of State law; providing for legislative purposes, findings and intent; providing for definitions; providing for the designation of roads; providing for authorized means of use and prohibited and unlawful means of use; providing for registration; providing for implementing administrative actions; providing for signage only as may be required by State law; providing for enforcement, penalties and collections; providing for a savings provision; providing for conflicts; providing for severability; providing codification and providing for an effective date.

Whereas, Section 316.212(1), *Florida Statutes*, permits municipalities to allow golf carts to be operated on municipal roads provided that they first determine that such carts may safely travel on or cross such public roads or streets upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

Whereas, Section 316.212(5), *Florida Statutes*, states that golf carts may only operate on such public roads or streets during the hours between official sunrise and official sunset, unless the governmental agency specifically determines that such golf carts may also operate during the hours between official sunset and official sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

Whereas, Section 316.212(8), *Florida Statutes*, allows municipalities to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in the State Statutes as long as appropriate signs are installed as may be specifically required in accordance with the specific requirements of controlling law or the residents are otherwise informed that the regulation of golf cart operation in the designated area will be in accordance with a stricter local ordinance; and

Whereas, the Sanford Police Department has conducted a study, has evaluated the actions of other local governments and has determined that golf carts may safely travel on or cross City roads or streets, considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads or streets; and

Whereas, the City Commission finds that golf carts are a valid form of transportation and are commonly used as a mode of mobility from place-to-place and for utility purposes; and

Whereas, the City Commission has evaluated numerous materials developed by other local governments during the course of considering the enactment of this Ordinance; and

Whereas, the City Commission finds that the use of golf carts is an environmentally friendly mode of transportation; and

Whereas, the City Commission finds that golf carts generally operate at low speeds and are generally operated safely when driven properly and fitted with properly installed safety equipment; and

Whereas, the City Commission finds that the City of Sanford is a community that is well suited and will be benefitted by the appropriate use of golf carts for the purpose of transportation within appropriate areas of the City; and

Whereas, the City Commission has determined that golf carts may safely be operated on certain City roads and streets as set forth in this Ordinance; and

Whereas, the City Commission believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens; and

Whereas, Section 166.021(1), *Florida Statutes*, details the home rule powers of Florida cities and provides that “[a]s provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law”; and

Whereas, this Ordinance implements and is enacted under the home rule powers vested Florida cities by the *Constitution of the State of Florida*.

Now, Therefore, Be it Enacted By the People of the City Of Sanford, Florida:

Section 1. Legislative Purposes, Findings and Intent. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). It is the purpose and intent of this Ordinance to permit and regulate the operation of golf carts on designated public roadways located within the City Limits of the City of Sanford and the City Commission has studied and evaluated the use of golf carts in other local governments throughout the State of Florida.

(b). It is also the purpose of this Ordinance to (1) provide for the orderly operation of golf carts on designated City roads and streets; and (2) set standards for the operation of golf carts.

(c). The regulations that are set forth in this Ordinance relating to the regulation of golf carts are, to some extent, more restrictive than those set forth in Section 316.212, *Florida Statutes*, in order to protect the public health, safety and welfare of the citizens of the City of Sanford in such manner as the City Commission of the City of Sanford has determined to be appropriate for the needs of the City of Sanford.

(d). The provisions of this Ordinance shall not be construed or interpreted to authorize any use of the City's rights-of-way, roads or streets of the City that is not authorized by controlling law such as, by way of example only, the operation of all-terrain vehicles or ROVs.

(e). The City staff report and City Commission agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.

(f). The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(g). The foregoing recitals (whereas clauses) to this Ordinance are hereby adopted as the legislative findings of the City Commission of the City of Sanford and incorporated into this Ordinance as if set forth *in haec verba*.

Section 2. Definitions. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). The following terms shall have the following meanings in the application and enforcement of this Ordinance:

(1). The term *all-terrain vehicles* or *off-highway vehicle* shall have the meanings set forth in the definitions as stated in Section 317.0003 (1), *Florida Statutes*; Section 317.0003 (10), *Florida Statutes*; and Section 317.0003 (6), *Florida Statutes*.

(2). The term *bicycle path* means that part of any road or street that has been designated or physically separated from the area used by motor vehicles by striping, signing or pavement markings for the preferential and exclusive use of bicyclists.

(3). The term *designated City street or road* means the paved area of an improved street or road which has been determined by the City Commission as a street or road on which golf carts may operated under the provisions of this Ordinance.

(4). The term *golf cart* shall have the meaning set forth in the definition as stated in Section 320.01, *Florida Statutes*. Golf carts operating within the City of Sanford shall meet minimum equipment standards as set forth in controlling law and shall not be modified to have increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart.

(5). The term *operator* means the person registering a golf cart with the City of Sanford for use within the City or any person who is using a golf cart within the City.

(b). The definitions set forth in Section 334.03, *Florida Statutes*, are incorporated herein by this reference thereto and shall be applicable to the extent applicable in the context of the provisions of this Ordinance.

Section 3. Authorized Use of Golf Carts on City Roads and Streets. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). Golf carts may be operated on all City roads and streets in accordance with Section 316.212, *Florida Statutes*, but only as implemented and permitted by the provisions of this Ordinance.

(b). In addition to the requirements of Section 316.212, *Florida Statutes*, which is applicable to the operation of golf carts on the aforementioned designated roads and streets, the following restrictions shall also apply:

(1). Golf carts may only be operated on roadways specifically designated by the City Commission in a duly adopted resolution.

(2). Golf carts may cross at any intersection of two City Streets within the designated area with the following exceptions:

(A). The entire length of 20th Street and Celery Avenue within the designated area.

(B). Sanford Avenue from 6th Street south to 25th Street.

(C). 3rd Street from Mellonville Avenue to U.S. 17 – 92.

It is prohibited and unlawful for a golf cart to travel along the above listed roadways at any time and crossings should only be made at signalized intersections on Sanford Avenue, 20th Street and 13th Street. Crossings may be made on 3rd Street at intersections with traffic control devices.

(3). All traffic control signs, signals and controlling law for such crossings must be adhered to while crossing at intersections and it is prohibited and unlawful to fail to abide by such signs, signals and laws.

(4). Golf carts operating subject to this Ordinance may only be operated between official sunrise and official sunset except that golf carts may also operate during the hours between official sunset and official sunrise if possessing operational headlights, brake lights, tail lights, turn signals and windshields.

(5). Golf carts shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear at all times while operated on the designated roads and streets.

(6). The number of occupants in any golf cart operated on City roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion.

(7). Consistent with Section 316.613, *Florida Statutes*, children aged through 3 years shall be restrained in a properly attached and separate federally approved child restraint device and children aged 4 through 5 years must be restrained with a seat belt.

(8). A golf cart may not be operated on public roads or streets by any person under the age of 16 years of age.

(9). Golf carts shall be registered prior to use in the City of Sanford. Registration is required on an annual basis. The City Manager, or designee, shall implement a registration program and the City Manager is hereby authorized to adopt administrative rules and promulgate forms in order to implement the provisions of this Ordinance. The City shall charge a registration fee in an amount determined by resolution adopted by the City Commission as amended from time-to-time. Each golf cart that is registered shall be issued a registration certificate which shall be affixed to the front of the golf cart and be visible at all times. Registration fees shall be paid on an annual basis and shall not be prorated. Liability insurance is recommended by the City for all operators of golf carts on City streets and for all golf carts which operate on City streets.

(10). The City Manager shall report from time-to-time to the City Commission relative to the effectiveness of this Ordinance and the safety of golf cart operations and activities within the City of Sanford and shall make any recommendations that are deemed appropriate based upon the experiences of the City under the implementation and administration of this Ordinance.

Section 4. Prohibited and Unlawful Acts Relating to the Use of Golf Carts on City Roads and Streets. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). It is prohibited and unlawful to engage in any act or inaction in violation of this Ordinance. Each failure to adhere to the requirements of this Ordinance shall be a separate violation.

(b). Without limiting the generality of Section 4(a), the following acts are prohibited and unlawful:

(1). To operate a golf cart on a road or street not specifically designated by the City Commission in a duly adopted resolution.

(2). To cross at an intersection with a golf cart at a location where crossings have been prohibited.

(3). To operate a golf cart without required equipment.

(4). To operate a golf cart with an unauthorized number of occupants.

(5). To operate a golf cart without children aged through 3 years being restrained in a properly attached and separate federally approved child restraint device or children aged 4 through 5 years being restrained with a seat belt.

(6). To operate a golf cart without required registration.

(7). To operate a golf cart upon a bicycle path, sidewalk, sidewalk area, or other area not designated for motor vehicle use or not specifically designated for golf cart use.

(8). To operate a golf cart at an excessive speed or in a reckless manner.

(9). To operate a golf cart in a manner that endangers a pedestrian.

Section 5. Signage Relating to Golf Carts. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). The City Manager, or designee, shall post signs as may be required by controlling law to implement the provisions of this Ordinance and all signage installed by the City shall be in a form and installed as may be required in accordance with the controlling provisions of law and sound and generally accepted engineering practices and principles as determined by the City; provided, however, that it is not the intent of this Ordinance to require the City to install or maintain any signage that is not required by controlling State law.

(b). It shall not be a defense to any enforcement action under the provisions of this Ordinance, in any forum or of any type or nature, that signage was not in place or was not noticed or understood by an operator of a golf cart.

(c). The posting or failure to post signage under the provisions of this Ordinance shall not be the basis of any liability of any type or nature against the City or any of its officials, officers or employees.

Section 6. Penalties/Enforcement/Collections. A new section of the *City Code of the City of Sanford, Florida* is created to read as follows:

(a). Any person found to be in violation of this Ordinance shall be subject to the fine provisions and code enforcement provisions to the maximum extent authorized by State law and the City of Sanford may take any enforcement action and seek any legal remedy available under controlling Florida law.

(b). Under certain circumstances, it is a violation of State law for a person to refuse to take action at the time a citation is issued and the City shall enforce those laws and pursue statutory violations in accordance with controlling Florida law.

(c). Without in any way limiting the generality of the provisions of Subsections (a) and (b) of this Section, violations of this Ordinance shall constitute a non-criminal infraction enforceable pursuant to the provisions of Section 316.212(8), *Florida Statutes*. The use of a golf cart resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are enforceable according to Chapters 316 and 318, *Florida Statutes*. All other City Ordinances pertaining to the use of motor vehicles shall also be applicable to the operation of golf carts. The City may enforce the provisions of this Ordinance in any way authorized in accordance with controlling law and may seek any legal remedy as may be authorized by controlling law.

(d). The City Manager is hereby authorized to pursue collection activities relative to fines imposed against code violators in such manner, and using such processes, as may be in the best interests of the City and may authorized collection agencies and the City Attorney to pursue collections in a manner consistent with controlling law.

Section 7. Savings.

The prior actions of the City of Sanford relating to the regulation of motor vehicles and other vehicles within the City of Sanford are hereby ratified and affirmed.

Section 8. Conflicts.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said

determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 10. Codification.

Except for Sections 7, 8, 9, 10 and 11 the provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Sanford, Florida*.


Section 11. Effective Date.

This Ordinance shall become effective on March 1, 2013.

Passed and adopted this 11th day of February, 2013.

Attest:

**City Commission of the City of
Sanford, Florida**


Janet Dougherty, City Clerk


Jeff Triplett, Mayor

Approved as to form
and legal sufficiency.


William L. Colbert, City Attorney


Lonnie N. Broot
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