

ORDINANCE NUMBER 2010-08

**AN ORDINANCE OF THE TOWN OF WELAKA, FLORIDA; ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED MUNICIPAL ROADS IN THE TOWN OF WELAKA, FLORIDA SUBJECT TO SPECIFIED RESTRICTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR PENALTIES AND ENFORCEMENT; SUPERSEDING IN THEIR ENTIRETY TOWN OF WELAKA ORDINANCES 2008-9 and 2008-16; PROVIDING FOR CONFLICT AND SEVERABILITY; 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 such municipalities 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(4), 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 otherwise; and

Whereas, Section 316.212(7), 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 posted 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 Town Council of the Town of Welaka has determined that golf carts may safely travel on or cross certain Welaka roads or streets, considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads or streets; and subject to the reservations, restrictions and limitations set forth herein, that golf carts may safely be operated on Welaka roads and streets; and

Whereas, The Town Council of the Town of Welaka desires to provide additional regulations for the operation of golf carts on designated roads and streets in Welaka, Florida; and

Whereas, The Town Council of the Town of Welaka believes that regulations proposed in this ordinance promote and enhance the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WELAKA, FLORIDA THAT THE FOLLOWING ORDINANCE BE AND THE SAME IS HEREBY ADOPTED:

## SECTION 1: USE OF GOLF CARTS ON TOWN ROADS AND STREETS

1) The term "golf cart" shall be defined as stated in Florida Statutes, Subsection 320.01.

2) Upon consideration the Town Council of the Town of Welaka has determined that a safe and prudent speed limit of 25 miles per hour shall be and is hereby established on all public streets within the municipal limits of the Town of Welaka other than County Highways 309 and 308B.

3) The following streets are hereby adopted and established as the primary collectors for golf cart traffic in Welaka: Sportsman's Harbor, Second Avenue (in its entirety); and, Fourth Avenue (in its entirety); and also Front Street (in its entirety). Further east and west collectors shall be Oak Street, Shell Street and Palmetto Street (in their entirety); and that said streets shall all be the primary collectors for golf cart traffic in the Town of Welaka.

4) Clearly marked golf cart crossovers of major thoroughfares shall be established at Orange Street and County Road 309, Mill Street and County Road 309 and Palmetto Street and County Road 309 in order that golf carts may traverse 309 at these points. Additionally, at the junction of County Road 309 and County Road 308B, namely Third and Elm, a four way crossover shall be established and appropriately marked; and that a crossover at Fourth Avenue and County Road 308B, Seventh Avenue and County Road 308B and Eleventh Avenue and County Road 308B shall be established in order that golf carts may traverse 308B at these points and marked appropriately.

5) Each of the three entrances into the Town of Welaka from 308B and 309 shall be clearly identified with appropriate signs establishing the Town of Welaka as a golf cart community and citing this ordinance. Said information shall be displayed in such a manner that motor vehicle traffic will be advised of said golf cart usage.

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

a) The number of occupants in any golf cart operated on the Welaka 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.

b) All golf carts operating subject to this ordinance must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated roads and streets.

c) Golf carts may be operated on the designated roads and streets during the hours between official sunrise and official sunset only if properly equipped as

provided in paragraph 6(b) above. Any golf cart operated after official sunset and before official sunrise must also be equipped with properly operating headlights, taillights, brake lights, turn signals and a windshield. No golf cart shall be operated except by licensed motor vehicle operators.

d) On or before October 1 of each year users of golf carts upon the Streets of Welaka shall obtain a certificate, decal and wallet registration authorizing the same. Application for such certificate, decal and registration shall be made to the Town Clerk of the Town of Welaka. Said certificate, decal and registration shall only be allowable and purchased upon presentation of valid insurance upon said golf cart together with a valid driver's license for the proposed licensee. Decals shall be prorated by half year purchase price after six months of year have passed for new purchases. Each permitted golf cart user will purchase display numbers at his/her own cost to coincide with the decal number issued for such user's golf cart when licensed. Such numbers shall be placed permanently on each side of each licensed golf cart so as to be readily identifiable as a properly registered vehicle. Such numbers shall be kept clearly visible by licensees and shall be permanent identifying numbers so long as such golf cart is operated within the Town Limits of the Town of Welaka. Any person found to be operating an unregistered golf cart, or a golf cart upon which the Welaka registration has expired, shall be issued a civil citation by the investigating enforcement officer, which citation shall carry a fine of \$50.00 payable within 30 days after the infraction to the Clerk of the Town of Welaka. Any person having received such a citation shall either pay the same within the said 30 days or may alternatively file an appeal to the Town of Welaka Code Enforcement Board which shall be scheduled and heard at the next following regularly scheduled Code Enforcement Board Hearing. In the event such an appeal is made and the appellant is found to have been guilty of the alleged registration violation, the Code Enforcement Board shall affirm the fine as levied and assess additional administrative costs of \$25.00 and require that the violator immediately obtain the necessary registration.

e) No person shall drive any 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.

4) With the exception of the ordinance violation described in Section 1, Subsection 6) part d), above, all violations of this ordinance shall constitute a non-criminal infraction enforceable pursuant to the provisions of Florida Statutes, Section 316.212(8). 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 Florida Statutes, Chapter 316 and 318. All other Welaka Ordinances pertaining to the use of motor vehicles shall also apply.

## SECTION 2: REVOKING/SUPERSEDING PRIOR ORDINANCES

This Ordinance, when adopted, shall revoke and completely supersede Town of Welaka Ordinances 2008-9 and 2008-16.

### SECTION 3: CONFLICT AND SEVERABILITY

In the event this ordinance conflicts with any other ordinance of the Town of Welaka, Florida, or other applicable law, the more restrictive shall apply. If any phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

### SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage.

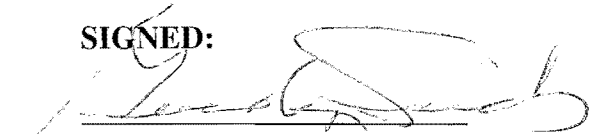
**ADOPTED** this 10th day of August 2010 by the Town Council of the Town of Welaka upon this first reading.

**ADOPTED** this 14<sup>th</sup> day of September 2010 by the Town Council of the Town of Welaka on this second reading.

**ATTEST:**

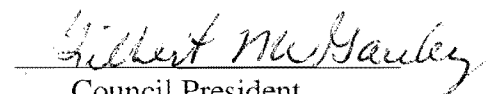
  
\_\_\_\_\_  
Judy Jones, Town Clerk

**SIGNED:**

  
\_\_\_\_\_  
Gordon Sands, Mayor

**APPROVAL AS TO FORM:**

  
\_\_\_\_\_  
Allen Scott, Town Attorney

  
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Council President