



Public Hearing

MEMORANDUM

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department
Contact: (407) 836-7970

Joseph C. Kunkel

DATE: February 3, 2020

RE: Public Hearing for Board Meeting on February 11, 2020
to Consider an Ordinance Creating Article IX Under Chapter 21 of the Orange County Code to Permit the Use of Golf Carts on Designated Public Roads and Streets in the Unincorporated Area of Orange County; Providing an Effective Date.

On August 20, 2019, the Board of County Commissioners directed staff to develop a draft ordinance to address the operation of golf carts on public roads and streets in unincorporated Orange County. In January 2020, staff conducted individual meetings with each of the Commissioners to discuss the draft ordinance and receive input prior to finalizing the proposed ordinance. This draft ordinance is submitted for the Board's consideration subject to requirements that include the application process, the designation of roadways and operation restrictions, the golf cart minimum safety features, the driver's minimum qualifications, and the assumption of risk, indemnifications and liability insurance for the owner/operator of golf cart.

ACTION REQUESTED: APPROVAL OF AN ORDINANCE CREATING ARTICLE IX UNDER CHAPTER 21 OF THE ORANGE COUNTY CODE TO PERMIT THE USE OF GOLF CARTS ON DESIGNATED PUBLIC ROADS AND STREETS IN THE UNINCORPORATED AREA OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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ORDINANCE NO. 2020-___

AN ORDINANCE CREATING ARTICLE IX UNDER CHAPTER 21 OF THE ORANGE COUNTY CODE TO PERMIT THE USE OF GOLF CARTS ON DESIGNATED PUBLIC ROADS AND STREETS IN THE UNINCORPORATED AREA OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Creation of Article IX, Chapter 21, Orange County Code, Use of Golf Carts on Designated Public Roads and Streets. Article IX is hereby created in Chapter 21 of the Orange County Code to read as follows:

ARTICLE IX.

USE OF GOLF CARTS ON DESIGNATED PUBLIC ROADS AND STREETS

Section 21-291. Title.

This article shall be known and may be cited as the "Orange County Golf Cart Ordinance."

Section 21-292. Intent and purpose.

(a) As authorized by Section 316.212, Florida Statutes, it is the intent and purpose of this article to allow the operation of golf carts on designated public roads and streets in the unincorporated area of the County, subject to the requirements of this article.

(b) It is not the intent and purpose of this article to address the operation of golf carts within any self-contained retirement community, as golf carts are permitted there under Section 316.2125, Florida Statutes.

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Section 21-293. Definitions.

For purposes of this article, the following terms shall be defined as follows:

Board means the Orange County Board of County Commissioners.

Designated streets mean public roads and streets in the unincorporated area that have been designated by the Board for the operation of golf carts, subject to the requirements of this article.

Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour, as defined by Section 320.01, Florida Statutes.

Section 21-294. Determination for operation on designated public roads and streets; registration; signage.

(a) *Determination.* After considering all relevant factors, including the speed, volume, and character of motor vehicle traffic using certain public roads and streets, the Board may determine, in its sole discretion, that golf carts may safely travel on or across those public roads and streets in the unincorporated area, and designate those public roads and streets for the operation of golf carts, subject to the requirements of this article. The process for seeking such a determination shall be as follows:

(1) a Florida not-for-profit corporation representing a single-family residential development, such as a mandatory or voluntary homeowners association, or a combination of such not-for-profit corporations, whose members are the owners of property in the development, or developments, may file a petition with the Orange County Traffic Engineering Division for permission to operate golf carts on one or more public roads and streets within the development or developments, and between the developments, subject to paying an application fee in an amount established by the Board, and presenting the following information:

A. a sworn, notarized statement from an authorized officer with the not-for-profit corporation that the question of whether the use of golf carts on public roads and streets in the single-family development should or should not be permitted by the Board was presented to all the owners of private lots within the development, at least a majority of the owners of private lots

78 within the development responded to the question, and at least a
80 majority of the owners of private lots within the development who
responded to the question support the use of golf carts on public
roads and streets in the development; and

82 B. if the not-for-profit corporation
84 proposes to allow golf carts to travel on or cross a public road or
street with a speed limit of more than 25 miles per hour (such as a
86 collector road inside or adjacent to the development), a signed and
sealed report from a traffic engineer licensed in the State of Florida
88 identifying such public road or street, specifying the location or
locations where it is proposed that golf carts be allowed to travel
90 on or cross such public road or street, and offering a professional
opinion that golf carts may safely travel on or cross such public
92 road or street at the location or locations, considering factors
including the speed, volume, and character of motor vehicle traffic
using such public road or street;

94 (2) The Traffic Engineering Division shall
identify all the public roads and streets inside the development that
96 are two-lane local roads with a speed limit of 25 miles per hour or
less, and recommend to the Board whether golf carts may safely
98 travel on or cross some or all of those public roads or streets,
considering factors including the speed, volume, and character of
100 motor vehicle traffic using the public roads and streets, and, if
applicable, review the not-for-profit corporation's traffic
102 engineering report regarding a public road or street with a speed
limit of more than 25 miles per hour, and make a recommendation
104 to the Board to accept or reject the conclusions of the traffic
engineer's report, considering factors including the speed, volume,
106 and character of motor vehicle traffic using the public road or
street.

108 (3) If the Board, in its sole discretion, accepts
the Traffic Engineering Division's recommendation to allow golf
110 carts to travel on or cross local roads or streets inside the
development with a speed limit of 25 miles per hour or less, and, if
112 applicable, accepts the conclusion of the not-for-profit
corporation's traffic engineer's report regarding a public road or
114 street with a speed limit of more than 25 miles per hour, the Board
may make a determination in the form of a Resolution designating
116 the public roads and streets that may be used by golf carts, subject
to the requirements of this article. Such designation shall be
118 deemed a privilege, not a right, and shall remain in effect unless or
until the Resolution is repealed by the Board, in its sole discretion.

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(b) *Registration.* A golf cart shall not be operated on designated streets unless the owner of the golf cart registers the golf cart with the Traffic Engineering Division, pays a registration fee in an amount established by the Board, and affixes a registration decal on the rear of the golf cart.

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(c) *Signage.* The Traffic Engineering Division shall be responsible for posting appropriate signage on designated streets indicating where the operation of golf carts is allowed pursuant to this article.

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Section 21-295. Prohibitions.

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(a) Any vehicle that does not meet the definition of a golf cart shall not be afforded any of the rights provided in this article.

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(b) A golf cart shall not be operated on a public road or street that is not designated for such use under this article.

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(c) A golf cart shall not be operated on a public road or street that is a part of the State Highway System unless specifically authorized by the State of Florida Department of Transportation, as provided in Section 316.212(2), Florida Statutes.

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(d) A golf cart shall not be operated on a public sidewalk, a public path, or a public trail.

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(e) A child under the age of six years shall be prohibited from being transported in a golf cart unless the child is secured in a crash-tested, federally approved child restraint device specified in Section 316.613(1)(a), Florida Statutes, and the golf cart is being operated by a person who is at least eighteen years of age.

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Section 21-296. Requirements for operation of golf carts on designated streets.

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(a) A golf cart operator shall comply with all applicable state and local traffic laws and may be ticketed for a traffic violation in the same manner as the motor operator of a motor vehicle under state laws.

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(b) Operating requirements.

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(1) *Age of driver.* A golf cart may be operated only by a person who is at least sixteen years of age.

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(2) *Driver's license or learner's permit required.* A golf cart shall not be operated on designated streets by anyone not in possession of a valid driver's license or learner's permit.

(3) *Hours of operation.* A golf cart may be operated on designated streets only between sunrise and sunset.

(4) *Required equipment.* A golf cart operating on designated streets shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, seat belts, and red reflectorized warning devices in both the front and rear.

(5) *Number of passengers.* A golf cart operating under this article shall be occupied by no more people than for whom there are seatbelts in the golf cart.

(6) *Seatbelts.* Whenever the golf cart is in motion, the occupants of the golf cart, including a child under the age of six years sitting in a child restraint device, shall be secured by seatbelts.

Section 21-297. Assumption of the risk; indemnification and hold harmless.

The County extends the privilege of operating a golf cart on designated streets on the express condition that any person operating a golf cart on any designated street does so at his/her own risk; must operate such golf cart with due regard for the safety and convenience of passengers, other motor vehicles, bicyclists and pedestrians; assumes sole responsibility and liability for operating the golf cart on designated streets; and by such operation agrees to defend, release, indemnify and hold harmless the County, its officials and employees for and regarding any and all claims, demands, or damages of any nature whatsoever arising from such operation.

Section 21-298. Liability insurance.

Any owner and/or operator of a golf cart on designated streets shall be responsible for purchasing and maintaining liability insurance that includes insuring the owner and/or operator against loss from liability for death, bodily injury, and property damage arising out of the ownership, maintenance, or use of a motor vehicle and is not less than the minimum requirements described in Section 324.021(7), Florida Statutes.

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Section 21-299. Penalties; remedies.

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(a) *Moving violations.* A violation of subsections 21-295(b), (c), and (d), and subsections 21-296(b)(3) and (5), is a non-criminal traffic violation punishable as a moving violation pursuant to Section 316.212(8), Florida Statutes, and Chapter 318, Florida Statutes.

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(b) *Nonmoving violations.* A violation of subsections 21-296(b)(1), (2) and (4), is a noncriminal traffic violation punishable as a nonmoving violation pursuant to Section 316.212(8), Florida Statutes, and Chapter 318, Florida Statutes.

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(c) *Penalties for violations.* Any violation of this article is a non-criminal traffic infraction punishable by uniform traffic citation as follows:

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(1) 1st violation: \$25.00;

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(2) 2nd violation, if the violation occurs within two years of the first violation: \$50.00;

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(3) 3rd violation, if the violation occurs within four years of the second violation: \$100.00.

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(d) *Other penalties.* In addition to the foregoing, violations of traffic infractions shall also be punishable by any other method as provided by law.

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(e) *Remedies.* In addition to the penalties described above, Orange County may institute any appropriate action or proceeding to enjoin, prevent, restrain, correct, or abate a violation of this article. To the extent not inconsistent with Florida law, a violation of this article shall be subject to an injunction, temporary or permanent, without the necessity of a showing of irreparable harm.

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Sections 21-300 – 21-305. Reserved.

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Section 2. Effective date. This ordinance shall become effective on April 1, 2020.

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ADOPTED THIS 11TH DAY OF FEBRUARY, 2020.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings,
Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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