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ORDINANCE NO. 2019-____

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 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 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 prohibit or address the operation of golf carts within any self-contained retirement community, as permitted under Section 316.2125, Florida Statutes.

Section 21-293. Definitions.

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

40 *Board* means the Orange County Board of County
Commissioners.

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

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

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

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

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

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

78 development who responded to the question support the use of golf
carts on public roads and streets in the development; and

80 B. a signed and sealed report from a
82 traffic engineer licensed in the State of Florida identifying the
84 public roads and streets proposed for use by golf carts, and offering
a professional opinion that golf carts may safely travel on or cross
the public roads or streets, considering factors including the speed,
volume, and character of motor vehicle traffic using the public
roads and streets;

86 (2) The Traffic Engineering Division shall
88 review the traffic engineering report, and make a recommendation
to the Board to accept or reject the conclusions of the traffic
engineer's report.

90 (3) If the Board, in its sole discretion, accepts
92 the conclusion of the traffic engineer's report, the Board may make
a determination in the form of a Resolution designating the public
94 roads and streets that may be used by golf carts, subject to the
requirements of this article. Such designation shall remain in
effect until the Resolution is repealed by the Board.

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

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

Section 21-295. Prohibitions.

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

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

112 (c) A golf cart may not be operated on a public road or
street that is a part of the State Highway System unless specifically
114 authorized by the department of transportation, as provided in
Section 316.212(2).

116 (d) A golf cart shall not be operated on a public
sidewalk.

118 (e) Children under the age of six years shall be
prohibited from being transported in golf carts.

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

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

(b) *Operating requirements.*

126 (1) *Age of driver.* A golf cart may be operated
only by a person who is the age of sixteen years or older.

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

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

134 (4) *Required equipment.* A golf cart operating
on designated streets shall be equipped with efficient brakes,
136 reliable steering apparatus, safe tires, a rear view mirror, a
windshield, headlights, brake lights, turn signals, seat belts, and red
138 reflectorized warning devices on the front and rear.

(5) *Number and age of passengers.* A golf cart
140 operating under this article shall be occupied by no more
passengers than for whom there are seatbelts in the golf cart. Only
142 children over the age of six years who do not require the use of
crash-tested, federally approved child restraint device specified in
144 Section 316.613(1)(a), Florida Statutes, qualify to be transported as
passengers in a golf cart.

146 (6) *Seatbelts.* All the occupants of a golf cart
shall use the seatbelts whenever the golf cart is in motion.

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

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

Section 21-298. Liability insurance.

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

Section 21-299. Penalties; remedies.

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

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

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

182 (1) 1st violation: \$25.00;

184 (2) 2nd violation, if the violation occurs within
two years of the first violation: \$50.00;

186 (3) 3rd violation, if the violation occurs within
four years of the second violation: \$100.00.

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

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

Sections 21-300 – 21-305. Reserved.

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Section 2. Effective date. This ordinance shall become effective on January
200 31, 2020.

ADOPTED THIS ____ DAY OF _____, 2019.

204 **ORANGE COUNTY, FLORIDA**
By: Board of County Commissioners

206
208 By: _____
210 Jerry L. Demings,
Orange County Mayor

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

216 By: _____
Deputy Clerk

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