

ORDINANCE NO. 2009- 1

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; REPEALING COUNTY ORDINANCE 1998-68; PROVIDING EQUIPMENT AND AGE REQUIREMENTS FOR OPERATION OF GOLF CARTS UPON ROADS WITHIN THE COUNTY; PROVIDING FINDING OF FACTS; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR DESIGNATION PROCEDURES AND STANDARDS; PROVIDING FOR A METHOD OF APPEAL; PROVIDING OPERATING REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits counties to allow Golf Carts to be operated on County Roads provided the county first determines that Golf Carts may 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, such designation for use of Golf Carts on County Roads must be preceded by a determination that the particular road or roads may be traveled upon or crossed considering factors including traffic speed, volume and character of motor vehicular traffic; and

WHEREAS, Section 316.212(5), Florida Statutes, allows Golf Carts to only operate on such public roads or streets during the hours between sunrise and sunset, unless the governmental agency determines that such Golf Carts may also operate during the hours between sunset and sunrise and the Golf Carts are equipped with headlights, brake lights, turn signals and windshields; and

WHEREAS, the operation of Golf Carts upon roads within the County by persons not holding a valid driver's license constitutes a threat to the health, safety, and welfare of the public; and

WHEREAS, the Board of County Commissioners 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 BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. Findings of Fact. The above recitals are incorporated by reference into the body of this Ordinance, and such recitals are adopted as Findings of Fact.

Section 2. Repeal of Ordinance 98-68. Ordinance 98-68 is hereby repealed.

Section 3. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

- (a) “Board” shall mean the Board of County Commissioners of St. Johns County, Florida.
- (b) “County” means St. Johns County, Florida.
- (c) “County Road” means land in which the County owns the fee or has an easement devoted to or restricted for use as a transportation facility for the public use; a road opened to travel by the Public that is not maintained, nor owned by a Community Development District, Special District or a Private Entity.
- (d) “Designated County Road” means any County Road that has received approval from the responsible local county government for Golf Cart Use, consistent with this Ordinance.
- (e) “Golf Cart” means a powered 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 twenty (20) miles per hour; means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty (20) miles per hour and that is designed to carry not more than four persons including the driver.
- (f) “County Engineer” shall mean that county official designated or recognized to be performing as the Professional Engineer of the County.
- (g) “Applicant” for the purposes of this Ordinance, shall be defined as a person or entity who is requesting for a County Road to be permitted, as a Designated County Road.

Section 4. Purpose. The purpose of this Ordinance is to (1) provide for the orderly operation of Golf Carts on Designated County Roads; and (2) ensure that any Golf Cart operated on any Designated County Road in the County, shall be operated only by a person with a valid driver’s license.

Section 5. Designation Procedures. Prior to any portion of any County Road being approved as a Designated County Road for Golf Cart use:

- (a) The County Engineer shall conduct, or review a study provided by the Applicant or in the alternative, at the request of the Applicant shall review the proposed construction plans during Development Review, to determine whether Golf Carts may travel across, or along the proposed Designated County Road, considering

factors including the speed, volume, and character of motor vehicle traffic using said road. The County Engineer shall review and permit the proposed Designated County Road, in accordance with Best Practices within the Industry local, state and federal design standards and guidelines.

- (b) In the event that the County Engineer denies permitting of a proposed Designated County Road, the County Engineer shall provide a written finding of facts to support the County Engineer's denial. The Applicant shall have thirty (30) days to file an appeal of the County Engineer's decision to the Board of County Commissioners.
- (c) Subsequent to a determination that Golf Carts may be operated on a Designated County Road, the County Engineer shall post, or shall cause to be posted appropriate signs to indicate that such Golf Cart use is allowed, subject to any permitting requirements for such signs. The Applicant, or a Designee of the Applicant, shall pay the County for such signage (any repair or replacement of said signage) in full, prior to sign installation. Such signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) standards, as issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT).

Section 6. Golf Cart Operation.

- (a) A Golf Cart shall not be operated on any County Road, except a Designated County Road that has been appropriately marked with signs by the County Engineer.
- (b) A Golf Cart may be operated on a Designated County Road only between sunrise and sunset, unless the County has determined that on the particular Designated County Road, a Golf Cart may also be operated between sunset and sunrise and the Golf Cart is equipped with headlights, brake lights, turn signals, and a windshield.
- (c) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license and who is under 17 years of age, when operating a Golf Cart after 11 p.m. and before 6 a.m., shall be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age, unless that person is driving directly to or from work.
- (d) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license who is 17 years of age, when operating a Golf cart after 1 a.m. and before 5 a.m., shall be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age unless that person is driving directly to or from work.

- (e) A Golf Cart operating on a Designated County Road shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
- (f) Any driver of a Golf Cart on a Designated County Road shall have a valid driver's license.
- (g) It is recognized that in addition to the above provisions, the Florida Uniform Traffic Control Law (Chapter 316, Fla. Stat.) shall apply where applicable as per Florida Law.

Section 7. Geographic Limits of Ordinance. The Ordinance shall apply to the unincorporated portions of St. Johns County.

Section 8. Violations and Penalties. Violations of this Ordinance may be enforced by the Sheriff or Code Compliance Officers by any legal method prescribed by law, including but not limited to the following:

- (a) Any person or entity violating any of the provisions of this Ordinance adopted hereby (collectively, the "Ordinance") may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues, shall be deemed a separate offense.
- (b) This Ordinance may also be enforced under the provisions of Chapter 162, Florida Statutes (Code Enforcement Special Magistrate, or Citation).
- (c) Note: Uniform Traffic Citations shall only be used for violations that are also violations of the Florida Uniform Traffic Control Law.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance. This Ordinance shall be read with Florida Statute 316.212, as may be amended from time to time. If any conflict exists or arises between this Ordinance and said statute or any rule promulgated under that statute, the statute or rule shall control and automatically sever the conflicting Ordinance provision.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its being filed with the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 6th day of January, 2009.

ATTEST: Cheryl Strickland, Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Robert L. Pickett*
Deputy Clerk

By: *Cyndi Stevenson*
Cyndi Stevenson, Chair

Effective Date: _____

Rendition Date: 1/9/09

T/ORDINANCES/GOLF CART ORDINANCE NO.

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on January 6, 2009 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; REPEALING COUNTY ORDINANCE 1998-68; PROVIDING EQUIPMENT AND AGE REQUIREMENTS FOR OPERATION OF GOLF CARTS UPON ROADS WITHIN THE COUNTY; PROVIDING FINDING OF FACTS; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR DESIGNATION PROCEDURES AND STANDARDS; PROVIDING FOR A METHOD OF APPEAL; PROVIDING OPERATING REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the special public hearing.

Interested parties may appear at the special public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L3726-8 Dec 23, 2008

The St. Augustine Record

COPY OF ADVERTISE

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In/the matter of **ORD-GOLF CARTS ON COUNTY ROADS**

L 3726-8 was published in said newspaper **DECEMBER 23, 2008**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **23** day of **DEC 2008**.

by Ulinda E. Verstraate who is personally known to me
or who has produced PERSONALLY KNOWN as identification

Lana C. Gatewood

(Signature of Notary Public)
LANA C. GATEWOOD

