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ORDINANCE NO. 2015-03

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; AMENDING VILLAGE CODE CHAPTER 28, ARTICLE II, CONCERNING GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS, PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay had adopted regulations in accordance with the Chapter 316 of the Florida Statutes concerning permitting of golf carts and regulation of the operation of golf carts within Village limits; and,

WHEREAS, the Mayor and Village Council desire to amend Chapter 28, Article II, in order to provide clarity of the regulations.

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 28, Article II "Golf Cart Use on Designated Streets or Roads" is modified as follows:

ARTICLE II. - GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS

Sec. 28-51. - Golf carts, legislative intent.

It is the intent of this section to permit and regulate the operation of golf carts upon the designated streets of the village, during non-restricted hours by licensed drivers operating golf carts which have passed a safety inspection. This article is adopted to address the interest of public safety. Golf carts, also known as GCVs, is to be regulated to address safety issued. Adoption of this article is not to be relied upon as a determination that operation of the GCV or golf cart on roads is safe or advisable. All persons who operate or ride in golf carts, GCVs, on roads do so at their risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The village has no liability under any theory of law for permitting golf cars, GCVs to be operated on roads under this chapter. Any person who operates a golf cart, GCV, is responsible for procuring liability insurance as required under this chapter, and Florida law, which requirement is a condition to using a golf cart, GCV, on the roads of the village.

Sec. 28-52. - Definitions.

The following words and phrases when used in this chapter shall have the definitions respectively ascribed to them in this section. Whenever any words or phrases used in this chapter are not defined but are defined in the F.S., Ch. 316 and any amendments thereto, such definitions shall apply.

1
2 *Designated streets* means all streets within the village except Old Cutler Road, U.S. Highway 1
3 (a/k/a Palmetto Bay Parkway); SW 136 Street; ~~SW 144th Street~~; SW 152nd Street; SW 168th Street;
4 SW 184th Street; SW 67th Avenue; SW 77th Avenue; ~~SW 82nd Avenue~~; SW 87th Avenue; and SW
5 97th Avenue; (no use of Old Cutler Road or bridges permitted, except as specifically designated
6 below).

7
8 *Golf cart* means a motor vehicle designed and manufactured for operation on a golf course
9 for sporting or recreational purposes as defined in F.S. §316.003(68) and 320.01(22). ~~and that can be~~
10 ~~considered a "Golf Car Based Product Vehicle" (GCV), which is a self-propelled vehicle with a~~
11 ~~minimum of four wheels, capable of a maximum level ground speed of less than 20 miles per hour~~
12 ~~(MPH) (30 km/h), maximum rated pay load capacity of 1200 pounds (545 Kg), maximum gross~~
13 ~~vehicle weight (GVW) of 2,500 pounds (1,135 kg), capable of transporting not more than four~~
14 ~~persons and which complies with the safety operations standards established in this chapter. A GCV~~
15 ~~chassis and drive mechanism shall conform to the GCV profile. The profile addresses the physical~~
16 ~~characteristics of the vehicle, which means a four wheel vehicle built on a golf cart chassis and rive~~
17 ~~mechanism with tires furnished or recommended by the applicable GCV OEM manufacturer and as~~
18 ~~is further set forth in either ANSI/NGCMA Z135-2004 or ANSI/ITSDF B56.8-2006, Safety~~
19 ~~Standard for Personnel and Burden Carriers. Where applicable, batter electric GCVs will be~~
20 ~~recognized as "electric vehicles" or "zero emission vehicles" and hybrid GCVs will be recognized as~~
21 ~~"alternative fueled vehicles" as provided under Florida Law, F.S. chs. 316, 320, and 334. Low speed~~
22 ~~vehicles are not golf carts.~~

23
24 *Permit.* An official authorization designating that the golf cart to which the authorization is
25 affixed meets the requirements of state law and the Village Code and/or code of adjacent
26 municipalities.

27
28 Sec. 28-53. - Operation of golf cart.

29 The operation of a golf cart within the Village of Palmetto Bay is strictly prohibited unless
30 the golf cart is operated and equipped in full compliance with this chapter.

31
32 Sec. 28-54. - Authorized use.

33 (a) Licensed drivers may operate golf carts which have registered; and been issued a permits by the
34 village on all designated streets within the village or a neighboring jurisdiction's drivers on all
35 designated streets of the village ~~between a half hour after sunrise and a half hour prior to sunset~~
36 ~~for all golf carts and must have all required equipment (in working order), as defined in Section~~
37 ~~28-58.~~

38 (b) A permit to use a golf cart on a designated street does not permit entry onto private property or
39 semi-private property, including retail parking lots, private roads or common areas in
40 condominiums. Access to these areas may be regulated by the property owners and/or property
41 managers.

42 ~~(c) The storage of the golf carts shall not occur within ten feet of any property line that faces a~~
43 ~~street.~~

44 ~~(d) All golf carts, GCVs, between sunset and sunrise, fog, smoke and rain must be equipped with~~
45 ~~headlights, brake lights, turn signals and a windshield.~~

1
2 Sec. 28-55. - Prohibited use.

3 The operation in the village of any golf cart in the following manner or under the following
4 conditions is prohibited:

- 5
6 (a) Without a valid, current driver's license;
7 (b) Without a valid, current permit issued by the village or a neighboring jurisdiction and affixed
8 to the golf cart in a conspicuous location;
9 (c) In violation of state or county traffic and insurance regulations;
10 (d) Anywhere on the roadway surface of Old Cutler Road, except to cross that thoroughfare at
11 marked intersections or intersections regulated by a traffic signal upon the nondesignated
12 streets solely for the purpose of reaching the immediately next intersection. The operation
13 of golf carts upon nondesignated streets pursuant to this subsection;
14 (e) Shall be subject to authorization from Miami-Dade County pursuant to F.S. §316.212(1);
15 (f) On the sidewalks, swales or parks of the village;
16 (g) Parking in violation of posted regulations;
17 (h) Obstructing or interfering with normal traffic flow;
18 (i) Carrying more occupants in a golf cart than the number of persons for whom factory seating
19 is installed and provided on the golf cart;
20 (j) Standing and extending body parts outside the perimeter of the golf cart while the golf cart is
21 being operated; and
22 (k) The operation of an ATV, as defined in F.S. § 317.0003, upon the public roads or streets is
23 prohibited.
24

25 Sec. 28-56. - Registration.

- 26 (a) All golf carts, GVCs, operated on village designated streets must first be registered through
27 the village or through a neighboring jurisdiction and a registration sticker must be placed on
28 the rear fender of the golf cart, GVC.
29 (b) Registration of golf carts, GCVs, must be made by the owner who is at least 18 years of age.
30 (c) The owner of the golf cart, GCV, will be charged an initial permit application/registration
31 fee of \$50.00.
32 (d) The renewal permit/registration fee thereafter shall be \$10.00.
33 (e) Driving a golf cart without a current village registration will result in a noncriminal, civil
34 citation of \$150.00.
35 (f) A list of all golf carts, GCV, registrations will be maintained by the village.
36 (g) Funds from registration fees will support costs of village administration of the golf cart,
37 GCV, and registration stickers.
38 (h) At registration, and annually thereafter, the applicant shall file a notarized, verified affidavit
39 that the golf cart, GCV, being registered complies with all the conditions contained in this
40 ordinance, including all safety requirements required under section 28-58. Failure to execute
41 and provide the notarized, verified affidavit shall result in the village's rejection of the permit
42 request.
43 (i) The village shall issue a permit to a golf cart, GCV, which complies with all requirements
44 identified herein. The permit shall be displayed in a conspicuous location on the golf cart,
45 GCV.

1 (j) Proof of insurance through a homeowner's policy of liability and property damage coverage
2 shall be provided to the village, annually. Failure to provide proof of coverage shall result in
3 termination of registration of the golf cart or GVC.
4

5 Sec. 28-57. - Reserved.
6

7 Sec. 28-58. - Required equipment.
8

9 In order to be permitted for use in the village, a golf cart, GCV, is to be equipped with:

- 10 (a) Efficient locking brakes;
- 11 (b) Reliable steering apparatus;
- 12 (c) Safe tires;
- 13 (d) Rear view mirrors;
- 14 (e) Red reflectorized warning devices, both in the front and the rear;
- 15 (f) Front headlights, rear tail lights, and rear brake lights, ~~Rear stop lamps~~ meeting the minimum
16 standards of F.S. §316.234(1);
- 17 (g) Turn signals, meeting the minimum standards of F.S. §316.234(2);
- 18 (h) Safety belts for drivers and passengers;
- 19 (i) ~~Head lamps, reflex reflectors and tail lamps (rear position lamps as set forth in~~
20 ANSI/NGCMA Z135-2004, American National Standard for Personal Transport Vehicles-
21 Safety and Performance Specifications; Reverse warning device;
- 22 (j) ~~Main power switch~~; Horn;
- 23 (k) Safety labels; ~~and~~
- 24 (l) Manufacturer's serial number plate; and
- 25 (m) Windshield.

26
27 Sec. 28-59. - Reserved.
28

29 Sec. 28-60. - Operators.

30 Drivers must hold a current, valid driver's license and insurance in order to operate a golf cart, GCV,
31 upon the streets of the village.
32

33 Sec. 28-61. - Traffic laws.

- 34 (a) Operators of golf carts, GCVs, using designated streets within the village are required to
35 observe all applicable state and local traffic laws as if they were operating any other motor
36 vehicle.
- 37 (b) While traveling on designated streets, operators and passengers of golf carts, GCVs, must
38 comply with applicable state law as to the requirements and usage of safety belts and child
39 restraint equipment.
- 40 (c) Owners and operators of golf carts shall comply with applicable state law pertaining to
41 insurance requirements.
- 42 (d) Golf carts, GCVs, may be ticketed for traffic violations in the same manner as motor
43 vehicles.
44

1 Sec. 28-62. - Penalty.

2
3 A violation of any provision of this chapter shall constitute a violation of Chapter 28 of the Code of
4 Ordinances of the Village of Palmetto Bay. Upon a finding that an owner, lessee or operator of a
5 golf cart, GCV, has violated any provision of this chapter, such person shall be subject to a
6 noncriminal, civil citation not to exceed \$150.00 for each offense relating to a violation of this
7 chapter, including but not limited to the failure to obtain a permit/registration, and as per Florida
8 Statutes for every other violation of state law.

9
10 Sec. 28-63. - Enforcement.

11 The village police department with the assistance of code compliance shall be responsible for
12 enforcing this Chapter 28 of the Code of Ordinances of the Village of Palmetto Bay.

13
14 Secs. 28-64--28-100. - Reserved.

15
16 * * *

17 **Section 4. Conflicting Provisions.** The provisions of the Code of Ordinances of the
18 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
19 provisions of this ordinance are hereby repealed.

20
21 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable,
22 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
23 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
24 sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative
25 intent that this Ordinance shall stand notwithstanding the invalidity of any part.

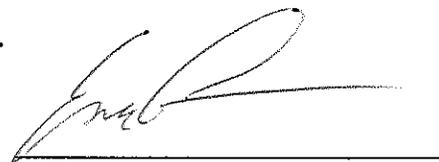
26
27 **Section 6. Codification.** It is the intention of the Village Council and it is hereby
28 ordained the provisions of this Ordinance shall become and be made part of the Code of
29 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
30 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
31 changed to "Section" or other appropriate word.

32
33 **Section 7. Effective Date.** This ordinance shall take effect immediately upon
34 enactment.

35
36 First reading: March 2, 2015
37 Second reading: April 6, 2015

38
39 PASSED and ENACTED this 6th day of April, 2015.

40
41
42 Attest: 
43 Meighan J. Alexander
44 Village Clerk


Eugene Flinn
Mayor

1
2 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
3 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
4

5 
6 _____
7 Dexter W. Lehtinen
8 Village Attorney
9

10
11 FINAL VOTE AT ADOPTION:

12 Council Member Karyn Cunningham YES
13
14 Council Member Tim Schaffer YES
15
16 Council Member Larissa Siegel Lara YES
17
18 Vice-Mayor John DuBois YES
19
20 Mayor Eugene Flinn YES
21
22
23