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**ORDINANCE NO. 08-14**

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; PROVIDING FOR GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS, WHICH DESIGNATED STREETS SHALL BE ALL RESIDENTIAL STREETS IN PALMETTO BAY OTHER THAN OLD CUTLER ROAD, U.S. 1; SW 136 STREET; SW 144<sup>TH</sup> STREET; SW 152<sup>ND</sup> STREET; SW 168<sup>TH</sup> STREET; SW 184<sup>TH</sup> STREET; SW 67<sup>TH</sup> AVENUE; SW 77<sup>TH</sup> AVENUE; SW 82<sup>ND</sup> AVENUE; SW 87<sup>TH</sup> AVENUE; AND SW 97<sup>TH</sup> AVENUE; PROVIDING FOR PERMITTING FEES AND INSPECTION OF GOLF CARTS; DESIGNATING HOURS OF USE AND ENFORCEMENT PROVISIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to designate certain streets as “Golf Cart,” GCV (Golf Cart Based Product Vehicle), friendly; and,

WHEREAS, certain residential streets, which shall consist of all streets in the Village other than Old Cutler Road, U.S. 1; SW 136 Street; SW 144<sup>th</sup> Street; SW 152<sup>nd</sup> Street; SW 168<sup>th</sup> Street; SW 184<sup>th</sup> Street; SW 67<sup>th</sup> Avenue; SW 77<sup>th</sup> Avenue; SW 82<sup>nd</sup> Avenue; SW 87<sup>th</sup> Avenue; and SW 97<sup>th</sup> Avenue shall be designated as Golf Cart friendly; and,

WHEREAS, the council desires to adopt a permitting process, and inspection of golf carts, provide for hours of operation, and enforcement of these rules; and,

WHEREAS, operation on public roads shall be restricted

WHEREAS, the Mayor and Village Council desire to adopt chapter 14 of the Village’s Code of Ordinances relating to Traffic and Golf Carts.

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

**Section 1.** Chapter 14 of the Code of Ordinances of the Village of Palmetto Bay, entitled “Traffic,” is created to read as follows:

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2  
3 **TRAFFIC**

4 **14-10.1 Golf Carts, Legislative intent.**

5 It is the intent of this section to permit and regulate the operation of golf carts upon the designated  
6 streets of the Village, during non-restricted hours by licensed drivers operating golf carts which have  
7 passed a safety inspection. This ordinance is adopted to address the interest of public safety. Golf  
8 Carts, also known as GCVs, is to be regulated to address safety issued. Adoption of this Ordinance  
9 is not to be relied upon as a determination that operation of the GCV or golf cart on roads is safe or  
10 advisable. All persons who operate or ride in GCVs on roads do so at their risk and peril, and must  
11 be observant of, and attentive to the safety of themselves and others, including their passengers,  
12 other motorists, bicyclists and pedestrians. The Village has no liability under any theory of law for  
13 permitting golf cars, GCVs to be operated on roads under this Ordinance. Any person who  
14 operates a golf cart, GCV, is responsible for procuring liability insurance as required under this  
15 Chapter, and Florida law, which requirement is a condition to using a golf cart, GCV, on the roads  
16 of the Village.  
17

18 **14-10.2 Definitions.** The following words and phrases when used in this Chapter shall have the  
19 definitions respectively ascribed to them in this section. Whenever any words or phrases used in  
20 this Chapter are not defined but are defined in the Florida Statutes, Chapter 316, Florida Statutes,  
21 and any amendments thereto, such definitions shall apply.  
22

23 *Designated streets.* All streets within the Village except Old Cutler Road, U.S. Highway 1 (a/k/a  
24 Palmetto Bay Parkway); SW 136 Street; SW 144<sup>th</sup> Street; SW 152<sup>nd</sup> Street; SW 168<sup>th</sup> Street; SW 184<sup>th</sup>  
25 Street; SW 67<sup>th</sup> Avenue; SW 77<sup>th</sup> Avenue; SW 82<sup>nd</sup> Avenue; SW 87<sup>th</sup> Avenue; and SW 97<sup>th</sup> Avenue;  
26 (no use of Old Cutler Road or bridges permitted, except as specifically designated below).  
27

28 *Golf cart.* A motor vehicle designed and manufactured for operation on a golf course for sporting or  
29 recreational purposes as defined in section 316.003(68), Florida Statutes; and that can be considered  
30 a “Golf Car Based Product Vehicle (GCV), which is a self-propelled vehicle with a minimum of four  
31 (4) wheels, capable of a maximum level ground speed of less than 20 miles per hour (MPH)  
32 (30km/h), maximum rated pay load capacity of 1200 pounds (545 Kg), maximum gross vehicle  
33 weight (GVW) of 2,500 pounds (1,135 kg), capable of transporting not more than four (4) persons  
34 and which complies with the safety operations standards established in this Chapter. A GCV chassis  
35 and drive mechanism shall conform to the GVC profile. The profile addresses the physical  
36 characteristics of the vehicle, which means a four (4) wheel vehicle built on a golf cart chassis and  
37 rive mechanism with tires furnished or recommended by the applicable GCV OEM manufacturer  
38 and as is further set forth in either ANSI/NGCMA Z135-2004 or ANSI/ITSDF B56.8-2006, Safety  
39 Standard for Personnel and Burden Carriers. Where applicable, batter electric GCVs will be  
40 recognized as “electric vehicles” or “zero emission vehicles” and hybrid GCVs will be recognized as  
41 “alternative fueled vehicles” as provided under Florida Law, chapters 316, 320, and 334, Florida  
42 Statutes. Low speed vehicles are not Golf Carts.  
43

44 *Permit.* An official authorization designating that the golf cart to which the authorization is affixed  
45 meets the requirements of state law and the Village Code.

1  
2 **14-10.3 Operation of Golf Cart.**  
3

4 The operation of a golf cart within the Village of Palmetto Bay is strictly prohibited unless the golf  
5 cart is operated and equipped in full compliance with this Chapter.  
6

7 **14-10.4 Authorized use.**  
8

9 (a) Licensed drivers may operate golf carts which have been inspected by a registered  
10 dealer; registered, and issued Permits by the Village on all designated streets within the Village  
11 between a half hour after sunrise and a half hour prior to sunset for all golf carts.  
12

13 (b) A Permit to use a golf cart on a designated street does not permit entry onto private  
14 property or semi-private property, including retail parking lots, private roads or common areas in  
15 condominiums. Access to these areas may be regulated by the property owners and/or property  
16 managers.  
17

18 (c) The storage of the golf carts shall not occur within ten feet of any property line that  
19 faces a street.  
20

21 (d) During hours between sunset and sunrise, fog, smoke and rain for golf carts equipped  
22 with headlights, brake lights, turn signals and a windshield.  
23

24 **14-10.5 Prohibited use.**  
25

26 The operation in the Village of any golf cart in the following manner or under the following  
27 conditions is prohibited:  
28

29 (1) Without a valid, current driver's license;  
30

31 (2) Without a valid, current Permit issued by the Village and affixed to the golf cart in a  
32 conspicuous location.  
33

34 (3) In violation of State or County traffic regulations;  
35

36 (4) Anywhere on the roadway surface of Old Cutler Road, except to cross that  
37 thoroughfare at marked intersections or intersections regulated by a traffic signal upon the non-  
38 designated streets solely for the purpose of reaching the immediately next intersection. The  
39 operation of golf carts upon non-designated streets pursuant to this subsection (5) shall be subject to  
40 authorization from Miami-Dade County pursuant to section 316.212(1) Florida Statutes;  
41

42 (5) On the sidewalks, swales or parks of the Village;  
43

44 (6) Parking in violation of posted regulations;  
45

1 (7) Obstructing or interfering with normal traffic flow;

2  
3 (8) Carrying more occupants in a golf cart than the number of persons for whom factory  
4 seating is installed and provided on the golf cart;

5  
6 (9) Standing and extending body parts outside the perimeter of the golf cart while the golf  
7 cart is being operated; and

8  
9 (10) The operation of an ATV, as defined in section 317.0003, Florida Statutes, upon the  
10 public roads or streets is prohibited.

11  
12 **14-10.6 Registration.**

13  
14 (a) All golf carts operated on Village designated streets must first be registered through the  
15 Village and a registration sticker must be placed on the rear fender of the golf cart.

16  
17 (b) Registration of golf carts must be made by the owner who is at least 18 years of age.

18  
19 (c) The owner of the cart will be charged an initial permit application/registration fee of  
20 \$50.00. The renewal permit/registration fee thereafter shall be \$10.00.

21  
22 (d) Driving a golf cart without a current Village registration will result in a noncriminal, civil  
23 citation of \$150.00.

24  
25 (e) A list of all golf cart registrations will be maintained by the Village.

26  
27 (g) Funds from registration fees will support costs of Village administration of the golf cart  
28 and registration stickers.

29  
30  
31 **14-10.7 Inspection.**

32  
33 (a) Each golf cart owner shall be required to obtain safety inspections from a licensed GCV  
34 dealer or other designated person, to inspect for items under 14-10.8 annually.

35  
36 (b) Upon submitting a completed annual permit application/registration, proof of  
37 insurance and the payment an initial \$50.00 application fee, and proof of inspection as provided  
38 under (a) above, golf cart will be considered in compliance with this Chapter. Each year the golf  
39 cart shall be registered and inspected, as provided under (a) and receive proof of annual registration  
40 with the Village, to consist of a sticker-logo with registration identification number, which shall be  
41 installed on the back bumper of the golf cart. Annual permit renewals, after the initial application  
42 shall be \$10.00.

43  
44 (c) The application fees will be deposited into the General Operating Funds of the Village.

1  
2 (d) The Village shall issue a Permit to a golf cart which passes the inspection. The Permit  
3 shall be displayed in a conspicuous location on the golf cart.  
4

5 **14-10.8 Required equipment.**

6  
7 A golf cart must be equipped with:

- 8  
9 (1) Efficient locking brakes;  
10 (2) Reliable steering apparatus;  
11 (3) Safe tires;  
12 (4) Rear view mirrors;  
13 (5) Red reflectorized warning devices, both in the front and the rear;  
14 (6) Rear stop lamps meeting the minimum standards of 316.234(1), Florida Statutes;  
15 (7) Turn signals meeting the minimum standards of section 316.234(2), Florida Statutes;  
16 (8) Safety belts for drivers and passengers;  
17 (9) Head lamps, reflex reflectors and tail lamps (rear position lamps as set forth in  
18 ANSI/NGCMA Z135-2004, American National Standard for Personal Transport Vehicles –  
19 Safety and Performance Specifications;  
20 (10) Reverse warning device;  
21 (11) Main power switch;  
22 (12) Horn,  
23 (13) Safety labels; and,  
24 (14) Manufacturer’s serial number plate.  
25  
26

27 **14-10.9 Reserved.**

28  
29 **14-10.10 Operators.**

30  
31 Drivers must hold a current, valid driver's license and insurance in order to operate a golf cart upon  
32 the streets of the Village.  
33

34 **14-10.11 Traffic laws.**

35  
36 (a) Operators of golf carts using designated streets within the Village are required to  
37 observe all applicable state and local traffic laws as if they were operating any other motor vehicle.  
38

39 (b) While traveling on designated streets, operators and passengers of golf carts must  
40 comply with applicable State law as to the requirements and usage of safety belts and child restraint  
41 equipment.  
42

43 (c) Owners and operators of golf carts shall comply with applicable State law pertaining to  
44 insurance requirements.  
45

1 (d) Golf carts may be ticketed for traffic violations in the same manner as motor vehicles.  
2  
3

4 **14-10.12 Penalty**  
5

6 A violation of any provision of this Chapter shall constitute a violation of Chapter 14 of the Code of  
7 Ordinances of the Village of Palmetto Bay. Upon a finding that an owner, lessee or operator of a  
8 golf cart has violated any provision of this Chapter, such person shall be subject to a non-criminal,  
9 civil citation not to exceed \$150.00 for each offense relating to a violation of this Chapter, including  
10 but not limited to the failure to obtain a permit/registration, and as per Florida Statutes for every  
11 other violation of state law.  
12

13  
14 **14-10.13 Enforcement.**  
15

16 The Village Police Department with the Assistance of Code Compliance shall be responsible for  
17 enforcing this Chapter 14 of the Code of Ordinances of the Village of Palmetto Bay.  
18  
19

20 **Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this  
21 ordinance are repealed.  
22

23 **Section 3.** This ordinance shall be codified and included in the Code of Ordinances.  
24

25 **Section 4.** If any section, clause, sentence, or phrase of this ordinance is for any reason  
26 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the  
27 validity of the remaining portions of this ordinance.  
28

29 **Section 5.** This ordinance shall take effect immediately upon enactment.  
30

31 PASSED AND ENACTED this [ ] day of \_\_\_\_\_, 2008.  
32  
33

34 Attest: \_\_\_\_\_

35 Meighan Rader  
36 Village Clerk

\_\_\_\_\_  
Eugene P. Flinn, Jr.  
Mayor

37  
38 APPROVED AS TO FORM:  
39  
40

\_\_\_\_\_  
41 Eve A. Boutsis,  
42 Nagin Gallop Figueredo, P.A.  
43 Office of Village Attorney  
44  
45

1 FINAL VOTE AT ADOPTION:  
2  
3 Council Member Ed Feller \_\_\_\_\_  
4  
5 Council Member Paul Neidhart \_\_\_\_\_  
6  
7 Council Member Shelley Stanczyk \_\_\_\_\_  
8  
9 Vice-Mayor Linda Robinson \_\_\_\_\_  
10  
11 Mayor Eugene P. Flinn, Jr. \_\_\_\_\_  
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