

AN ORDINANCE CREATING PART 3 (GOLF CARTS) OF CHAPTER 250 (TRAFFIC) OF THE SEMINOLE COUNTY CODE; CREATING ARTICLE I (DEFINITIONS) AND ARTICLE II (MARKHAM WOODS ROAD GOLF CART ORDINANCE) TO ESTABLISH A DESIGNATED COUNTY FACILITY IN ACCORDANCE WITH SECTION 34.30 (USE OF GOLF CARTS ON DESIGNATED COUNTY FACILITIES) OF THE SEMINOLE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR STANDARDS AND DESIGNATION OF COUNTY SIDEWALK FOR GOLF CART USE; PROVIDING FOR GOLF CART OPERATIONS AND REGULATIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(8)(a), Florida Statutes (2019), allows a county to enact restrictions and regulations regarding Golf Cart operations that are more restrictive than those contained in the Florida Statutes; and

WHEREAS, this statute provides that the County, in enacting such a restrictive ordinance, must post appropriate signs or otherwise inform residents that the regulation and enforcement of Golf Cart operation in the designated area will be in accordance with a stricter local ordinance; and

WHEREAS, Sections 316.008(7)(a) and 316.212(8)(b), Florida Statutes (2019), expressly allow the County to enact an ordinance relating to Golf Cart operation on Sidewalks adjacent to specific segments of County Roads under the following conditions: (1) the County determines, after considering the condition and current use of the Sidewalks, the character of the surrounding community, and the location of authorized Golf Cart crossings, that Golf Carts, bicycles, and pedestrians may safely share the Sidewalk; (2) the County consults with the Florida Department of Transportation before adopting the ordinance; (3) the ordinance restricts Golf Carts to a maximum speed of fifteen (15) miles per hour and permits such use on Sidewalks adjacent to state

highways only if the Sidewalks are at least eight (8) feet wide; (4) the ordinance requires the Golf Carts to meet the equipment requirements in Section 316.212(6), Florida Statutes (2019), but the ordinance may require additional equipment, including horns or other warning devices required by Section 316.271, Florida Statutes (2019); and (5) the County entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such Sidewalks; and

WHEREAS, Section 316.008(7)(a), Florida Statutes (2019), permits the County to enact an ordinance to permit, control, or regulate the operation of vehicles and Golf Carts on Sidewalks or Sidewalk areas if the speed of such vehicles is restricted to a maximum of fifteen (15) miles per hour in such areas; and

WHEREAS, a determination by the Board of County Commissioners that Golf Carts may safely travel upon or cross a County Road, that a Golf Cart may be operated during the hours between sunset and sunrise, or that Golf Carts may be operated on Sidewalks or Grass Areas adjacent to specific segments of County Roads is a discretionary, planning-level and policy-level determination.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Amendment to the Seminole County Code. Part 3 (Golf Carts) of Chapter 250 (Traffic) of the Seminole County Code is hereby created to read as follows:

PART 3. GOLF CARTS

ARTICLE I. DEFINITIONS

Sec. 250.231. Definitions. The following definitions apply to this Part 3:

Affected Area. The area that extends at least one block beyond all sides of the County Road or Sidewalk that is the subject of the Request to be designated as a Designated County Facility. In some instances, the designation of a County Road or Sidewalk will create impacts beyond the one block perimeter, and in such cases, the County Engineer has the authority to extend notification beyond that boundary. If the County Road or Sidewalk proposed for designation as a Designated County Facility is located within an existing subdivision, the entire subdivision should be considered the Affected Area, if practicable.

Authorized Emergency Vehicle. A Golf Cart of any fire department, police or sheriff vehicles, and such ambulances and emergency vehicles of County or municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Board. The Board of County Commissioners of Seminole County, Florida.

County. Seminole County, Florida.

County Engineer. That County official designated or recognized to be performing as the Professional Engineer of the County.

County Road. Land in which the County owns the property in fee simple, or has a right-of-way or easement devoted to or restricted for use as a transportation facility for the public use; a

road or street opened to travel by the public that is not maintained or owned by a community development district, special district, or a private entity.

Designated County Facility. A County Road or Sidewalk, or a portion of them, which, consistent with this Section 34.30, has received approval from the County for the use of Golf Carts.

Golf Cart. 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 the speed of twenty (20) miles per hour.

Operator. A person operating a Golf Cart within Seminole County.

Request. A written Request for a County Road or Sidewalk to be designated as a Designated County Facility.

Requestor. A person or entity who is requesting that a County Road or Sidewalk be designated as a Designated County Facility. A Request for designation of a County Road or Sidewalk located within a subdivision with a homeowners' association must be submitted by a properly authorized representative of that homeowners' association.

Sidewalk. The portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

ARTICLE II. MARKHAM WOODS ROAD SIDEWALK GOLF CART ORDINANCE

Sec. 250.232. Designated County Facility. The five (5) foot Sidewalk located on the west side of Markham Woods Road from Alaqua Drive north to Timberbrook Drive is hereby approved as a Designated County Facility for the use of Golf Carts.

Sec. 250.233. Licensed Drivers. All Golf Cart Operators on this Designated County Facility must possess a valid driver license.

Sec. 250.234. Markham Woods Road Crossing. A Golf Cart crossing of Markham Woods Road is allowed at the intersection with Bridgewater Drive. Signage will be provided informing drivers of the Golf Cart crossing along with appropriate pavement markings.

Sec. 250.235. Speed Limit. Golf Carts operating on this Designated County Facility are restricted to a maximum speed of fifteen (15) miles per hour.

Sec. 250.236. Golf Cart Operation and Equipment.

(a) The operation of a Golf Cart upon any County Facility is prohibited, except upon a Designated County Facility that has been marked with appropriate signs and pavement markings by the County Engineer.

(b) Golf Carts operating within Seminole County must meet minimum equipment standards, as set forth in controlling law, including efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(c) All traffic control signs, signals, pavement markings, and controlling law for such crossings must be obeyed while crossing at intersections and it is prohibited and unlawful to fail to obey such signs, signals, pavement markings, and laws.

(d) Golf Carts operating on a Sidewalk must be equipped with a horn or other warning device as specified in Section 316.271, Florida Statutes (2019), as this statute may be amended from time to time.

(e) Consistent with Section 316.613, Florida Statutes (2019), as this statute may be amended from time to time, children aged five (5) years and younger must be restrained in a properly attached and separate federally approved child restraint device. For children aged four (4) through five (5) years, a properly attached child booster seat may be used. Additionally, for children aged four (4) through five (5) years, a safety belt may be used in lieu of the child restraint

device if the child is being transported gratuitously by an Operator who is not a member of the child's immediate family; is being transported in a medical emergency situation involving the child; or has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

(f) No Golf Cart may be operated in a reckless or careless manner upon any Designated County Facility.

(g) A Golf Cart may be operated on a Designated County Facility only between sunrise and sunset, unless the County has determined that Golf Carts may be operated between sunset and sunrise on the particular Designated County Facility, in which case, the Golf Cart must be equipped with headlights, brake lights, turn signals, and a windshield.

(h) Any person operating a Golf Cart upon a Sidewalk must yield the right-of-way, slowing down or stopping, if necessary, to a pedestrian or bicycle upon the Designated Area.

(i) In addition to the above provisions, Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, applies as set forth in the provisions of this statute.

Sec. 250.237 Penalties and Enforcement.

(a) Violations of this Chapter 250, Part 3, Article II of the Seminole County Code concerning golf carts on the sidewalk along Markham Woods Road constitute a non-criminal infraction enforceable pursuant to the provisions of Section 316.212(9), Florida Statutes (2019), as this statute may be amended from time to time. The use of a Golf Cart on this Designated County Facility resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are enforceable according to Chapters 316 and 318, Florida Statutes (2019), as these statutes may be amended from time to time. All other Seminole County ordinances pertaining to the use of motor vehicles are also applicable to the

operation of Golf Carts on this Designated County Facility. Seminole County may enforce the provisions of this Code in any way authorized in accordance with controlling law and may seek any legal remedy as may be authorized by controlling law.

(b) The enforcement provisions of this Section are supplemental in nature and are not intended to prohibit the County from seeking any remedy available at law or equity.

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

Section 4. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 5. Effective date. This Ordinance will take effect thirty (30) days after the filing of a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

14 day of January, 2020.

ATTEST:

[Handwritten signature of Grant Maloy]
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104135

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

[Handwritten signature of Jay Zembower]
JAY ZEMBOWER, Chairman

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