

ORDINANCE NO. 2016-2076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, CREATING ARTICLE IX, GOLF CARTS AND SECTIONS 9.0 THROUGH 9.12; PROVIDING FOR THE OPERATION OF GOLF CARTS UPON DESIGNATED CITY STREETS; PROVIDING FOR MANDATORY EQUIPMENT REQUIREMENT; PROVIDING FOR RESTRICTIONS RELATING TO THE OPERATION OF GOLF CARTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council has legislatively determined that the operation of golf carts pursuant to 316.212 Florida Statutes, may safely be operated on certain designated streets within the City, and specifically finds that golf carts may safely travel on or across the public roads or streets designated by this Ordinance.

WHEREAS, the City Council further finds that it has considered the factors regarding the public safety of such golf cart operation including the speed, volume and character of the motor vehicle traffic using the designated streets and has, therefore, determined that golf carts may be safely operated on said designated streets, and that appropriate signage shall be placed within the City to indicate that such operation is permitted; and

WHEREAS, the crossing of state or county roads shall be prohibited without the permission of the appropriate governmental authorities; and

WHEREAS, golf carts may be operated on City streets only during the hours from sunset and sunrise, if such golf carts are equipped with headlights, brake lights, turn signals, a windshield and other features as required by this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Section 1.

That the Code of Ordinances of the City of New Port Richey, Florida is amended to create Article IX , Golf Carts, consisting of section 9.0 to 9.12 inclusive, to read as follows:

Section 9.0 Definitions.

- a. Certified Mechanic shall mean the holder of an active Automotive Service Excellence (“ASE”) certifications including, but not limited to, electrical, brakes and suspension.
- b. Designated Streets shall mean the streets within the City of New Port Richey authorized for golf cart use.
- c. Golf Cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, as defined in Chapter 320.01(22) Florida Statutes.

- d. Operator shall mean any person who has a valid driver's license.
- e. Permit shall mean an official authorization from the City designating that the golf cart to which the authorization is affixed meets the requirements of this ordinance.
- f. Registered Motor Vehicle Repair Shop shall mean a motor vehicle repair shop, as defined in Section 559.903, Florida Statutes, which hold an active registration with the State of Florida Department of Agriculture and Consumer Services pursuant to Section 559.904, Florida Statutes.
- g. Safety/Seat Belt(s) shall mean a belt assembly that meets the requirements established under Florida Statute 316.614.

Section 9.1 Use of Golf Carts upon designated city streets.

It shall be lawful for a person holding and in possession of a valid driver's license to operate a golf cart, as defined by Section 320.01(22), Florida Statute, upon certain designated roadways east of U.S. 19 and within the boundaries of the City of New Port Richey, Florida. See Exhibit "A". No such golf cart shall be operated on any other portion of the right-of-way of city, county, or state roads except the paved portion of the right-of-way of said street, and there shall be no operation of golf carts on sidewalks, within City parks or other portions of City lands, right-of-ways or City streets except as specifically designated herein.

All use of golf carts on designated City streets shall be in strict accordance with Florida Statute 316.212 or any amendments thereto and/or any other provisions of Florida Statutes regulating the use of golf carts on public streets. All persons operating a golf cart on City streets must comply with all other applicable traffic laws. Nothing herein shall relieve the operator of a golf cart from compliance with all laws and ordinances otherwise pertaining to the operation of a vehicle.

Section 9.2 Crossing State and County Roads.

Nothing herein shall be deemed to authorize the operation of a golf cart on a state or county road or right-of-way or to allow the crossing of a state or county road other than at such crossing(s) and in such location(s) as may be permitted and specified by the State of Florida, or administrative agency thereof, or by Pasco County.

Section 9.3 Licensed Use; Revocable.

The operation of a golf cart on designated City streets shall be deemed to be a licensed use of those streets and to be revocable upon the discretion of the City Council in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use.

The issuance of a license or other permission for the operation of golf carts on City streets shall not limit or otherwise preclude the City Council from the amendment of this Article, revocation of this Article, contracting or expanding the streets on which golf carts can be operated, or any designated crossing points which may be designated by the State or County.

All persons operating golf carts on City streets under this license from the City of New Port Richey shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed golf cart operation on such streets or any monetary claim therefore based on a claim for action in reliance of the provisions of this Article. The City Council retains the unlimited legal authority to revoke, amend or otherwise legislate as to the operation of golf carts on City streets without liability of any kind arising from its legislative decisions.

Section 9.4 Waiver of Claim.

Any person operating a golf cart enjoying a license for such purpose and all persons who are passengers in such golf cart shall be deemed to have waived any claim against the City for its legislative decision to allow the operation of such golf carts on designated City streets in compliance with this Article, and this Article is declared by the City Council to be a legislative act of the City pursuant to the authority granted by state statute.

Section 9.5 Parking.

Golf carts operated on designated City streets, when parked in public parking spaces, such golf carts shall be parked in a manner within such space to allow for another golf cart to park side by side or in another fashion that allows either golf cart to leave the space when desired. It shall be the obligation of each golf cart operator to park the golf cart in a manner that will allow the use of the public parking space by another golf cart. This section shall be applicable to such areas as are specifically designated for vehicle parking use either on City streets or off the right-of-way of City streets, in parking lots owned and controlled by the City, or in such other areas as are designated by signage or ground marking for such usage, and on public lands specifically allowing such use. Identified handicapped parking spaces may be used by golf carts complying with the law for use of these spaces by vehicles. Golf carts are not permitted to be parked on any grass area.

Section 9.6 Driver's License.

All persons operating a golf cart on a designated City street shall be at least 16 years of age and be in possession of a valid driver license. It shall be unlawful for a golf cart to be operated on any designated City street by any person who is not in possession of a valid driver license. No person may operate a golf cart on City streets who has a suspended or revoked driver license, per Florida Statute 322, et seq.

Section 9.7 Registration of Golf Carts.

All golf carts operating on City streets, prior to such operation, shall be registered with the City of New Port Richey Police Department on an annual basis by such person and in such manner as is administratively determined by the City Manager. The registration process shall include the payment of an annual registration fee in the amount of Twenty-Five Dollars (\$25.00).

An inspection to verify road worthiness, and the presence of required equipment shall be conducted by a Certified Mechanic or Registered Motor Vehicle Repair Shop, as a condition of

registration and operation of a golf cart on City designated streets. A report of such annual inspection shall be made on a form provided by the City and shall be submitted to the City Police Department upon completion of the annual inspection. Decals reflecting a valid registration must be visibly affixed to each registered golf cart on the back driver's side of said golf cart in a location that is easily visible to law enforcement personnel. Such registration decal must be current at all times the golf cart is operated on City streets. No registration is required for golf carts which are not operated on City streets.

All registrations must be renewed annually during January. Owner's re-registering after January 31st of each year will be considered expired until they re-register and shall not be permitted to operate a golf cart on designated City streets.

Driving a golf cart without a current registration:

- a. First offense, \$50.00;
- b. Second offense, \$100.00; and
- c. Third offense, \$150.00, plus registration revoked for one (1) year.

Section 9.8 Required Equipment.

All golf carts operated on designated City streets must be equipped with functioning: brakes, turn signals, brake lights, safety belts, reliable steering, horn (meeting the standards of Chapter 316.271, Florida Statutes), safe tires, and rearview mirror. Red reflectorized warning devices shall be affixed in both the front and rear of such golf cart, at all times the golf cart is operated on designated City streets. All golf carts operated between sunset and sunrise on designated City streets shall also be properly equipped with functioning: headlights and a windshield.

Section 9.9 Designated Streets.

The City streets within the borders delineated on the Exhibit "A" attached hereto and labeled, "New Port Richey Golf Cart Boundary" are designated City streets on which golf carts may be operated, and only in those designated areas. It shall be unlawful for a golf cart to cross a state or county road.

Section 9.10 Area of Legal Operation.

The portion of jurisdictional boundaries of New Port Richey east of U.S. 19 is the only areas in which a golf cart may be lawfully operated.

Operation of golf carts on the following roadways is prohibited:

- a. Main Street, with the exception of Main St. from Bank St. to River Rd.;
- b. Congress St.;
- c. Madison St.;

- d. Grand Blvd., with the exception of Grand Blvd. from Gulf Dr. to Louisiana Ave.
- e. Massachusetts Ave.;
- f. Marine Parkway from U.S. 19 to Grand Blvd.;
- g. Louisiana Ave. from Madison to Congress;
- h. Indiana Ave. from Madison to Congress; and
- i. Trouble Creek.

Crossing of streets shall be at a 90 degree angle and only at cross streets.

Section 9.11 Number of Occupants, Speed, Required Insurance and Miscellaneous.

(a) The number of occupants in any golf cart being operated on the designated City streets of the City of New Port Richey shall be restricted to the number of seats on the golf cart, not exceeding the number of persons for which the golf cart was designed and which is consistent with the number of seats provided by the golf cart manufacture. Occupants under five (5) years of age are not permitted. All occupants shall be restrained by a safety belt, appropriately adjusted which is fastened at all times when the golf cart is in motion.

(b) It shall be unlawful for any occupant of a golf cart to stand at any time while the golf cart is in motion.

(c) All golf carts permitted to travel on designated City streets within the City of New Port Richey shall have a maximum attainable speed of twenty miles per hour (20 m.p.h.).

(d) It is unlawful for a person to drive a golf cart at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. It is the duty of the operator of a golf cart to leave the paved surface of a designated street to allow other motor vehicles to proceed at a lawful speed on such street as an exception to Section 9.1 and subparagraph (e) below.

(e) It is unlawful for a golf cart to be operated on City sidewalks, rights-of-way and other location on which a motor vehicle cannot be operated, and as proscribed by state statute or City ordinance, except for compliance with subparagraph (d) above.

(f) It shall be unlawful for any golf cart to be operated on the designated streets of the City unless and until the owner(s) thereof has purchased liability insurance insuring against personal injury and damage to property relative to the operation of golf carts on said designated City streets. The said insurance must be in full force and effect at all times the golf cart is operated on designated City streets. Proof of insurance must be presented to the City upon registration and licensing of the golf carts to operate on designated City streets, and to a law enforcement officer or Code Enforcement Officer upon request.

Section 9.12 Enforcement.

A violation of this Article is enforceable as a violation of City Code as a Class IV violation, or as a noncriminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as either a moving violation or nonmoving violation. The provisions of this Article may be enforced by law enforcement officers and as to such matters not requiring action only by a law enforcement officer, by both City Code Enforcement Officers and/or law enforcement officers.

Failure to pay a citation shall result in revocation of the license to operate a golf cart on City streets. In addition, other avenues for the enforcement of violations of this ordinance may be enforced by New Port Richey Code Enforcement and/or Police Department, as their jurisdiction and legal authority allows.

Section 2. Severability.

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

Section 3. Inclusion in the Code.

It is the intention of the City of New Port Richey City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of New Port Richey Code of Ordinances; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Effective Date.

This Ordinance shall have an effective date of May 1, 2016.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 5th day of April, 2016 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2016.

ATTEST:

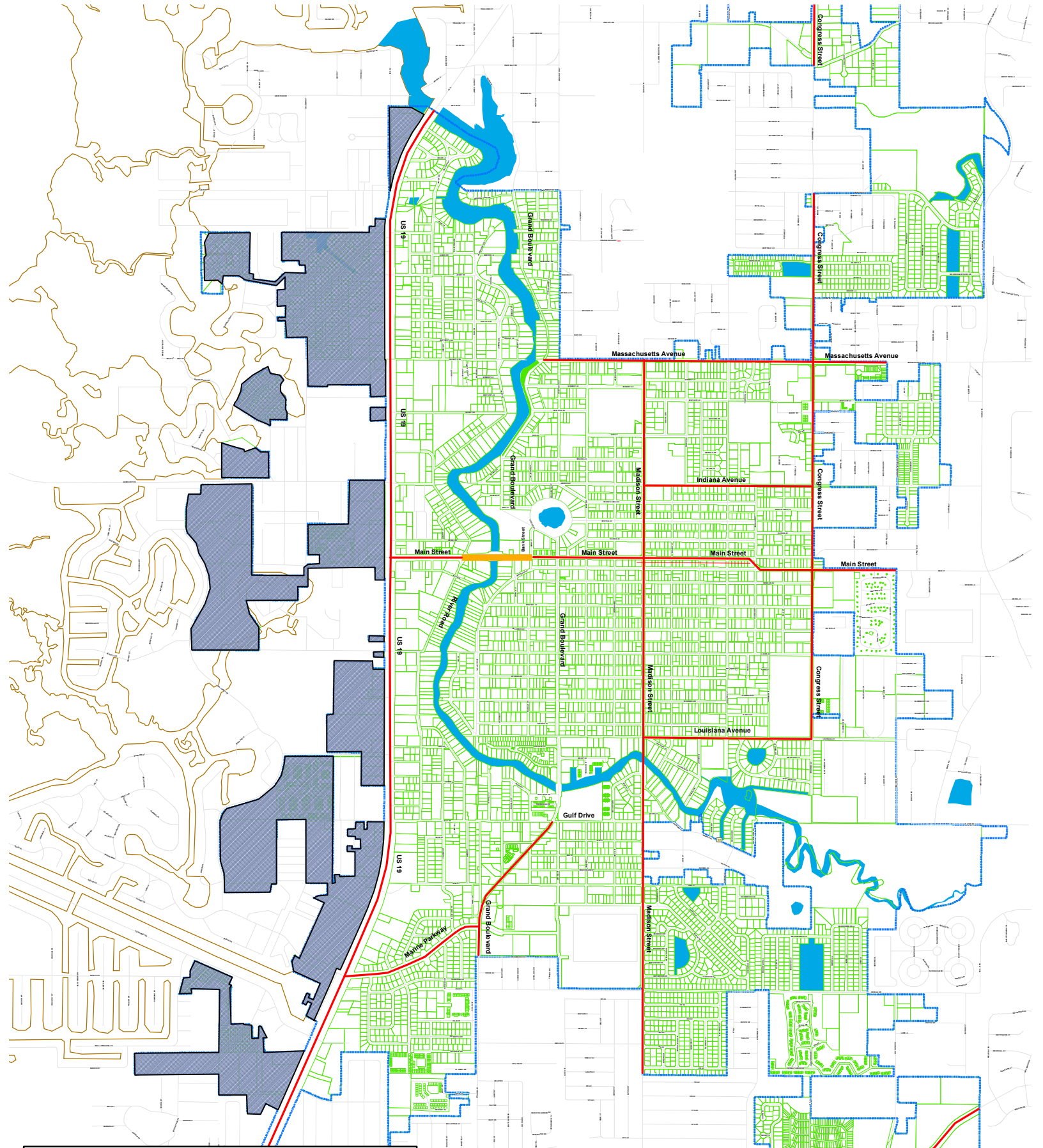
By: _____
Doreen M. Summers CAP-OM, CMC
City Clerk

By: _____
Robert Marlowe
Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

City Attorney, Joseph A. Poblick



Legend:

-  Prohibited Use Area
-  Prohibited Roadways
-  Permitted River Crossing

Prepared by:
Development Department
3/22/16

Ordinance #2016 - 2076

Exhibit "A" - Golf Cart Use Boundaries

(This Map Displayed in Color)