

Ordinance for Golf Cart Operation on Certain Roadways

Executive Summary:

Public Hearing for Board consideration to adopt an ordinance to delegate authority to the County Engineer to permit golf cart operation on roadways within defined standards and to regulate operation of golf carts on county roadways. Florida law permits golf cart operation on county roadways if the county determines that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. If they can be safely operated; signs shall be posted accordingly. One of the functions of the County Engineer is to ensure safe and efficient travel of the motoring public; as such, it is recommended that the County Engineer determines which roadways golf cart operation should be permitted and to establish regulations for golf cart operation on County roadways via ordinance.

Background:

On September 13, 2016, the BoCC authorized advertisement of an ordinance to delegate authority to the County Engineer to permit golf cart operation on roadways within defined standards and to regulate operation of golf carts on county roadways with more requirements than Florida Statutes.

Chapter 316.212 of the Florida Statutes permits the county to allow golf cart operation on roadways after the county determines that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. If they can be safely operated; signs shall be posted accordingly. If golf cart operation is permitted, they can only be operated during daylight hours, must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear and operated by any person 14 or older. Also the County may enact an ordinance with more restrictive requirements, however, per the attached Attorney General's Opinion, the County cannot require a driver's license to operate a golf cart. The county may also allow operation at night if the golf cart is equipped with headlights, brake lights, turn signals, and a windshield or on sidewalks upon adopting an ordinance. The proposed ordinance permits night time operation, restricting operation times based on age as follows:

- Daytime: All licensed drivers and any operator over the age of 15;
- Nighttime: 16 year olds until 11 pm and 17 year olds until 1 am unless accompanied by person 21 yrs or older.

The proposed ordinance does not permit golf cart operation on sidewalks, paths and trails.

The function of the county engineer is to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the most efficient operation of traffic on the streets and highways of this county, therefore the County Commission delegated authority to the County Engineer to place traffic control devices in Chapter 51 - Section III of the Alachua County Code. The proposed ordinance includes a similar delegation for to the County Engineer to determine which roadways golf carts operations should be permitted. The proposed ordinance permits the County Engineer to approve golf cart operation on two-lane streets in municipal limits with a posted speed of 35 MPH or below or any street in the unincorporated area with a posted speed of 35 MPH or below. New roadways permitted for golf cart operation or removal of operation would be reported to the BoCC quarterly. ACSO would be notified on all postings and removals.

Golf cart operation was permitted in Town of Tioga in November 2013. Staff received a request in April to allow golf carts on the streets within Haile Plantation. The community was having issues with children operating golf carts and requested assistance from law enforcement; law enforcement was then required to cite all users.

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2 ALACHUA COUNTY
3 BOARD OF COUNTY COMMISSIONERS
4

5 **ORDINANCE 16-**
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8 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
9 ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE
10 OF ORDINANCES CHAPTER 51, VEHICLES AND TRAFFIC, INCLUDING
11 AMENDMENTS TO ARTICLE III AUTHORITY TO PLACE, MODIFY AND
12 REMOVE TRAFFIC CONTROL DEVICES AND ADDING ARTICLE IV GOLF
13 CART OPERATIONS ON COUNTY ROADWAYS; RELATING TO THE
14 REGULATION OF THE OPERATION OF GOLF CARTS ON COUNTY
15 ROADWAYS IN THE UNINCORPORATED AREA OF ALACHUA COUNTY,
16 FLORIDA; PROVIDING A REPEALING CLAUSE, SEVERABILITY, INCLUSION
17 IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS, LIBERAL
18 CONSTRUCTION, AND EFFECTIVE DATE.
19

20 WHEREAS, the State of Florida has enacted Sec. 316.212, Fla. Stat., authorizing the
21 operation of golf carts on certain roadways; and

22 WHEREAS, Sec. 316.212(1), Fla. Stat., allows that a golf cart may only be operated on a
23 county road if it has been first designated by a county as a golf cart road; and

24 WHEREAS, Sec. 316.212(8), Fla. Stat., allows a local government entity to enact an
25 ordinance relating to golf cart operation and equipment which is more restrictive than those
26 enumerated in Sec. 316.212; and

27 WHEREAS, Alachua County finds it necessary and in the public interest to enact an
28 ordinance as provided for in Sec. 316.212(8), Fla. Stat.; and

1 WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to
2 make amendments to the Alachua County Code of Ordinances Part II, ADMINISTRATIVE
3 CODE, TITLE 5 TRANSPORTATION, CHAPTER 51 VEHICLES AND TRAFFIC by adding
4 ARTICLE IV GOLF CART OPERATION; and

5 WHEREAS, a duly noticed public hearing was conducted on such proposed amendments
6 on November 8th , 2016 by the Board of County Commissioners, with the hearing being held
7 after 5:00 o'clock p.m.;

8 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 ALACHUA COUNTY, FLORIDA:

10 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
11 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
12 this ordinance are true and correct.

13 Section 2. Administrative Code. The Administrative Code of the Alachua County Code
14 of Ordinances Part II, Title 5, Chapt. 51 is hereby amended:

15
16 ARTICLE III. – AUTHORITY TO PLACE, MODIFY AND REMOVE TRAFFIC CONTROL
17 DEVICES

18 Sec. 51.52 - Limited delegation of authority to place, modify and remove traffic control devices.

19 (w). To designate roadways for golf cart operation in accordance with Article IV of this
20 section and place traffic control devices to give notice thereof.

21

22 ARTICLE IV: GOLF CART OPERATIONS ON COUNTY ROADWAYS

1 Sec. 51.59 – Definitions.

2 The words and phrases in this Article shall have the meanings ascribed to them in F.S. ch.
3 316, as it may be from time to time amended, except where the context otherwise requires.

4 Sec. 51.60. – Liability.

5 Any officer or employee charged with the enforcement of this Article, acting for the
6 applicable governing body in the discharge of his or her duties, shall not thereby render himself
7 or herself liable personally, and he or she is hereby relieved from all personal liability for any
8 damage that may accrue to persons or property as a result of any act required or permitted in the
9 discharge of his or her duties. Any suit brought against any officer or employee because of such
10 act performed by him in the enforcement of any provision of this Article shall be defended by the
11 county or its representatives until the final termination of the proceedings.

12 Sec. 51.61 – Function of the county engineer and standards for designating county roadways for
13 operation of golf carts

14 It shall be the function of the county engineer to determine which county roadways are
15 designated for use by golf carts consistent with Sec 51.52. In determining which county roads or
16 streets are designated for golf cart use, the county engineer shall first determine that golf carts
17 may safely travel on or cross the public roads or streets, considering factors including the speed,
18 volume, and character of motor vehicle traffic using the roads or streets. . The County Engineer
19 shall only approve golf cart operations with a posted speed of 35 MPH or less. Golf cart
20 operations shall not be permitted on public sidewalks, paths and trails.

21 Sec 51.62 – Equipment and minimum standards

1 A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires,
2 a rearview mirror and red reflectorized warning devices in both the front and rear. Golf carts that
3 are operated between the hours of sunset and sunrise must be equipped headlights, brake lights,
4 turn signals and a windshield.

5 51.63 – Hours of operation

6 Golf carts meeting the equipment standards established in Sec 51.62 for operation
7 between the hours of sunset and sunrise may be operated after sunset according to the following
8 driver requirements:

9 Golf carts operated between sunset to 11 PM shall be driven by a person at least 16 years
10 of age with a valid government issued picture ID.

11 Golf carts operated between 11 PM and 1 AM shall be driven by a person at least 17
12 years of age with a valid government issued picture ID.

13 Golf carts operated between 1 AM until sunrise shall be driven by a person at least 18
14 years of age with a valid government issued picture ID.

15 51.64 – Compliance with traffic laws

16 Golf carts shall comply with all applicable local and state traffic laws, and may be
17 ticketed for traffic and parking violations in the same manner as a motor vehicle.

18 51.65 Operation

19 Drivers of golf carts must be at least 15 years of age. The number of occupants of a golf
20 cart must be no greater than the number of seats. No person may stand while a golf cart is in
21 motion.

22 51.66 Enforcement

1 The County shall have the authority to enforce the provisions set forth herein and
2 applicable traffic laws. The primary responsibility for the enforcement of this article shall be
3 held by the Alachua County Sheriff's Office.

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5 Section 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
6 are, to the extent of the conflict, hereby repealed.

7 Section 4. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
8 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time
9 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
10 shall become and be made part of the Administrative Code of Alachua County, Florida; that the
11 sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the
12 word "ordinance" may be changed to "section," "article," or other appropriate designation. The
13 correction of typographical errors that do not affect the intent of the ordinance may be authorized
14 by the County Manager or designee, without public hearing, by filing a corrected or re-codified
15 copy of the same with the Clerk of the Circuit Court.

16 Section 5. Modification. It is the intent of the Board of County Commissioners that the
17 provisions of this ordinance may be modified as a result of considerations that may arise during
18 public hearings. Such modifications shall be incorporated into the final version of the ordinance
19 adopted by the Board and filed by the Clerk to the Board.

20 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
21 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
22 affect public health, safety, or welfare.

Select Year:

The 2016 Florida Statutes

[Title XXIII](#)
MOTOR VEHICLES

[Chapter 316](#)
STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.212 **Operation of golf carts on certain roadways.**—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. [335.0415](#) if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) Notwithstanding any other provision of this section, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply

only to residents or guests of the mobile home park. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or electric vehicles within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) Notwithstanding any other provision of this section, if authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System if the posted speed limit is 35 miles per hour or less.

(5) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(7) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(8) A local governmental entity may enact an ordinance relating to:

(a) Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(b) Golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:

1. The local governmental entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;

2. The local governmental entity consults with the Department of Transportation before adopting the ordinance;

3. The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to state highways only if the sidewalks are at least 8 feet wide;

4. The ordinance requires the golf carts to meet the equipment requirements in subsection (6). However, the ordinance may require additional equipment, including horns or other warning devices required by s. [316.271](#); and

5. The local governmental entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.

(9) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(5) or a local ordinance corresponding thereto and enacted pursuant to subsection (8), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6), subsection (7), or a local ordinance corresponding thereto and enacted pursuant to subsection (8).

History.—s. 2, ch. 83-188; s. 1, ch. 84-111; s. 2, ch. 88-253; s. 322, ch. 95-148; s. 4, ch. 96-413; s. 168, ch. 99-248; s. 7, ch. 2000-313; s. 6, ch. 2005-164; s. 3, ch. 2008-98; s. 46, ch. 2010-223; s. 2, ch. 2015-163.