FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 10, 2016

Honorable J. K. "Buddy" Irby
Clerk of the Circuit Court
Alachua County
201 East University Avenue
Post Office Box 939
Gainesville, Florida 32602

Attention: Bob Decker, Deputy Clerk

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Alachua County Ordinance No. 16-21, which was filed in this office on November 10, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 16- 21

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE IV: GOLF CART OPERATIONS ON COUNTY ROADWAYS

Sec. 51.59 – Definitions.

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

Sec. 51.60. – Liability.

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

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

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

Sec 51.62 – Equipment and minimum standards

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. Golf carts that are operated between the hours of sunset and sunrise must be equipped headlights, brake lights, turn signals and a windshield.

51.63 – Hours of operation

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

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

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

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

51.64 – Compliance with traffic laws

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

51.65 Operation

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

51.66 Enforcement

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

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

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

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

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

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this 8th day of November, A.D., 2016.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

_____
J. K. Irby, Clerk

APPROVED AS TO FORM

_____ for MCL
Michele Lieberman, Attorney

(SEAL)