

ORDINANCE NO. 1737

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, PERTAINING TO THE USE OF GOLF CARTS UPON DESIGNATED ROADS WITHIN THE CITY OF OVIEDO SUBJECT TO SPECIFIED RESTRICTIONS AND THE PROVISIONS OF STATE LAW; PROVIDING FOR LEGISLATIVE PURPOSES, FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE DESIGNATION AND PROHIBITION OF ROADS AND THE POTENTIAL ADDITION OF ROADS; PROVIDING FOR AUTHORIZED MEANS OF USE AND PROHIBITED AND UNLAWFUL MEANS OF USE; PROVIDING FOR SIGNAGE ONLY AS MAY BE REQUIRED BY STATE LAW; PROVIDING FOR ENFORCEMENT, PENALTIES AND COLLECTIONS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), *Florida Statutes*, permits municipalities to allow golf carts to be operated on municipal roads provided that they first determine that such carts may safely travel on or cross such public roads or streets upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, Section 316.212(5), *Florida Statutes*, states that golf carts may only operate on such public roads or streets during the hours between official sunrise and official sunset, unless the governmental agency specifically determines that such golf carts may also operate during the hours between official sunset and official sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

WHEREAS, Section 316.212(8), *Florida Statutes*, allows municipalities to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in the State Statutes as long as appropriate signs are installed as may be specifically required in accordance with the specific requirements of controlling law or the residents are otherwise informed that the regulation of golf cart operation in the designated area will be in accordance with a stricter local ordinance; and

WHEREAS, the City of Oviedo Police Department has conducted a study, has evaluated the actions of other local governments and has determined that golf carts may safely travel on or cross certain City roads or streets, considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads or streets; and

WHEREAS, the City Council finds that golf carts are a valid form of transportation and are commonly used as a mode of mobility from place-to-place and for utility purposes; and

WHEREAS, the City Council has evaluated numerous materials developed by other local governments during the course of considering the enactment of this Ordinance; and

WHEREAS, the City Council finds that the use of golf carts is an environmentally friendly mode of transportation; and

WHEREAS, the City Council finds that golf carts generally operate at low speeds and are generally operated safely when driven properly and fitted with properly installed safety equipment; and

WHEREAS, the City Council finds that the City of Oviedo is a community that is well suited and will be benefitted by the appropriate use of golf carts for the purpose of transportation within appropriate areas of the City; and

WHEREAS, the City Council has determined that golf carts may safely be operated on certain City of Oviedo roads and streets as set forth in this Ordinance; and

WHEREAS, the City Council believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens; and

WHEREAS, Section 166.021 (1) Florida Statutes, details the home rule powers of Florida cities and provides that "[a]s provided in S. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law "; and

WHEREAS, this Ordinance implements and is enacted under the home rule powers vested in Florida cities by the Constitution of the State of Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative purposes, findings and intent. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. It is the purpose and intent of this Ordinance to permit and regulate the operation of golf carts on designated public roadways located within the City Limits of the City of Oviedo and the City Council has studied and evaluated the use of golf carts in other local governments throughout the State of Florida.

B. It is also the purpose of this Ordinance to (1) provide for the orderly operation of golf carts on designated City of Oviedo roads and streets; and (2) set standards for the operation of golf carts.

C. The regulations that are set forth in this Ordinance relating to the regulation of golf carts are, to some extent, more restrictive than those set forth in Section 316.212, *Florida Statutes*, in order to protect the public health, safety and welfare of the citizens of the City of Oviedo in such manner as the City Council of the City of Oviedo has determined to be appropriate for the needs of the City.

D. The provisions of this Ordinance shall not be construed or interpreted to authorize any use of the City of Oviedo's rights-of-way, roads or streets of the City that is not authorized by controlling law such as, by way of example only, the operation of all-terrain vehicles or ROVs as defined by Section 317.0003(9), *Florida Statutes*¹.

E. The City of Oviedo staff report and City Council agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.

F. The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance including, but not limited to, the evaluation of the safety of roads.

G. The foregoing recitals (whereas clauses) to this Ordinance are hereby adopted as the legislative findings of the City Council of the City of Oviedo and incorporated into this Ordinance as if set forth *in haec verba*.

SECTION 2. Definitions. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. The following terms shall have the following meanings in the application and enforcement of this Ordinance:

1. The term *all-terrain vehicles or off-highway vehicle* shall have the meanings set forth in the definitions as stated in Section 317.0003 (1), *Florida Statutes*; Section 317.0003 (10), *Florida Statutes*; and Section 317.0003 (6), *Florida Statutes*.

2. The term *bicycle path* means that part of any road or street that has been designated or physically separated from the area used by motor vehicles by striping, signing or pavement markings for the preferential and exclusive use of bicyclists.

3. The term *designated City Street or road* means the paved area of an improved street or road which has been determined by the City Council as a street or road on which golf carts may be operated under the provisions of this Ordinance.

4. The term *golf cart* shall have the meaning set forth in the definition as stated in Section 320.01(22), *Florida Statutes*². Golf carts operating within the City of Oviedo shall meet minimum equipment standards as set forth in controlling law and shall not be

¹ The term is defined as follows:

“ROV” means any motorized recreational off-highway vehicle 65 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in ss. 316.003 and 320.01 or a low-speed vehicle as defined in s. 320.01.

² The term is defined as follows:

“Golf cart” means 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 speeds of 20 miles per hour. [F.S. §320.01(22)]

modified to have increased power, wheelbase or tire modifications from a standard manufactured gas or electric golf cart.

5. The term *operator* means the person registering a golf cart with the City of Oviedo for use within the City or any person who is using a golf cart within the City.

B. The definitions set forth in Section 334.03, *Florida Statutes*, are incorporated herein by this reference thereto and shall be applicable to the extent applicable in the context of the provisions of this Ordinance.

SECTION 3. Authorized use of golf carts on city roads and streets. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. Golf carts may be operated on all City roads and streets in accordance with Section 316.212, *Florida Statutes*, but only as implemented and permitted by the provisions of this Ordinance.

B. In addition to the requirements of Section 316.212, *Florida Statutes*, which is applicable to the operation of golf carts on designated roads and streets in the City, the following restrictions shall also apply:

1. Golf carts may only be operated on public roadways within the city limits of the City of Oviedo where the posted speed limit is thirty (30) miles per hour or less unless specifically prohibited hereinbelow. The City shall provide appropriate signage to indicate that such operation is allowed.

2. Golf carts shall not be operated on any roadway where the designated speed limit is greater than thirty (30) miles per hour, or on any state or county roadway, except to cross at intersections equipped with operational traffic signals ("signalized intersection") for the purpose of immediately reaching the next designated roadway.

3. Except as provided in Section 3(B)(2) above, golf carts may not be operated at any time on the following designated streets or roadways:

- a. Alafaya Trail also known as SR 434;
- b. Central Avenue, N and S, also known as SR 434;
- c. Aloma Avenue also known as SR 426;
- d. Broadway Street, W, also known as SR 426;
- e. Broadway Street, E, also known as CR 419;
- f. CR 419, east of Lockwood Boulevard;
- g. Chapman Road, W;
- h. Oviedo Mall Boulevard;

- i. Lockwood Boulevard; and
- j. Mitchell Hammock Road, E and W.

The City Council may, by Resolution adopted at any time, designate any other roadway or roadways on which the operation of a golf cart is prohibited.

4. Golf carts shall not be operated on private property, unless authorized by the property owner, or on sidewalks, bicycle paths, swales, or trails.

5. All traffic control signs, signals and controlling law for crossings must be adhered to and all golf cart crossings shall be made at the intersection of two (2) City roadways or as further provided in this paragraph 5. Golf carts may cross a State or County Road only at a signalized intersection and only if the golf cart remains on a City roadway with a speed limit of thirty (30) miles per hour or less. While crossing at such intersections, golf carts must obey and adhere to all applicable laws, ordinances and rules of the road, including traffic signalization.

6. Golf carts operating subject to this ordinance may only be operated on designated City roads, shall comply with all applicable local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

7. Golf cart owners are required to purchase and maintain liability insurance insuring against personal injury and property damage. The minimum required insurance shall be the same as for motor vehicles registered in the State of Florida for personal use and as designated by Florida Statutes. Proof of insurance must be possessed at all times by the golf cart operator while operating a golf cart on designated roadways.

8. At all times while operated on the designated roads and streets as required by controlling State law or as may be required by an administrative rule or rules of the City, golf carts shall be equipped with:

- a. Efficient brakes.
- b. Reliable steering apparatus.
- c. Safe tires.
- d. A rearview mirror.
- e. Vehicle horn.
- f. Red reflectorized warning devices on both the front and rear of the golf cart.
- g. A windshield.
- h. Turn signals.
- i. Taillights.

j. Headlights.

k. Seatbelts.

9. The number of occupants in any golf cart operated on City roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion.

10. Consistent with Section 316.613, *Florida Statutes*, children aged through three (3) years shall be restrained in a properly attached and separate Federally approved child restraint device and children aged four (4) and five (5) years shall be restrained with a seat belt. This provision shall be construed in accordance with the provisions of Section 316.613, *Florida Statutes*.

11. A golf cart may only be operated on public roads or streets by a person having a valid Driver's License or a valid Driver's Learner's Permit. When a golf cart is being driven by a person possessing a Driver's Learner's Permit, the holder of the Driver's Learner's Permit must be accompanied at all times by a driver who:

(a) Holds a valid license to operate the type of motor vehicle being operated; and

(b) Is at least twenty-one (21) years of age; and

(c) Occupies the closest seat to the right of the driver of the golf cart.

12. Animals transported in a golf cart should be transported in a safe and humane manner.

13. Golf carts may only be operated on City roadways between the hours six o'clock am (6:00 am) and midnight.

14. Golf carts operating on designated roadways shall not exceed twenty (20) miles per hour.

15. Golf carts shall be registered prior to use in the City of Oviedo. Annual registration is required on or before January 31 of each year. The City Manager, or designee, shall implement a registration program, and the City Manager is hereby authorized to adopt administrative rules and promulgate forms in order to implement the provisions of this Article. The City shall charge a registration fee in an amount determined by resolution adopted by the City Council as amended from time-to-time. Each golf cart that is registered shall be issued a registration certificate which shall be affixed to the rear of the golf cart which shall be visible at all times. Registration fees shall be paid when a golf cart is first registered with the City and then on an annual basis on or before January 31 of each year and shall not be prorated. Golf carts shall be subject to inspection at any time as reasonably necessary to ensure that they are equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices and, if operated on the designated roads and streets between

official sunset and midnight, operational headlights, brake lights, taillights, turn signals and windshields.

16. The City Manager shall report from time-to-time to the City Council relative to the effectiveness of this Article and the safety of golf cart operations and activities within the City of Oviedo and shall make any recommendations that are deemed appropriate based upon the experiences of the City under the implementation and administration of this Article.

SECTION 4. Authorized use of golf carts within golf cart communities. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. Golf carts that meet the definition set forth in Section 2.A.4. above may be operated within communities recognized by the Oviedo City Council as "golf cart communities" on such streets designated therein for golf cart usage.

B. Each golf cart community shall provide signage regulating the use of golf carts and designating streets or other areas where golf carts may be operated.

C. Speed-modified golf carts or "hybrid" golf carts are not authorized for use on streets within golf cart communities.

SECTION 5. Prohibited and unlawful acts relating to the use of golf carts on city roads and streets. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. It is prohibited and unlawful to engage in any action or inaction in violation of this Ordinance. Each failure to adhere to the requirements of this Ordinance shall be a separate violation.

B. Without limiting the generality of Section 4(a), the following acts are prohibited and unlawful:

1. To operate a golf cart on a road or street not specifically designated by this Ordinance as allowed for the operation of a golf cart or on a street or roadway that City Council has expressly prohibited the operation of a golf cart on by a duly adopted resolution.
2. To cross at an intersection with a golf cart at a location where crossings are prohibited.
3. To operate a golf cart without required equipment.
4. To operate a golf cart with an unauthorized number of occupants.
5. To operate a golf cart without children aged through three (3) years being restrained in a properly attached and separate federally approved child

restraint device or children aged four (4) through five (5) years being restrained with a seat belt.

6. To operate a golf cart without required registration.
7. To operate a golf cart upon a bicycle path, sidewalk, sidewalk area, or other area not designated for motor vehicle use or not designated for golf cart use. Driving or operating a golf cart on the Cross Seminole County Trail is expressly prohibited.
8. To operate a golf cart at an excessive speed or in a reckless manner.
9. To operate a golf cart in a manner that endangers a pedestrian.
10. To operate a golf cart while under the influence of alcohol or drugs (Florida Statutes, §316.193).
11. To operate a privately owned golf cart on a golf course within the City without the express consent or permission of the golf course management.

SECTION 6. Signage relating to golf carts. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. The City Manager, or designee, shall post signs as may be required by controlling law to implement the provisions of this Ordinance, and all signage installed by the City shall be in a form and installed as may be required in accordance with the controlling provisions of law and generally accepted engineering practices and principles as determined by the City; provided, however, that it is not the intent of this Ordinance to require the City to install or maintain any signage that is not required by controlling State law.

B. It shall not be a defense to any enforcement action under the provisions of this Ordinance, in any forum or of any type or nature, that signage was not in place or was not noticed or understood by an operator of a golf cart.

C. The posting or failure to post signage under the provisions of this Ordinance shall not be the basis of any liability of any type or nature against the City or any of its officials, officers or employees.

SECTION 7. Penalties/enforcement/collections. A new section of the *Code of Ordinances of the City of Oviedo, Florida* is created to read as follows:

A. Any person found to be in violation of this Ordinance shall be subject to the fine provisions and code enforcement provisions to the maximum extent authorized by State law and the City of Oviedo may take any enforcement action and seek any legal remedy available under controlling Florida law.

B. Under certain circumstances, it is a violation of State law for a person to refuse to take action at the time a citation is issued, and the City shall enforce those laws and pursue statutory violations in accordance with controlling Florida law.

C. Without in any way limiting the generality of the provisions of Subsections (A) and (B) of this Section, violations of this Ordinance shall constitute a non-criminal infraction enforceable pursuant to the provisions of Section 316.212(9), *Florida Statutes*. The use of a golf cart 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*. All other City Ordinances pertaining to the use of motor vehicles shall also be applicable to the operation of golf carts. The City may enforce the provisions of this Ordinance in any way authorized in accordance with controlling law and may seek any legal remedy as may be authorized by controlling law.

D. The City Manager is hereby authorized to pursue collection activities relative to fines imposed against code violators in such manner, and using such processes, as may be in the best interests of the City and may authorize collection agencies and the City Attorney to pursue collections in a manner consistent with controlling law.

SECTION 8. Implementing administrative actions. The City Manager is hereby authorized and directed to take such actions as may be deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent. The City Manager, or designee, shall implement a registration program, and the City Manager is hereby authorized to adopt administrative rules and promulgate forms in order to implement the provisions of this Ordinance.

SECTION 9. Savings. The prior actions of the City of Oviedo relating to the regulation of motor vehicles and other vehicles within the City of Oviedo are hereby ratified and affirmed.

SECTION 10. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 12. Codification; scrivener's errors.

A. Sections 2, 3, 4, 5, 6, and 7 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Oviedo, Florida*. Sections 1, 8, 9, 10, 11, and 12 shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such

intention, and the word "Ordinance", or similar words, may be changed to "Section", "Article", or other appropriate word. The Code Codifier is granted liberal authority to codify the provisions of this Ordinance.

B. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 13. Effective date.

This Ordinance shall become effective immediately upon enactment.

FIRST READING: August 21, 2023

SECOND READING: September 7, 2023

PASSED AND ADOPTED this ____ day of _____, 2023.

CITY OF OVIEDO, FLORIDA

ATTEST:

By: _____
ELIANNE RIVERA, City Clerk

By: _____
MEGAN SLADEK, MAYOR