

1 Introduced by Council Member Schellenberg and co-sponsored by
2 Council Member Ferraro:

3
4 **ORDINANCE 2018-266**

5 AN ORDINANCE CREATING A NEW PART 15 (GOLF
6 CARTS), CHAPTER 804 (JACKSONVILLE TRAFFIC
7 CODE), *ORDINANCE CODE*, SETTING FORTH STANDARDS
8 AND PROCEDURES FOR APPROVAL AND DESIGNATION OF
9 PUBLIC RIGHTS-OF-WAY FOR USE BY GOLF CARTS;
10 PROVIDING FOR SEVERABILITY; PROVIDING AN
11 EFFECTIVE DATE.

12
13 **BE IT ORDAINED** by the Council of the City of Jacksonville:

14 **Section 1. Creating a New Part 15 (Golf Carts), Chapter**
15 **804, Ordinance Code.** A new Part 15, Chapter 804 (JACKSONVILLE
16 TRAFFIC CODE), *Ordinance Code*, is hereby created to read as
17 follows:

18 **CHAPTER 804. (JACKSONVILLE TRAFFIC CODE)**

19 * * *

20 **Part 15. GOLF CARTS**

21 **Sec. 804.1501. - Findings.**

22 (a) The Council finds that golf carts provide residents an
23 alternative mode of transportation within communities,
24 reducing vehicle emission and gasoline consumption and
25 separate pathways for golf carts and/or low speed vehicle
26 usage within public and private rights-of-way can provide
27 connections between local roads so as to allow travel
28 between residential, retail and workplace areas without
29 the need to use an automobile.

30 (b) As more residents seek alternatives to automobile use the
31 Council finds that having uniform standards for

1 designation of roads and streets for use by golf carts
2 and operations of golf carts is necessary to protect the
3 health, safety and general welfare of the public.

4 (c) Section 316.212, Florida Statutes authorizes local
5 governments to designate public municipal roads and
6 streets for use by golf carts.

7 **Sec. 804.1502. - Definitions.** For purpose of this Section, the
8 following definitions shall apply:

9 (a) "Applicant" means a person or entity who is requesting
10 that a Road be designated as either a Designated Road or
11 a Prohibited Road, or for a sidewalk to be designated as
12 a Multi-Use Path.

13 (b) "Application" means a request for a Road to be designated
14 as either a Designated Road or a Prohibited Road, or for
15 a sidewalk to be designated as a Multi-Use Path.

16 (c) "Authorized Emergency Vehicle" means a Golf Cart or LSV
17 of the Jacksonville Fire and Rescue Division,
18 Jacksonville Sherriff's Office vehicles, and such
19 ambulances and emergency vehicles of other City
20 departments, public service corporations operated by
21 private corporations, the Florida Fish and Wildlife
22 Conservation Commission, the Florida Department of
23 Environmental Protection, the Florida Department of
24 Health, the Florida Department of Transportation, and the
25 Florida Department of Corrections as are designated or
26 authorized.

27 (d) "City" means the City of Jacksonville, Florida.

28 (e) "City Council" mean the City Council for the City of
29 Jacksonville, Florida.

30 (f) "City Traffic Engineer" shall mean that official
31 designated or recognized to be performing as a

1 professional traffic engineer of the City.

2 (g) "Designated Road" means a Road, or portion thereof, that,
3 consistent with this Section, has received approval from
4 the City for the use of Golf Cart.

5 (h) "Golf Cart" is defined as, "A motor vehicle designed and
6 manufactured for operation on a golf course for sporting
7 or recreational purposes and is not capable of exceeding
8 speeds of twenty (20) miles per hour.

9 (i) "Low-Speed Vehicle" or "LSV" means any four-wheeled
10 vehicle whose top speed is greater than twenty (20) miles
11 per hour but not greater than twenty-five (25) miles per
12 hour, including, but not limited to, neighborhood
13 electric vehicles. LSVs must comply with the safety
14 standards in 49 C.F.R. Section 571.500 and section
15 316.2122, Florida Statutes.

16 (j) "Multi-Use Path" means a sidewalk, or portion thereof,
17 that consistent with this Section, has received approval
18 from the City for the use of Golf Carts, LSVs or both, to
19 share the sidewalk with bicycles and pedestrians.

20 (k) "Prohibited Road" means a Road, or portion thereof, on
21 which, consistent with this Section, the City has
22 prohibited the use of Golf Carts.

23 (l) "Road" means land in which the City owns the fee or has a
24 right-of-way or easement devoted to or restricted for use
25 as a transportation facility for the public use; a road
26 or street opened to travel by the public where the
27 roadbed is not maintained or owned by a community
28 development district, special district, or a private
29 entity.

30 (m) "Sidewalk" means that portion of a street between the
31 curblines, or the lateral line of a road and the adjacent

1 property lines which is intended for use by pedestrians.

2 **Sec. 804.1503. - Designation Procedures.** The following
3 procedures shall be utilized in designating any portion of any Road
4 as a Designated Road or Prohibited Road or any portion of a
5 sidewalk as a Multi-Use Path:

6 (a) Upon receipt of an Application, the City Traffic Engineer
7 shall, as may be applicable, conduct a study, review any
8 study provided by the Applicant, or review the proposed
9 construction plans, if the Application has been submitted
10 during development review. The City Traffic Engineer
11 shall review the Application in accordance with best
12 practices within the industry and with local, state and
13 federal design standards and guidelines and shall make a
14 determination of the following as may be applicable:

15 (1) In the case of a proposed Designated Road, whether
16 Golf Carts may travel on or cross the proposed
17 Designated Road, considering factors including the
18 speed, volume, and character of motor vehicle
19 traffic using said road or street, provided that, in
20 no event shall an Application for a proposed
21 Designated County Road be granted unless the posted
22 speed limit is 30 miles per hour or less.

23 (2) In the case of a proposed Prohibited Road, whether
24 it is necessary in the interest of safety to
25 prohibit the operation of LSV on the proposed
26 Prohibited Road.

27 (3) In the case of a proposed Multi-Use Path, after
28 considering the condition and current and/or
29 proposed use of the Sidewalk, the character of the
30 surrounding community and the location of authorized
31 Golf Cart and/or LSV crossing(s), whether Golf

1 Carts, LSVs, bicycles and pedestrians may safely
2 share the sidewalk. Any Multi-Use Path shall have a
3 minimum of fourteen (14) feet of clear width with
4 pavement width of at least twelve (12) feet,
5 measured from the centerline of the clear width. The
6 City Engineer may approve a deviation of both the
7 required clear width and required pavement width
8 based on topographic conditions, but may not
9 approved a proposed Multi-Use Path with less than
10 eight (8) feet of pavement width. Upon completion of
11 the review, the City Engineer shall either deny or
12 grant the Application.

13 (b) In the event the City Engineer denies the Application the
14 City Engineer shall provide the Applicant with written
15 findings of fact in support of the denial. The Applicant
16 may appeal the denial to the City Council by filing a
17 written notice of appeal with the Office of Legislative
18 Services within thirty (30) days after receipt of the
19 written findings of fact.

20 (c) In the event the City Engineer grants the Application,
21 the Applicant shall install, or shall cause to be
22 installed, appropriate signs and/or pavement markings to
23 indicate that such vehicle use is allowed or prohibited,
24 as may be applicable. All signage and pavement markings
25 shall comply with the standards of the *Manual on Uniform*
26 *Traffic Control Devices* issued by the Federal Highway
27 Administration, United States Department of
28 Transportation, and with any permitting requirements for
29 such signs. The Applicant or designee shall pay in full
30 for all costs and expenses associated with the
31 installation of such signage and/or pavement markings.

1 The Applicant or designee shall also be responsible for
2 the repair or replacement of such signage and/or pavement
3 markings. Failure to repair or replace a damaged or
4 missing sign or marking shall cause a Road to lose its
5 designation.

6 (d) Communities that own and maintain their own road system
7 (i.e. private communities, community development
8 districts, special districts) may apply pursuant to this
9 Section for the community-owned roads or sidewalks, or
10 any portion thereof, to be designated for Golf Cart
11 and/or LSV use or for the use of LSVs to be prohibited
12 upon the community-owned roads, or any portion thereof,
13 and for enforcement of the provisions of this Ordinance,
14 if said community has entered into a traffic enforcement
15 agreement with the Jacksonville Sheriff's Office. The
16 cost of any and all signage and/or pavement markings
17 required shall be the sole responsibility of the
18 community. Nothing in this Ordinance shall be construed
19 to convey to the City any ownership or maintenance
20 responsibility of the community-owned roads or sidewalks.

21 **Sec. 804.1504 - Golf Cart, LSV and Equipment.**

22 (a) No Golf Cart or LSV shall be operated in a reckless or
23 careless manner upon any Road or Sidewalk.

24 (b) The operation of a Golf Cart upon any Road is prohibited,
25 except upon a Designated Road that has been appropriately
26 marked with signs and/or pavement markings as approved by
27 the City Engineer, or where such use predates this
28 Section.

29 (c) The operation of a Golf Cart or LSV upon any Sidewalk
30 adjacent to a Road or state highway within the City is
31 prohibited, except upon a Multi-Use Path that has been

1 appropriately marked with signs and/or pavement markings
2 or where such use predates this Section.

3 (d) A Golf Cart may be operated on a Designated Road or Multi-
4 Use Path only between sunrise and sunset, unless the Golf
5 Cart is equipped with headlights, tail lights, brake
6 lights, turn signals and a windshield.

7 (e) A Golf Cart may not be operated upon a Designated Road or
8 Multi-Use Path by any person under the age of 14.

9 (f) The operation of a Golf Cart or LSV upon a Multi-Use Path
10 shall be restricted to a maximum speed of 15 miles per
11 hour.

12 (g) Any person operating a Golf Cart or LSV upon a Multi-Use
13 Path shall yield the right-of-way, slowing down or
14 stopping if need be, to a pedestrian or bicycle upon the
15 Multi-Use Path.

16 (h) Any person operating an LSV must have in his or her
17 possession a valid driver license.

18 (i) No person who does not hold a valid driver license and who
19 is under 17 years of age may operate a Golf Cart upon a
20 Designated Road or Multi-Use Path after 11 p.m. and before
21 6 a.m.

22 (j) No person who does not hold a valid driver license and who
23 is 17 years of age may operate a Golf Cart upon a
24 Designated Road or Multi-Use Path after 1 a.m. and before
25 5 a.m.

26 (k) A Golf Cart operating on a Designated Road or Multi-Use
27 Path must be equipped with efficient brakes, reliable
28 steering apparatus, safe tires, a rearview mirror, and red
29 reflectorized warning devices in both the front and rear.
30 Additionally, a Golf Cart or LSV operating on a Multi-Use
31 Path must be equipped with a horn or other warning device

1 required by section 316.271, Florida Statutes.

2 (l) An LSV must be equipped with headlamps, stop lamps, turn
3 signal lamps, taillamps, reflex reflectors, parking
4 brakes, rearview mirrors, windshields, seat belts, and
5 vehicle identification numbers.

6 (m) An LSV must be registered and insured in accordance with
7 section 302.02, Florida Statutes, and titled pursuant to
8 Chapter 319, Florida Statutes.

9 (n) The City may use Golf Carts and LSVs upon any Road or
10 Sidewalk in accordance with the provisions of this Section
11 6, as applicable, and of section 316.2126(1) and (4),
12 Florida Statutes.

13 (o) Notwithstanding any provision of this Ordinance to the
14 contrary, any Authorized Emergency Vehicle may operate on
15 any Road or sidewalk while carrying out official duties
16 and in accordance with section 316.21265, Florida
17 Statutes.

18 (p) In addition to the above provisions, the Florida Uniform
19 Traffic Control Law (Chapter 316, Florida Statutes) shall
20 apply where applicable, as per Florida law.

21 (q) Roads and Multi-Use Paths approved prior to the effective
22 date of this section shall continue to be governed
23 pursuant to their respective approval ordinances. The
24 standards and regulations contained herein shall only
25 apply to said Roads and Sidewalks if subsequent approval
26 is obtained pursuant to this section.

27 **Sec. 804.1505. - Enforcement and Penalties.** Violations of this
28 Section may be enforced by the Jacksonville Sheriff's Office or
29 Code Enforcement Officers by any legal method prescribed by law or
30 equity, including but not limited to the following:

31 (a) Any violation of this Section shall be unlawful and may

1 be prosecuted as a class D offense. Each day that an
2 offense or violation of this Ordinance continues shall be
3 deemed a separate offense.

4 (b) This Ordinance may also be enforced in accordance with
5 the provisions of Chapter 162, Florida Statutes (Code
6 Enforcement Board, or Citation) as a civil infraction
7 punishable by civil penalty in the amounts set forth
8 below. The maximum civil penalty shall not exceed five
9 hundred dollars (\$500.00). A civil penalty of less than
10 the maximum civil penalty shall be imposed if the person
11 who has committed the civil infraction does not contest
12 the citation. An officer is authorized to issue a
13 citation to a person when, based upon personal
14 investigation, the officer has reasonable cause to
15 believe that a person has committed a violation of this
16 Ordinance. A citation issued pursuant to this subsection
17 8.B shall comply with the requirements of Chapter 162,
18 Part II, Florida Statutes, and may be contested in County
19 Court. Violations enforced in accordance with this
20 subsection are a civil infraction and shall include fines
21 as follows:

22 (1) First Violation: Uncontested \$75.00, Contested
23 \$93.00.

24 (2) Second Violation: Uncontested \$150.00, Contested
25 \$168.00.

26 The above fine amounts may be changed by resolution of
27 the City Council. In addition to the fines set forth
28 above, a person who is issued a citation for violation of
29 this Ordinance shall pay any filing fees or court costs
30 assessed in connection with the citation.

31 (c) Uniform Traffic Citations shall only be used for

1 violations of this Section where there is also a
2 violation of the Florida Uniform Traffic Control Law.

3 (d) The enforcement provisions of this subsection are
4 supplemental in nature and are not intended to prohibit
5 the City from seeking any remedy available at law or
6 equity.

7 **Section 2. Severability.** If any section, sentence,
8 clause, phrase, or word of this Ordinance is, for any reason, held
9 or declared to be unconstitutional, inoperative or void, such
10 holding or invalidity shall not affect the remaining portions of
11 this Ordinance, and it shall be construed to be the legislative
12 intent to pass this Ordinance without such unconstitutional,
13 invalid or inoperative part therein.

14 **Section 3. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

17
18 Form Approved:

19
20 /s/ Susan C. Grandin

21 Office of General Counsel

22 Legislation Prepared By: Susan C. Grandin

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