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

ORDINANCE 2018-266

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

BE IT ORDAINED by the Council of the City of Jacksonville:

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

CHAPTER 804. (JACKSONVILLE TRAFFIC CODE)

* * *

Part 15. GOLF CARTS

Sec. 804.1501. - Findings.

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

(b) As more residents seek alternatives to automobile use the Council finds that having uniform standards for
designation of roads and streets for use by golf carts and operations of golf carts is necessary to protect the health, safety and general welfare of the public.

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

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

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

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

(c) “Authorized Emergency Vehicle” means a Golf Cart or LSV of the Jacksonville Fire and Rescue Division, Jacksonville Sherriff’s Office vehicles, and such ambulances and emergency vehicles of other City departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized.

(d) “City” means the City of Jacksonville, Florida.

(e) “City Council” mean the City Council for the City of Jacksonville, Florida.

(f) “City Traffic Engineer” shall mean that official designated or recognized to be performing as a
professional traffic engineer of the City.

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

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

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

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

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

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

(m) “Sidewalk” means that portion of a street between the curbline, or the lateral line of a road and the adjacent
property lines which is intended for use by pedestrians.

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

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

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

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

(3) In the case of a proposed Multi-Use Path, after considering the condition and current and/or proposed use of the Sidewalk, the character of the surrounding community and the location of authorized Golf Cart and/or LSV crossing(s), whether Golf
Carts, LSVs, bicycles and pedestrians may safely share the sidewalk. Any Multi-Use Path shall have a minimum of fourteen (14) feet of clear width with pavement width of at least twelve (12) feet, measured from the centerline of the clear width. The City Engineer may approve a deviation of both the required clear width and required pavement width based on topographic conditions, but may not approved a proposed Multi-Use Path with less than eight (8) feet of pavement width. Upon completion of the review, the City Engineer shall either deny or grant the Application.

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

(c) In the event the City Engineer grants the Application, the Applicant shall install, or shall cause to be installed, appropriate signs and/or pavement markings to indicate that such vehicle use is allowed or prohibited, as may be applicable. All signage and pavement markings shall comply with the standards of the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration, United States Department of Transportation, and with any permitting requirements for such signs. The Applicant or designee shall pay in full for all costs and expenses associated with the installation of such signage and/or pavement markings.
The Applicant or designee shall also be responsible for the repair or replacement of such signage and/or pavement markings. Failure to repair or replace a damaged or missing sign or marking shall cause a Road to lose its designation.

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

Sec. 804.1504 – Golf Cart, LSV and Equipment.

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

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

(c) The operation of a Golf Cart or LSV upon any Sidewalk adjacent to a Road or state highway within the City is prohibited, except upon a Multi-Use Path that has been
appropriately marked with signs and/or pavement markings or where such use predates this Section.

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

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

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

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

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

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

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

(k) A Golf Cart operating on a Designated Road or Multi-Use Path 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. Additionally, a Golf Cart or LSV operating on a Multi-Use Path must be equipped with a horn or other warning device.
required by section 316.271, Florida Statutes.

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

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

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

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

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

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

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

(a) Any violation of this Section shall be unlawful and may
be prosecuted as a class D offense. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense.

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

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

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

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

(c) Uniform Traffic Citations shall only be used for
violations of this Section where there is also a violation of the Florida Uniform Traffic Control Law.

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

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

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

Form Approved:

/s/ Susan C. Grandin
Office of General Counsel
Legislation Prepared By: Susan C. Grandin

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