

Ordinance

No. ORDINANCE NO. 2024-01

AN ORDINANCE OF THE TOWN OF OAKLAND, FLORIDA, AMENDING SECTIONS 62-89, 62-90, 62-91, 62-92, 62-93, AND 62-94 OF ARTICLE IV, "GOLF CARTS", OF CHAPTER 62, "TRAFFIC AND VEHICLES", OF THE CODE OF ORDINANCES OF THE TOWN OF OAKLAND, FLORIDA; PROVIDING FOR THE APPROVAL OF GOLF CART OPERATION ON TOWN ROADWAYS BY RESOLUTION; PROVIDING FOR THE PROCEDURES FOR CONSIDERATION AND APPROVAL OF GOLF CART COMMUNITIES AND ROADWAYS; REQUIRING GOLF CARTS TO BE EQUIPPED WITH CERTAIN EQUIPMENT AND SAFETY DEVICES AND REMOVING PREVIOUS RESTRICTIONS ON GOLF CART MODIFICATIONS; PROVIDING FOR THE HOURS OF OPERATION OF GOLF CARTS ON TOWN ROADWAYS; PROVIDING FOR LIMITATIONS ON DRIVERS OF GOLF CARTS; PROVIDING FOR COMPLIANCE WITH TRAFFIC LAWS, RESTRICTIONS ON GOLF CART USE, AND ENFORCEMENT; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Town Commission") of the Town of Oakland, Florida (the "Town") has the authority to authorize the operation of golf carts and to regulate such operation within its jurisdictional boundaries pursuant to Article VII of the Florida Constitution and Section 316.212, Florida Statutes; and

WHEREAS, residents of the Town have expressed an interest in operating golf carts upon Town streets and within certain communities located within the Town; and

WHEREAS, pursuant to Section 316.212, Florida Statutes, the operation of golf carts upon public roads is prohibited unless otherwise authorized by the Town; and

WHEREAS, the Town Commission desires to amend the Town's Code of Ordinances to provide for the adoption of resolutions authorizing the operation of golf carts within specified residential communities and on roadways meeting threshold safety requirements under state and municipal law; and

WHEREAS, the State Legislature has deemed the operation of golf carts along public roads to be compatible with general traffic safety pursuant to its enactment of Section 316.2126, Florida Statutes, which approves the operation of golf carts by municipalities and by seasonal delivery personnel on certain types of roadways and under certain conditions; and

WHEREAS, to protect the health, safety, and welfare of citizens, residents, and visitors to the Town of Oakland, the Town desires to prohibit the operation of golf carts along roads and thoroughfares incompatible with such operation and to regulate the manner and times of



operation of golf carts upon Town streets where such operation is authorized; and

WHEREAS, for the purposes of this Ordinance, words with underlined (underlined) type shall constitute additions to the original text, words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text, and an ellipsis (***) indicates intentionally omitted text.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OAKLAND, FLORIDA:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Authority. The Town of Oakland has the authority to adopt this Ordinance pursuant to Article VII of the Florida Constitution and Section 316.212, Florida Statutes.

SECTION 3. Amendment. Sections 62-89, 62-90, 62-91, 62-92, 62-93, and 62-94 of Article IV, "Golf Carts", of Chapter 62, "Traffic and Vehicles", of the Town of Oakland Code of Ordinances are hereby amended to read as follows:

Sec. 62-89. Golf cart equipment, minimum standards, and hours of operation~~Restriction to golf cart modifications.~~

- (1) *Golf cart equipment and minimum standards.* All golf carts operated within golf cart communities or approved roadways shall meet the minimum equipment standards established by Florida Statutes. All golf carts 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.
- (2) *Minimum standards for golf carts to be operated between the hours of 5:00 a.m. to sunrise or sunset to 10:00 p.m.* Golf carts that are operated between the hours of 5:00 a.m. until sunrise, or between the hours of sunset until 10:00 p.m., if permitted by the approving resolution, shall have additional equipment requirements, and must have headlights, brake lights, turn signals, and a windshield. If such golf cart is operated by an unlicensed driver, then reflective devices or reflective tape must be installed on all sides of the golf cart.

~~All golf carts operated within the town shall meet the minimum equipment standards established by state statutes and have no increased power, wheelbase or tire modifications from a standard manufactured gas or electric golf cart. Speed-modified golf carts or hybrid golf carts are not authorized for use on town streets.~~

Sec. 62-90. Authorization to operate golf carts within the town.

- (1) Golf carts generally prohibited from operation on public streets. Unless otherwise expressly authorized pursuant to this Section or state law, golf carts shall not be operated upon public roadways located within the Town.
- (2) Designation of roadways upon which golf carts may be operated. The Town Commission may designate Town roadways for golf cart use by resolution.
- (3) Authorization to operate golf carts within and between golf cart communities and on specified roadways by resolution. Golf carts meeting the definition set forth in Section 62-88 of the Town Code may be operated on Town roadways within the defined boundaries of residential communities when such communities are approved by resolution as “golf cart communities.” To receive Town approval, any such resolution must be accompanied by the requisite legislative findings as required by statute and shall include a plan for the placement of the requisite signage within the golf cart community. Golf carts may also be operated between golf cart communities that are adjacent, if such provision is specifically included by the Town Commission in the approving resolution. Golf carts may be operated on roadways outside of golf cart communities, when such roadways have been approved by the Town Commission for golf cart use. The Town Commission may reject a resolution or otherwise revoke a previously approved resolution if the Town Commission determines that the operation of golf carts within any such community or roadway would constitute or become a danger or determinant to the health, safety, welfare, or character of the community or the surrounding area, or if the Town Commission otherwise determines that it cannot or will not be able to determine that such community or roadway meets or continues to meet statutory requirements.
- (4) Signage. The town shall provide signage designating streets or other areas where golf carts may be operated.

Golf carts meeting the definition set forth in section 62-88 and properly equipped meeting restrictions in section 62-89, may be operated on those streets designated for cart usage.

- ~~(1) — Permitted designated streets:
 - a. — All town streets north of and including Sadler Avenue and east of and including Simeon Road.
 - b. — All town streets within town subdivisions or streets in subdivisions in which traffic is enforceable providing they are approved for use by the subdivision's homeowners' association and a written agreement has been entered with the town for traffic enforcement on subdivision streets. Any notice to rescind this use will be provided in writing.~~
- ~~(2) — Non-designated streets:~~

- a. ~~Golf carts will not be permitted to use CR 438 (Oakland Avenue), S. Tubb Street, SR 50 or Remington Road. Golf carts may be permitted to cross CR 438 at a controlled intersection while obeying traffic laws and yielding the right of way to other vehicular traffic. No golf carts are permitted to cross SR 50.~~
- b. ~~No golf cart is permitted on or along the sides of the West Orange Trail and is only permitted to cross the West Orange Trail at town street intersections.~~
- e. ~~No golf cart is permitted to ride on private property except that property owned by the same individual as the golf cart or without written consent of the owner. If the owner is present on property where a golf cart is being used, he is permitted to give verbal consent.~~

(3) ~~Signage. The town shall provide signage designating streets or other areas where golf carts may be operated.~~

Sec. 62-91. Hours of operation.

Golf carts meeting the minimum safety standards established in Section 62-89(2) of the Town Code may be operated on approved streets and roadways only between the hours of 5:00 a.m. and 10:00 p.m. Golf carts that do not meet the minimum equipment standards established in Section 62-89(2) of the Town Code may be operated on approved streets and roadways only between the hours of sunrise and sunset.

~~Golf carts will only be permitted on town streets from 8:00 a.m. to 6:00 p.m. During times of any darkness, fog, smoke and rain, golf carts must be equipped with headlights, brake lights, turn signals and a windshield. The town commission strongly recommends the placement of reflective devices or reflective tape on the sides of all golf carts.~~

Sec. 62-92. Compliance with traffic laws; restrictions on golf cart use; enforcement.

- (1) Compliance with traffic laws. Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.
- (2) Restrictions on golf cart use. Regardless of whether a particular community is designated as a golf cart community or a roadway is approved for use by golf carts, golf carts shall be subject to the following restrictions at all times:
 - (A) Unless otherwise expressly authorized pursuant to general law or the enabling resolution, no golf cart shall be operated upon a road with a posted speed limit in excess of twenty-five (25) miles per hour.
 - (B) A golf cart being operated upon a road with a posted speed limit of twenty-five (25) miles per hour or less may, for the sole purpose of continuing travel along such road, be operated across an intersecting street with a posted speed limited in excess

of twenty-five (25) miles per hour, but not to exceed thirty-five (35) miles per hour, provided that such intersection is governed by a 4-way stop sign or traffic signal.

(C) No golf carts should be operated upon those roads that the Town has identified as arterial or collector roads unless otherwise authorized by the enabling resolution.

(D) A golf cart shall not be operated upon a part of the State Highway System unless otherwise authorized pursuant to Section 316.212, Florida Statutes, or any other applicable state statute.

(E) A golf cart shall not be operated upon a county road unless (i) otherwise authorized by the county pursuant to Section 316.212, Florida Statutes, or any other applicable state statute, or (ii) the county road is a two-lane county road located within the jurisdiction of the Town and has been designated by the Town for use by golf carts.

(3) *Enforcement.* The Town shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations created and established by community associations shall be the sole responsibility of each community.

Sec. 62-93. Golf cart registration Application for golf cart community authorization.

A golf cart community resolution as described in Section 62-90 of the Town Code may be proposed pursuant to one of the following methods:

(1) *Community associations.* A community governed by a community association, such as a homeowners' association or condominium association, must have the governing body of such association adopt and submit a request in writing to the Town that its community be considered for approval as a golf cart community. Such request shall contain an affirmative statement from the community association that golf carts may be safely operated upon the streets of such community given the speed, volume, and character of motor vehicle traffic using the road or street and any additional information and/or evidence supporting such statement. Such request shall also include a letter from the governing body of the association granting permission for the Town to enforce the provisions set forth in this Article on any roadways that are owned or controlled by the association and are being considered for golf cart authorization.

(2) *Other communities.* The Town Commission may also, upon its own initiative or upon citizen petition, direct Town staff to create a map or other diagram delineating the boundaries of a golf cart community or roads upon which golf carts may be operated and a resolution authorizing such roadways or communities for golf cart use to be presented to the Town Commission for approval.

All golf carts operated on town streets must first be registered through the town police department. Registration of golf carts must be made by the owner who is at least 18 years of age. The owner of the golf cart will be charged an annual registration fee in an amount set by resolution. There will be no prorated registrations. Funds from registration fees will help support costs of street designation signs, police inspection of the golf cart and registration stickers, which are to be placed on the driver's rear fender of the golf cart. A 31-day re-registration period for all previously registered golf carts will be permitted during the month of January each year for an annual re-registration fee in an amount set by resolution. Owners re-registering golf carts after this date will be charged the annual fee in an amount set by resolution. Golf carts that are not re-registered by January 31 of each year will be considered expired until re-registered, and will not be permitted for use on town-designated streets. Driving a golf cart without a current registration will result in a fine in an amount set by resolution. If not paid, this fine will be billed through the town monthly water bill. Any person, who demonstrates his fine has been paid by producing a receipt from the town, can register his golf cart for free within ten working days of paying his fine. After ten working days, it will cost the owner another fee in an amount set by resolution to register his golf cart. A list of all golf cart registrations will be maintained by the town police department.

Sec. 62-94. Age limitations on drivers of golf carts.

A golf cart may not be operated on Town streets by any person:

- (1) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
- (2) Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

No person under the age of 15 years shall be permitted to operate a golf cart on town streets. No person under the age of 16 years shall be permitted to operate a golf cart on town streets without a Florida learner's permit.

SECTION 4. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the Town of Oakland. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 5. Conflicts. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 6. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS 13TH DAY OF FEBRUARY 2024.

FIRST READING: JANUARY 23, 2024
ADVERTISED: FEBRUARY 1, 2024
SECOND READING: FEBRUARY 13, 2024



KATHY STARK, MAYOR

ATTEST:



ELISE HUI, TOWN CLERK



Approved for form:



Stephanie Velo, Town Attorney

