

ORDINANCE NO. O2013-48

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING CHAPTER 12 OF THE CITY OF WILDWOOD CODE OF ORDINANCES; DEFINING LOW SPEED VEHICLES AND GOLF CARTS; ALLOWING LOW SPEED VEHICLES AND GOLF CARTS TO OPERATE ON CITY ROADS UNDER CERTAIN CONDITIONS; PROVIDING FOR THE PROCESS TO BECOME A GOLF CART COMMUNITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood, Florida, encourages the use of alternative modes of transportation;

WHEREAS, the City wishes to allow the use of low speed vehicles and golf carts on City roads under certain conditions;

WHEREAS, the City encourages the development of golf cart communities; and

WHEREAS, Florida Statute differentiates between low speed vehicles and golf carts.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. Chapter 12 of the City of Wildwood Code is amended to include Article VI "Low Speed Vehicles and Golf Carts" as follows:

Article VI. LOW SPEED VEHICLES AND GOLF CARTS.

Sec. 12-117. Low-speed vehicles.

(a) *Definition of low-speed vehicle.* Pursuant to F.S. § 320.01(42), a low-speed vehicle is any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including neighborhood electric vehicles. Said vehicles must conform to the safety standards in 49 C.F.R. Section 571.500 and F.S. § 316.2122. For purposes of this section, "golf carts" as defined in F.S. § 320.01(22) or "speed modified golf carts" shall not be considered "low-speed vehicles" and shall be subject to the specific rules and regulations governing golf carts adopted by the City.

(b) *Authorization to operate low-speed vehicles.* Low-speed vehicles may be operated within the City limits where the posted speed limit is thirty-five (35) miles per hour or less. Pursuant to F.S. § 316.2122(1), this does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five (35) miles per hour.

(c) *Equipment and minimum standards.* According to the requirements set forth in F.S. § 316.2122, a low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts and vehicle identification numbers. A low-speed vehicle must be registered and insured in accordance with F.S. § 320.02. Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(d) *Hours of operation.* Low-speed vehicles may be operated at any time.

(e) *Compliance with traffic laws.* Low-speed vehicles shall comply with all local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

(f) *Enforcement.* The City shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of additional rules and regulations established by communities in which they are operating shall be the sole responsibility of said communities

Sec. 12-118. Definition of a golf cart.

Pursuant to F.S. § 320.01(22), a "golf cart" is defined as 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 twenty (20) miles per hour.

Sec. 12-119. Golf cart communities.

(a) *Adoption by resolution or Planned Development Agreement.* The City Commission may designate a subdivision or a delineated area within the City as a "golf cart community" through adoption of a resolution. Alternatively, a subdivision or other development may be considered a golf cart community if included in a Planned Development Agreement.

(b) *Consideration for a golf cart community.* In order to be considered a golf cart community, it shall be demonstrated that golf carts may be safely operated upon the streets of such community or area given the speed, volume, and character of motor vehicle traffic using the road or street. The provision of appropriate signage designating

such areas and regulating use of golf carts shall be the responsibility of each golf cart community and shall be a condition of the approving resolution or Planned Development Agreement. The City Commission may require additional information to ensure the health, safety, and well-being of the community or area.

Sec. 12-120. Authorization to operate golf carts within and between golf cart communities.

(a) *Authority to operate.* Golf carts meeting the definition set forth in Section 12-117 above may be operated within communities approved by the City Commission as "golf cart communities" on those streets designated for golf cart usage. Golf carts may also be operated between golf cart communities that are adjacent. The City Commission may also revoke any such approval by resolution.

(b) *Equipment and minimum standards.* All golf carts operated within golf cart communities shall meet the minimum equipment standards established by Florida Statutes. Golf carts that are operated between the hours before sunrise and after sunset, if permitted by the approving resolution, shall have additional equipment requirements, and at a minimum, must have headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape.

(c) *Hours of operation.* Golf carts meeting the minimum equipment standards established in subsection (b) above for operation between the hours before sunrise and after sunset, may be operated between the hours of 5:00 a.m. and 10:00 p.m., if permitted by the approving resolution or Planned Development Agreement. Golf carts that do not meet the minimum equipment standards for operation between the hours before sunrise and after sunset shall only be permitted to operate during the hours between sunrise and sunset.

(d) *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.

(e) *Enforcement.* The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations established by golf cart communities shall be the sole responsibility of each community.

Sec. 12-121. Operation of golf carts on public city roads.

(a) *Authorization to operate golf carts on public City roads.* Golf carts meeting the definition set forth in Section 12-118 may be operated on all public City roads where the posted speed limit is thirty-five (35) miles per hour or less. Public City road shall mean any thoroughfare maintained by the City that is commonly used for vehicular traffic.

(b) *Operation on public County and state roads.* Golf carts may not operate on or cross County roads unless authorized by Sumter County. Golf carts may not operate on or cross state highways unless authorized by the department of transportation pursuant to F.S. § 316.212(2).

(c) *Equipment and minimum standards.* All golf carts operated on public City roads shall meet the minimum equipment standards established by state statutes. Golf carts that are operated between the hours before sunrise and after sunset must be equipped with headlights, brake lights, rear view mirror, turn signals, and a windshield.

(d) *Hours of operation.* Golf carts meeting the equipment standards established in subsection (c) for operation between the hours before sunrise and after sunset may be operated at any time during the day or night. Golf carts that do not meet these additional standards shall only be operated during the hours between sunrise and sunset.

(e) *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 motor vehicles.

(f) *Operation.* Drivers of golf carts must be at least sixteen (16) years of age. The number of occupants of a golf cart must equal the number of seats. No person is to stand while the golf cart is in motion.

(g) *Enforcement.* The City shall have the authority to enforce the provisions set forth herein and applicable traffic laws.

SECTION 2. If any portion of this Ordinance is declared invalid for any purpose, the remaining portion shall remain valid and in full force and effect.

SECTION 3. This Ordinance shall take effect upon final approval by the City Commission.

DONE AND ORDAINED this 28th day of October, 2013, by the City Commission of the City of Wildwood, Florida.

SEAL

ATTEST:

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA



Joseph Jacobs, City Clerk

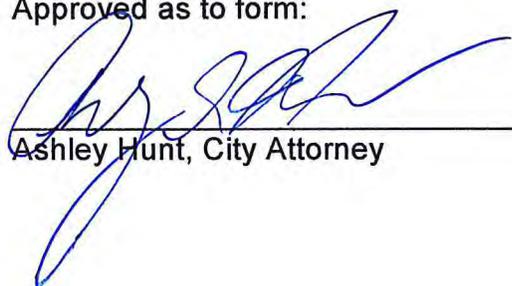


Ed Wolf, Mayor

First Reading: October 14, 2013

Second Reading: October 28, 2013

Approved as to form:



Ashley Hunt, City Attorney