

ORDINANCE NO. 348

AN ORDINANCE OF THE CITY OF PORT ST. JOE PROVIDING FOR THE USE OF GOLF CARTS UNDER CERTAIN CONDITIONS AND RESTRICTIONS PURSUANT TO FLORIDA STATUTES SECTION 316.212 (FLA. STAT. 2003); PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF STREETS AND ROADS WITHIN THE CITY OF PORT ST. JOE AND CHANGES IN SAID DESIGNATION FOR THE USE OF SAID GOLF CARTS BY THE CITY COMMISSION BY RESOLUTION FROM TIME TO TIME; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Joe has been requested by many of the residents to adopt an ordinance to allow the use of golf carts under certain conditions and restrictions on and over designated City streets; and,

WHEREAS, Florida Statutes 316.212 allows golf carts to be driven on City streets that have been designated by a City for use by golf carts under specified conditions; and

WHEREAS, the City of Port St. Joe has determined that golf carts may safely travel and be operated on certain City streets as designated herein and as later changed and designated by resolution of the City of Port St. Joe;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

SECTION 1. INTENT: Pursuant to Florida Statutes, Section 316.212 (2003), it is the intent of the City Commission of the City of Port St. Joe, Florida, to allow golf carts on certain City streets under certain conditions as set forth herein.

SECTION 2. DEFINITION: Pursuant to Section 320.01 (22), Florida Statutes, a "GOLF CART" is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

SECTION 3. AUTHORIZATION: Golf carts meeting the definition set forth in Section 2 above and meeting the minimum equipment standards established by Florida Statutes (presently they must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, windshield, head lights, tail lights, turn signal and reflectorized warning devices on the front and rear) are authorized on all City streets within the City of Port St. Joe, Florida except as set forth below, which designation may be changed or amended by the City of Port St. Joe City Commission by resolution from time to time:

- A Highway 98 and Highway 71 except at a crossing designated and marked by signage by the City of Port St. Joe.
- B Garrison Avenue except to get to the nearest approved road.

- C. Long Avenue except to get to the nearest approved road.
- D. Avenue A except to get to the nearest approved road.

(PLEASE NOTE: Monument Avenue is approved from Allen Memorial to 9th Street only.)

SECTION 4. STATE ROADS: A golf cart may not be operated on a road or street that is a part of the State of Florida Highway or U.S. Highway System unless specifically authorized by the City and Department of Transportation as provided in Florida Statutes Section 316.212 (2).

SECTION 5. HOURS OF OPERATION: A golf cart may only be operated on the certain streets of the City of Port St. Joe as provided herein during the hours between sunrise and midnight.

SECTION 6. AGE: No golf cart shall be operated by anyone under the age of sixteen (16) years and they must be a licensed driver.

SECTION 7. 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 a motor vehicle under Florida law and shall be occupied by no more passengers than for whom there are seats in the golf cart.

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS: Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

SECTION 9. PENALTIES: A violation of this section is a non-criminal traffic infraction punishable as follows: 1st violation of Ordinance - \$50.00; 2nd violation of Ordinance if violation occurs within 2 years of first violation - \$100.00; 3rd violation of Ordinance if violation occurs within 4 years of second violation - \$200.00. Violations of traffic infraction shall be punishable as per Chapter 318 Florida Statute.

SECTION 10. SIGNS: Upon the City of Port St. Joe's determination and designation as provided herein that golf carts may be safely operated on a designated street or road of the City of Port St. Joe, the City shall post appropriate signs on such crossroads for Hwy 71 and U.S. Hwy 98.

SECTION 11. NO RENTAL: There shall be no operation of golf carts in the City of Port St. Joe on the various streets rights of way, alleys or property of the City of that are rented.

SECTION 12. SEVERABILITY: If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable such declaration shall not be deemed to affect the remaining portions of this Ordinance.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective 30 days after adoption.

PASSED FIRST READING ON: June 6, 2006.

PASSED SECOND READING ON: June 20, 2006.

**CITY OF PORT ST. JOE
BOARD OF CITY COMMISSIONERS**

BY: Frank Pate
Frank Pate, Mayor

ATTEST:

Laurie Lee Dawes
City Clerk