

ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF PORT ST. JOE AMENDING ORDINANCE NO. 348 BY ADDING A DEFINITION OF GOLF CART DEALER AND PROVIDING FOR A DEALER PERMIT, PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe has passed Ordinance No. 348, approving the use of golf carts within the limits of the City; and

WHEREAS, Ordinance No. 348 requires annual registration of each golf cart used upon the City streets; and

WHEREAS, Ordinance No. 348 made no provisions for a dealer permit, to allow an individual to test drive a golf cart upon the streets of the City of Port St. Joe; and

WHEREAS, a provision to allow a golf cart dealer to purchase a dealer permit needs to be made.

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

An Ordinance amending Section 2 and Section 8 of Ordinance No. 348 is as follows:

SECTION 2. DEFINITION currently reads as follows: 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 2. DEFINITION: is amended to read as follows:

SECTION 2. DEFINITIONS:

(a) 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.

(b) Dealer: An individual or other legal entity who is properly licensed in the business of selling golf carts within the city limits of the City of Port St. Joe.

II. SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS currently reads as follows:

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 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS is amended to read as follows:

(a) 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.

(b) An individual or other legal entity qualifying as a golf cart dealer may purchase annually, from the City, a dealer permit for \$75.00. A dealer permit is not assigned to any specific golf cart but may be transferred from one golf cart to another provided the golf cart from which taken and to which transferred are owned by the dealer and both golf carts are inventory to be sold. A dealer permit may only be used for the purpose of allowing the golf cart to which it is attached to be test driven upon the streets of the City. A dealer permit may not be permanently affixed to any particular golf cart.

III. 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.

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

PASSED FIRST READING ON: October 3, 2006

PASSED SECOND READING ON: November 7, 2006

CITY OF PORT ST. JOE

BY: 
MAYOR

ATTEST:


CITY CLERK