

ORDINANCE NO. 08-08

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CREATING ARTICLE VI OF CHAPTER 50 OF THE VILLAGE CODE PERMITTING THE USE OF GOLF CARTS ON DESIGNATED STREETS; PROVIDING FOR DEFINITIONS; AUTHORIZED USE; PROHIBITED USE; INSPECTION; REQUIRED EQUIPMENT; OPERATORS; TRAFFIC LAWS; PROVIDING ENFORCEMENT/PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 316.212, Florida Statutes, the State of Florida has given municipalities the right to designate streets within its boundaries for golf cart use; and

WHEREAS, the Islamorada, Village of Islands Council (the "Village Council") recognizes the needs of many citizens who enjoy the recreational advantages of golf carts; and

WHEREAS, the Village commissioned a study of the feasibility and safety of golf carts traveling on certain streets located in the Village; and

WHEREAS, in accordance with the study the Village Council has determined that golf carts may lawfully travel on certain streets within the Village during daylight hours.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

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

Section 2. Amendment. The Village Code is hereby amended by adding a new Article VI of Chapter 50 of the Village Code entitled "Golf Carts" to read as follows:

Chapter 50 Streets, Sidewalks and Other Public Places

Article VI. Golf Carts

Section 50-85. Legislative Intent.

It is the intent of this Article to permit and regulate the use of Golf Carts within the Designated Streets of the Village, during daylight hours only by licensed drivers operating Golf Carts which have passed a safety inspection.

Section 50-86. Definitions.

- (a) Designated Streets shall mean the streets within the Subdivision of Port Antigua in the Village.
- (b) Golf Cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, as defined in Chapter 316.003(68), Florida Statutes.
- (c) Permit shall mean an official authorization designating that the Golf Cart to which the authorization is affixed meets the requirements of the Village Code.
- (d) Village Police Department shall mean the Monroe County Sheriff's Office.

Section 50-87. Authorized Use.

- (a) Licensed drivers may operate Golf Carts which have been inspected and issued permits by the Village Police Department on all Designated Streets within the Village between sunrise and sunset.
- (b) A permit for Golf Cart use on a Designated Street does not authorize entry onto private property, including retail parking lots, private roads or common areas in condominiums or subdivisions. Access to these areas may be regulated by the property owners and/or property managers.

Section 50-88. Prohibited Use.

The operation in the Village of any Golf Cart in the following manner or under the following conditions is prohibited:

- (a) Without a valid, current driver's license.

- (b) Without a valid, current permit issued by the Village Police Department and affixed to the Golf Cart in a conspicuous location.
- (c) In violation of state, county or Village traffic regulations.
- (d) Anywhere on the right of way and/or roadway surface of Overseas Highway.
- (e) On the beaches, parks, bicycle paths, sidewalks or swales of the Village, unless authorized by the Village Manager.
- (f) Parking in violation of posted regulations.
- (g) Obstructing or interfering with normal traffic flow.
- (h) Carrying more passengers than those for which the Golf Cart was designed.
- (i) After sunset and before sunrise.

Section 50-89. Inspection.

- (a) Each Golf Cart shall be inspected by a Village representative or the Village Police Department annually.
- (b) Upon submitting a completed permit application, proof of insurance, and the payment of a \$40.00 application fee and a \$ 25.00 permit fee, the Village Police Department will schedule an inspection to ensure that the required equipment is installed and operating properly.
- (c) The Village Police Department shall issue a permit to a Golf Cart which passes the inspection. The permit shall be affixed to and displayed in a conspicuous location on the Golf Cart.

Section 50-90. Required Equipment.

A Golf Cart shall be equipped with:

- (a) Efficient brakes;
- (b) Reliable steering apparatus;
- (c) Safe tires;
- (d) Rear view mirror;
- (e) Red reflectorized warning devices, both in the front and the rear;

- (f) Rear stop lamps;
- (g) Turn signals;
- (h) Headlights, for use when operating the Golf Cart in the rain or fog; and
- (i) Safety belts as described in Florida Statute 316.614.

Section 50-91. Operators.

Drivers must hold a current, valid driver's license in order to lawfully operate a Golf Cart upon Designated Streets.

Section 50-92. Traffic Laws.

- (a) Operators of Golf Carts traveling on Designated Streets within the Village are required to observe all traffic laws as if they were operating any other motor vehicle.
- (b) While traveling on Designated Streets, operators and passengers of Golf Carts must comply with applicable Florida law as to the requirements and usage of safety belts and child restraint equipment.
- (c) Owners and operators of Golf Carts shall comply with applicable Florida law pertaining to insurance requirements.

Section 50-93. Enforcement/Penalties.

A violation of this Article is enforceable as a violation of the Village Code enforceable pursuant to Article III of Chapter 2, or as a noncriminal traffic infraction, punishable pursuant to Chapter 318, Florida Statutes, as either a moving violation for infractions of Sections 50-88 and 50-89 of this Article or as a nonmoving violation for violations of Sections 50-90, 50-91, and 50-92 of this Article.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Islamorada, Village of Islands Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading. The foregoing Ordinance was offered by Vice Mayor Achenberg, who moved for its adoption of first reading. This motion was seconded by Councilman Reckwerdt, and upon being put to a vote, the vote was as follows:

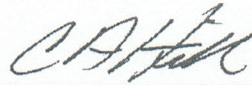
Mayor Cathi Hill	YES
Vice Mayor Don Achenberg	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilman Michael Reckwerdt	YES

PASSED on first reading this 30th day of October, 2008.

The foregoing Ordinance was offered by Vice Mayor Achenberg, who moved for its adoption. This motion was seconded by Councilwoman Zima Borski, and upon being put to a vote, the vote was as follows:

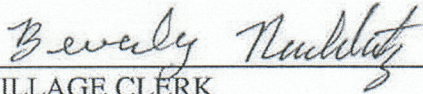
Mayor Cathi Hill	YES
Vice Mayor Don Achenberg	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilman Michael Reckwerdt	YES

PASSED AND ADOPTED on second reading this 20th day of November, 2008.



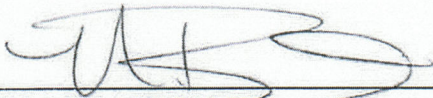
CATHI HILL, MAYOR

ATTEST:



VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE
USE AND BENEFIT OF ISLAMORADA, VILLAGE OF
ISLANDS ONLY:



VILLAGE ATTORNEY

Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.L.