

## ORDINANCE NO. 2007-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED COUNTY ROADS IN LEE COUNTY, FLORIDA SUBJECT TO SPECIFIED RESTRICTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 316.212(1), Florida Statutes, permits counties to allow golf carts to be operated on county roads provided the county first determines that they may safely travel on or cross such public roads or streets upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

**WHEREAS**, Section 316.212(4), Florida Statutes, states that golf carts may only operate on such public roads or streets during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also safely operate during the hours between sunset and sunrise and the golf carts possess headlights, brake lights, turn signals and windshields.

**WHEREAS**, Section 316.212(7), Florida Statutes, allows counties to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in the State statutes as long as appropriate signs are posted or the residents are otherwise informed that the regulation of golf cart operation in the designated area will be in accordance with a stricter local ordinance; and



**WHEREAS**, the Lee County Department of Transportation has conducted a study to determine whether golf carts may safely travel on or cross public roads or streets located in specific areas of Lee County, considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads or streets; and

**WHEREAS**, the Board of County Commissioners has determined that golf carts may safely be operated in a limited manner on certain county roads and streets in Lee County; and

**WHEREAS**, the Board of County Commissioners desires to provide additional regulations for the operation of golf carts on designated roads and streets in Lee County, Florida; and

**WHEREAS**, the Board of County Commissioners believes that regulations proposed in this ordinance promote and enhance the health, safety and welfare of its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:**

**SECTION ONE:      USE OF GOLF CARTS UPON DESIGNATED PUBLIC ROADS  
AND STREETS IN LEE COUNTY.**

1.     The term "golf cart" is defined as stated in Florida Statutes, Subsection 320.01, 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.



2. Golf carts may be operated on those county roads and streets as designated by Lee County Department of Transportation. This designation is in accordance with Florida Statute, Section 316.212.

3. In addition to the requirements of Florida Statutes, Section 316.212, which is applicable to the operation of golf carts on the aforementioned designated roads and streets, the following restrictions shall also apply:

(a) All persons operating golf carts on the designated roads and streets must be a minimum of sixteen (16) years of age and hold a valid driver's license issued within the United States.

(b) The number of occupants in any golf cart operated on the designated roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion. All children riding in a golf cart shall be properly restrained with seat belts or secured child safety seats as described in Florida Statute, Section 316.613.

(c) All golf carts operated under this ordinance shall be restricted to a maximum attainable speed of twenty (20) miles per hour.

(d) All golf carts operating subject to this ordinance must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated roads and streets.



(e) Golf carts may only be operated on the designated roads and streets during the hours between sunrise and sunset, unless otherwise designated by Lee County Department of Transportation.

(f) Golf carts equipped with headlights, brake lights, turn signals, and windshields may operate at night if nighttime operation is designated by the Lee County Department of Transportation. In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license and who is under 17 years of age, when operating a Golf Cart after 11 p.m. and before 6 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age, unless that person is driving directly to or from work. In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license who is 17 years of age, when operating a Golf cart after 1 a.m. and before 5 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age unless that person is driving directly to or from work.

(g) Before golf carts may be operated under this section, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of golf carts on the designated public roads and streets.



Proof of such insurance must be possessed at all times while operating a golf cart on the designated roads.

(h) No person shall drive any golf cart upon a bicycle path, sidewalk, or sidewalk area as described in Florida Statute, Section 316.1995.

(4) Violations of this section shall constitute a non-criminal infraction enforceable pursuant to the provisions of Florida Statutes, Section 316.212(8).

(5) The Lee County Department of Transportation shall post signs along the designated roads and streets where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this ordinance.

## **SECTION TWO: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Lee County, Florida. The sections of the ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section" or any other appropriate word.

## **SECTION THREE: CONFLICT AND SEVERABILITY.**

In the event this ordinance conflicts with any other ordinance of Lee County or other applicable law, the more restrictive shall apply. If any phrase or portion of the ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.



**SECTION FOUR: EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Florida Department of State.

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Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance,  
seconded by Commissioner \_\_\_\_\_. The vote was as follows:

ROBERT P. JANES	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**ATTEST: CHARLIE GREEN**  
**CLERK OF COURTS**

**BOARD OF COUNTY COMMISSIONERS**  
**OF LEE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

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DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
OCTOBER 9, 2007