

*Atty.  
Mayor*

## ORDINANCE NO. 2005-01

AN ORDINANCE OF THE CITY OF APALACHICOLA 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 APALACHICOLA 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 Apalachicola 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 Apalachicola 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 Apalachicola;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF APALACHICOLA, 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 Apalachicola, 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 and reflectorized warning devices on the front and rear) are authorized on all City streets within the City of Apalachicola, Florida except as set forth below which designation may be changed or amended by the City of Apalachicola City Commission by resolution from time to time:

- A. Highway 98
- B. 12<sup>th</sup> Street except at a crossing designated and marked by signage by the City of Apalachicola
- C. The Prado
- D. Brownsville Road except at a crossing designated and marked by signage by the City of Apalachicola

**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 Systems 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 Apalachicola as provided herein during the hours between sunrise and sunset.

**SECTION 6. AGE.** No golf cart shall be operated by anyone under the age of sixteen (16) years upon any City street within the City of Apalachicola.

**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 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 Apalachicola, 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 Apalachicola. Each owner of the Golf Cart requesting to be operated on the streets of the City of Apalachicola must register the Golf Cart with the City, listing all persons authorized to drive the Golf Cart and receive and display at all times on the front of the Golf Cart the registration decal from the City. Furthermore, in consideration of and in return for the privilege of operating said Golf Cart on the permitted streets of the City of Apalachicola, owner shall be required to sign a defense, release, indemnify and hold harmless agreement as set forth above.

SECTION 9. PENALTIES. A violation of this section is a non-criminal traffic infraction punishable as provided in F.S. Section 316.212(7) pursuant to Chapter 318, Florida Statutes.

SECTION 10. SIGNS. Upon the City of Apalachicola's determination and designation as provided herein that golf carts may be safely operated on a designated street or road of the City of Apalachicola, the City shall post appropriate signs on such streets or roads to indicate that such operation is allowed.

SECTION 11. NO RENTAL. There shall be no operation of Golf Carts in the City of Apalachicola on the various streets rights of way, alleys or property of the City that are rented or provided for persons for or in connection with commercial or business purposes who are not the owners of the golf carts being operated.

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 immediately upon sixty (60) days after final adoption.

PASSED FIRST READING ON: January 4, 2005

PASSED SECOND READING ON: February 8, 2005

CITY OF APALACHICOLA

BY:   
MAYOR

ATTEST:

  
BETTY TAYLOR WEBB, CITY CLERK