

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, REGARDING THE USE OF GOLF CARTS ON STREETS, ROADS AND HIGHWAYS WITHIN THE CITY LIMITS; PROVIDING FOR DEFINITIONS; AUTHORIZATION TO OPERATE GOLF CARTS ON CITY STREETS; RESTRICTIONS ON MODIFIED GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES; MINIMUM REQUIRED EQUIPMENT; ADDITIONAL RESTRICTIONS; GOLF CART REGISTRATION; ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Clewiston, Florida, has determined that it would be in the residents' best interest to provide the ability to use Golf Carts and Neighborhood Electric Vehicles on some City streets, provided that safety precautions are required.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA:

SECTION 1. The Code of Ordinances of the City of Clewiston is hereby amended and Article V, "Operation of Golf Carts on Designated City Streets", of Chapter 70, "Traffic and Vehicles", is hereby created to read:

Sec. 70-96 - Definitions.

As used in this article, the following words and terms shall have the meaning ascribed thereto:

A. *Golf Cart* shall mean 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.

B. *Hybrid Golf Cart* is a golf cart, which shares its electric motive power with another source, such as a gasoline engine.

C. *Low Speed Vehicle* is any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including Neighborhood Electric Vehicles.

D. *Neighborhood Electric Vehicle (NEV)* is an electrically driven vehicle designed for speeds of twenty (20) to twenty-five (25) miles per hour. A NEV is considered a low speed vehicle.

E. *Speed Modified Golf Cart* is a golf cart originally manufactured for at speeds up to twenty (20) miles per hour that has been modified after initial manufacture to travel at speeds over twenty (20) miles per hour.

Sec. 70-97 - Authorization to operate golf carts on designated city streets.

A. The City Commission may, by resolution designate and approve certain city streets as streets authorized for Golf Cart use (Designated City Street). The City Commission may, at any time, revoke the designation and approval for Golf Cart use of any Designated City Street. The following streets however shall not be authorized for use by Golf Carts:

- (1) Sugarland Highway (U.S. Hwy 27)
- (2) S. Berner Rd. between Ventura Ave. and Sugarland Hwy.
- (3) All of South WC Owen St.
- (4) All of Sonora Ave.
- (5) All of S. Francisco St.
- (6) That portion of Aztec Ave. between WC Owen Ave. and Francisco St.

B. Subject to the restrictions and limitations provided herein, Golf Carts, as defined in subsection 70-96 shall be authorized for use upon city streets designated and approved pursuant to subsection 70-97.

Sec. 70-98. - Restrictions on golf cart modifications and Neighborhood Electric Vehicles.

Speed-Modified Golf Carts and Neighborhood Electric Vehicles or other Low Speed Vehicles are not authorized for use upon any city streets.

Sec. 70-99. – Minimum required equipment.

A. All Golf Carts operated on Designated City Streets (“DCS”) pursuant to this article shall at a minimum be equipped with the following for daytime use:

- (1) Properly functioning brakes,
- (2) Properly functioning steering apparatus,
- (3) Safe tires,
- (4) A rearview mirror,
- (5) Reflectorized warning devices in the rear of the Golf Cart.

B. All Golf Carts operated on DCS in fog, smoke and rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30) minutes before sunset shall at a minimum be equipped with the following:

- (1) Two (2) properly functioning headlights,
- (2) Two (2) properly functioning brake lights,
- (3) Properly functioning left and right turn signals,
- (4) An approved windshield, and
- (5) Reflective devices or reflective tape on both sides of the Golf Cart.

Sec. 70-100. – Additional restrictions.

A. No person shall drive a Golf Cart on a DCS unless such person possesses a valid driver's license.

B. Golf Carts shall not be driven on public sidewalks.

C. All Golf Carts operated on any city streets shall be insured for liability. The required insurance shall be as follows.

- (1) Ten thousand (\$10,000) dollars because of bodily injury to, or death of, one person.
- (2) Twenty thousand (\$20,000) dollars because of bodily injury to, or death of, two or more persons.
- (3) Ten thousand (\$10,000) dollars because of injury to, or destruction of, property of others.
- (4) While operating a Golf Cart on DCS, the operator shall comply with and obey all applicable state and local traffic laws. A Golf Cart operator who violates any traffic law may be ticketed in the same manner as the operator of a motor vehicle.

Sec. 70-101. – Golf Cart registration.

A. The owner of any Golf Cart to be operated on any DCS pursuant to this section shall first register the Golf Cart with the City of Clewiston. The owner registering the Golf Cart must be at least eighteen (18) years of age. The City shall charge an initial registration fee of twenty dollars (\$20.00). Regardless of the date of registration, all Golf Cart registrations shall be valid from January 1 until December 31.

B. The owner of a Golf Cart to be operated on DCS pursuant to this section shall be required to renew the golf cart registration prior to January 1 of the year following initial registration. The City shall charge a renewal fee of fifteen dollars (\$15.00) for each registration renewal. An owner, who fails to renew the registration of a Golf Cart prior to January 1, shall be required to obtain a new registration and pay the initial registration fee of twenty dollars (\$20.00).

C. Properly registered Golf Carts shall be issued a registration sticker which sticker shall be placed and maintained on the driver's side rear fender of the Golf Cart or as near as possible depending on the design of the Golf Cart. The City of Clewiston shall maintain a list of all Golf Cart registrations.

Sec. 70-102. - Enforcement.

A. The City of Clewiston may enforce the provisions of this article through any legal means including prosecuting violations of this article pursuant to F.S. Ch. 162, or the procedures for civil citations contained in this Code in sections 26.77 through 26.86.

B. The operation of an unregistered Golf Cart, the operation of a Golf Cart which has been modified so as to no longer comply with the provisions of this article, the operation of a Golf Cart without minimum required equipment for the conditions, and the operation of any golf cart on non-designated city streets presents an immediate threat to the health, safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a code enforcement board, a code enforcement special magistrate or the City Commission, sitting in a quasi-judicial capacity, shall be subject to revocation of Golf Cart registration.

SECTION 2. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

SECTION 3. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 4. SEVERABILITY. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and approval consistent with all requirements of general law.

PASSED on first reading by the City Commission on June 19, 2017.

PASSED AND ADOPTED on second and final reading by the City Commission on July 17, 2017.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Gary M. Brandenburg, City Attorney