



City of North Port

ORDINANCE NO. 2020-44

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, BY AMENDING CHAPTER 74, ARTICLE VI, RELATED TO GOLF CARTS AND LOW SPEED VEHICLES; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 316.212 authorizes the use of a golf cart upon any City street that has been designated by the City for use by golf carts as indicated by appropriate signage that such operation is allowed; and

WHEREAS, before designating a City street for golf cart operation, the City Commission must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street; and

WHEREAS, the City Commission desires to restrict the use of golf carts to designated City roads, private property, golf courses, and golf course accessory property; and

WHEREAS, Florida Statutes Section 316.212 provides that no golf cart may be operated on a road that is a part of the State Highway System unless specifically authorized by the Florida Department of Transportation, as indicated by signs posted on the road that such operation is authorized, or as otherwise permitted by the statute; and

WHEREAS, Florida Statutes Section 316.2122 authorizes the use of a low speed vehicle on any road where the posted speed limit is 35 miles per hour or less, and the low speed vehicle is equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers; and

WHEREAS, the City Commission has determined that in the interest of safety, it will prohibit the operation of low speed vehicles on certain City roads; and

WHEREAS, the City Commission desires to remove the prohibition on golf cart rentals, as well as language from the Code of the City of North Port, Florida that is repetitive of state statutes; and

WHEREAS, the City Commission has determined that the proposed amendments to the Code of the City of North Port serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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

SECTION 1 – FINDINGS

- 1.01 The recitals outlined above are incorporated by reference as findings of fact.
- 1.02 The City Commission has determined that golf carts may safely travel on or cross the public roads or streets identified in Section 74-152(b) of the Code of the City of North Port, Florida, as set forth in Section 2.01 of this ordinance, considering factors including the speed, volume, and character of motor vehicle traffic using the roads or streets.

SECTION 2 – ADOPTION

- 2.01 The City Commission hereby approves and adopts the following amendments to Chapter 74 of the Code of the City of North Port, Florida:

“Chapter 74 – TRAFFIC AND VEHICLES

...

ARTICLE VI. – GOLF CARTS AND LOW SPEED VEHICLES OPERATION ON CITY STREETS

~~Sec. 74-150. – Use of golf carts on city streets.~~

~~Pursuant to F.S. § 316.212, it is the intent of the City Commission of the City of North Port, Florida, to allow golf carts on certain city streets under certain conditions as set forth in this article.~~

Sec. ~~74-150~~ 151. – Definitions.

Designated roadway. A roadway designated by the city commission as safe for the operation of golf carts, and where the use of a golf cart is permitted as indicated by appropriate signage posted along the roadway.

~~Golf cart.~~ A vehicle meeting the definition of golf cart provided in Pursuant to F.S. § 320.01 (22), a “golf cart” is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

~~Designated roadway.~~ A roadway designated by the city as safe for the operation of golf carts and where use of golf carts on the roadway is permitted.

Low-speed vehicle or LSV. A vehicle meeting the definition of low-speed vehicle provided in F.S. § 320.01. All low-speed vehicles must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seatbelts, vehicle identification numbers, efficient brakes, reliable steering apparatus, safe tires, and red reflectorized warning devices in both the front and rear.

Sec. ~~74-151~~ 152. – Golf carts. Designated roadways.

- (a) Golf cart operation. The operation of a golf cart is only permitted on private property, designated city roadways, on a golf course, and golf course accessory property. ~~Golf carts meeting the definition set forth in section 74-151 and meeting the minimum equipment standards established by Florida Statutes are authorized on designated roadways within the city. The city commission may designate additional roadways for golf cart, use or change or remove such designation by resolution from time to time.~~

(b) Designated city roadways. The operation of a golf cart is only authorized on designated city roadways where appropriate signage is posted in compliance with F.S. § 316.212(1). The city designates the following roadways:

- (1) All city roads in Cedar Grove, Phase 1 A;
- (2) All city roads in Holiday Park Recreational District;
- (3) All city roads in Lakeside Plantation Community Development District;
- (4) Plantation Boulevard; and
- (5) West Villages Improvement District (WVID). Those roads identified in any Traffic Enforcement Agreement with WVID, where the city is authorized to exercise its jurisdiction over municipal traffic control, and enforce the State Uniform Traffic Control laws on WVID roadways.

~~(b) The portion of Plantation Boulevard located within the city is a designated roadway. Lakeside Plantation Community Development District shall be responsible for posting appropriate signs on Plantation Boulevard to include all intersections allowing such use, as directed by the city.~~

~~Sec. 74-153. – State roads.~~

~~A golf cart may not be operated on a road or street that is a part of the state highway or U.S. highway system unless specifically authorized by the city and Department of Transportation as provided in F.S. § 316.212(2).~~

~~Sec. 74-152 154. – Low speed vehicles (LSVs). Rules of operation.~~

(a) Low-speed vehicles are prohibited on any road where the posted speed limit is more than 35 miles per hour, except when crossing such a road at an intersection.

(b) In the interest of safety, low-speed vehicles are prohibited on the following city roadways regardless of the posted speed limit:

- (1) Atwater Drive;
- (2) Biscayne Drive;
- (3) Chamberlain Boulevard;
- (4) Cranberry Boulevard;
- (5) Haberland Boulevard;
- (6) Pan American Boulevard;
- (7) Panacea Boulevard;

- (8) Price Boulevard;
- (9) Salford Boulevard;
- (10) San Mateo Drive;
- (11) Sumter Boulevard; and
- (12) Toledo Blade Boulevard.

- ~~(a) Local roads. A golf cart may only be operated on designated roadways after posting of the required sign(s) which authorizes such operation.~~
- ~~(b) Hours of operation. A golf cart may only be operated on designated roadways during the hours between sunrise and sunset.~~
- ~~(c) Equipment. A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear-view mirror, and red reflectorized warning devices in both the front and rear.~~
- ~~(d) Unlicensed drivers and age. No golf cart shall be operated by anyone under the age of 16 years and the driver, regardless of age, must possess a valid driver's license or learner's permit subject to the restrictions set forth by Florida Statutes.~~
- ~~(e) 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.~~
- ~~(f) No rental. There shall be no operation of rented golf carts in the city on the various streets, rights-of-way, alleys or property of the City.~~

Sec. ~~74-153~~ 155. – Penalties.

A violation of this article is a noncriminal traffic infraction punishable as a moving violation as provided in F.S. § 318.18.

- ~~(a) A violation of Section 74-152, section 74-153, subsection 74-154(a) or (b) is a noncriminal traffic infraction punishable as a moving violation as provided in F.S. § 318.20, as amended.~~
- ~~(b) A violation of subsection 74-154(c) is a noncriminal traffic infraction punishable as a nonmoving violation as provided in F.S. § 318.20.~~
- ~~(c) A violation of subsection 74-154(d) is a noncriminal traffic infraction punishable as a nonmoving violation as provided in F.S. § 318.20.~~
- ~~(d) A violation of subsection 74-154(e) shall be punishable as provided in F.S. ch. 318.~~
- ~~(e) A violation of subsection 74-154(f) is punished as follows:~~
 - ~~(1) First violation \$ 58.00~~

~~(2) Second violation if violation occurs within two years of first violation 158.00~~

~~(3) Third violation if violation occurs within four years of second violation 258.00”~~

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 10th day of November 2020.

PASSED and DULY ADOPTED by the City Commission of City of North Port, Florida on the second and final reading in public session this 9th day of February 2021.

CITY OF NORTH PORT, FLORIDA

GISELE “JILL” E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY