

ORDINANCE NO. 2022-

AN ORDINANCE OF THE TOWN OF YANKEETOWN, FLORIDA; CREATING NEW CODE SECTION 30-1 ENTITLED GOLF CARTS AND UTILITY TERRAIN VEHICLES; PROVIDING DEFINITIONS; REGULATING THE USE OF GOLF CARTS AND UTILITY TERRAIN VEHICLES UPON DESIGNATED MUNICIPAL ROADS; REGULATING PARKING OF GOLF CARTS AND UTILITY TERRAIN VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits municipalities to allow golf carts and Utility Terrain Vehicles to be operated on municipal roads provided that they may safely travel on or cross such public roads 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 and Utility Terrain Vehicles may only operate on such public roads during the hours between sunrise and sunset, unless the such golf carts and Utility Terrain Vehicles may also safely operate during the hours outside sunset and sunrise hours if they possess headlights, brake lights, turn signals and windshields.

WHEREAS, Section 316.212(7), Florida Statutes, allows municipalities to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212ⁱ on unlicensed golf cart operators; and

WHEREAS, the Town of Yankeetown Council has determined that golf carts and Utility Terrain Vehicles may safely be operated in a limited manner on certain municipal roads within town limits; and

WHEREAS, the Town of Yankeetown Council desires to provide additional

regulations for the operation of golf carts and Utility Terrain Vehicles on designated roads on within town limits; and

WHEREAS, the Town of Yankeetown Council believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY TOWN OF YANKEETOWN COUNCIL, FLORIDA that:

SECTION ONE: The Town of Yankeetown Code of Ordinances is hereby amended to add new section 30-1 as follows:

Chapter 30 - TRAFFIC AND VEHICLES , ARTICLE I. - IN GENERAL

is hereby amended to create:

[new]

Secs. 30-1 GOLF CARTS AND UTILITY TERRAIN VEHICLES

1. DEFINITIONS

- a. 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.
- b. The term "Utility Terrain Vehicle (UTV)" is defined by the state as a motor vehicle built and used more for work than recreation. They are large, powerful, able to seat passengers' side by side, and built with lots of storage space. They're commonly used to haul equipment and supplies in locations that make using a truck impractical or impossible.
- c. The term "Municipal Road" is defined as any public road, street or

highway that is under the jurisdiction of the Town of Yankeetown and is owned and/or operated and maintained by the Town of Yankeetown.

2. USE OF GOLF CARTS AND UTVS UPON DESIGNATED MUNICIPAL ROADS

ROADS

- a. Locations. Golf carts and UTVs may be operated on all municipal roads southeast of County Road 40. Golf carts and UTVs are prohibited on County Road 40 and CR40A (SE 193 Place). In accordance to Florida Statute, Section 316.212, the Town shall post appropriate signs along these locations to indicate where such operation is allowed and prohibited.
- b. Operators shall comply with the requirements of Florida Statutes, Section 316.212, which is applicable to the operation of golf carts on the forementioned designated roads, as well as the following restrictions set forth below that shall also apply within the Town of Yankeetown municipal boundaries.
- c. No persons shall operate golf carts on designated municipal roads without a valid driver's license issued in his or her home state.
- d. All golf carts operated under this Ordinance shall be restricted to a maximum attainable speed of twenty (20) miles per hour.
- e. All golf carts operating subject to this Ordinance must be equipped with efficient brakes, reliable steering apparatus, 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.
- f. Golf carts may only be operated on the designated Municipal roads

during the hours between sunrise and sunset, unless otherwise designated within exceptions below.

- g. Golf carts equipped with headlights, brake lights, turn signals, and windshields may operate at night. 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 11:00 p.m. and before 6:00 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.
- h. 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 1:00 a.m. and before 5:00 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.
- i. Violations of this section shall constitute a non-criminal infraction enforceable by all duly authorized law enforcement officers pursuant to the provisions of Florida Statutes, Section 316.212(8) and 318.
- j. The Town of Yankeetown shall post signs along the designated roads where golf cart & UTV operation is allowed advising motorists of the possible presence of golf cart & UTV traffic and alerting the public that the operation of such golf carts & UTV is subject to the various requirements of this Ordinance.

3. PARKING OF GOLF CARTS AND UTVS

a. Golf carts and UTV's are subject to parking requirements of all motor vehicles.

i. Parking for golf carts and UTV's is allowed in the following areas of Yankeetown:

1. Parking locations designated for golf carts and UTV's
2. Designated parking lots and parking areas that do not expressly prohibit golf cart and UTV parking
3. Town of Yankeetown right of ways that are not in front of private property and would not affect traffic in any manner.

ii. Parking for golf carts and UTV's is prohibited in the following areas of Yankeetown:

1. Town of Yankeetown Parks
2. Private Property
3. Designated as a no parking areas
4. Designated as no golf cart or UTV parking area.

SECTION TWO: CONFLICT OF LAW

In the event this Ordinance conflicts with any Florida Statute, or Ordinance of Levy County, or other applicable law or regulation, 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 THREE: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall take effect upon majority vote of council and two public hearing.

FIRST HEARING HELD ON 10/14, 2022.
SECOND HEARING HELD ON 11/7, 2022.

PASSED AND DULY ADOPTED, with a quorum present and voting, this 7 day of November, 2022, by a vote of 5 yeas and 0 nays.

TOWN OF YANKEETOWN, FLORIDA, BY AND THROUGH THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN

By: *Eric Erkel*
ERIC ERKEL, Mayor of Yankeetown

ATTEST:

By: *William Ary*
WILLIAM ARY, Town Clerk

APPROVED AS TO FORM AND CONTENT FOR THE RELIANCE OF THE TOWN OF YANKEETOWN ONLY:

Ralf Brookes
RALF BROOKES, Town Attorney

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity 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. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf

carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) Notwithstanding any other provision of this section, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or electric vehicles within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) Notwithstanding any other provision of this section, if authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the

State Park Road System if the posted speed limit is 35 miles per hour or less.

(5) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(7) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(8) A local governmental entity may enact an ordinance relating to:

(a) Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it

will be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(b) Golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:

1. The local governmental entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;

2. The local governmental entity consults with the Department of Transportation before adopting the ordinance;

3. The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to

state highways only if the sidewalks are at least 8 feet wide;

4. The ordinance requires the golf carts to meet the equipment requirements in subsection (6). However, the ordinance may require additional equipment, including horns or other warning devices required by s. 316.271; and

5. The local governmental entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.

(9) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(5) or a local ordinance corresponding thereto and enacted pursuant to subsection (8), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6), subsection (7), or a local ordinance corresponding thereto and enacted pursuant to subsection (8).

History.—s. 2, ch. 83-188; s. 1, ch. 84-111; s. 2, ch. 88-253; s. 322, ch. 95-148; s. 4, ch. 96-413; s. 168, ch. 99-248; s. 7, ch. 2000-313; s. 6, ch. 2005-164; s. 3, ch. 2008-98; s. 46, ch. 2010-223; s. 2, ch. 2015-163.