VILLAGE OF KEY BISCAYNE

Village Council
Michael W. Davey, Mayor
Edward London, Vice Mayor
Luis Lauredo, Councilmember
Allison McCormick, Councilmember
Brett Moss, Councilmember
Franklin H Caplan, Councilmember
Ignacio J. Segurola, Councilmember

WORKSHOP
TUESDAY, NOVEMBER 02, 2021
6:00 PM

1.**CALL TO ORDER/ROLL CALL OF MEMBERS**

2.**PLEDGE OF ALLEGIANCE**

3.**DISCUSSION:**

A. GOLF CART ORDINANCE

3.A. 1. VILLAGE ORDINANCE
TAB 1

3.B. 2. STATE LAW
TAB 2

4.**SCHEDULE OF FUTURE MEETINGS/EVENTS:**

A. REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 16, 2021, 6:00 P.M., COUNCIL CHAMBER

B. REGULAR COUNCIL MEETING
TUESDAY, DECEMBER 7, 2021, 6:00 P.M., COUNCIL CHAMBER

5.**ADJOURNMENT**

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

ARTICLE II. - GOLF CARTS

Sec. 26-21. - Legislative intent.

It is the intent of this article to permit and regulate the use of Golf Carts within the Designated Streets of the Village, during non-restricted hours by licensed drivers operating Golf Carts which have passed a safety inspection.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-22. - Definitions.

Designated Streets. All streets within the Village except Crandon Boulevard.

Golf Cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. ch. 316.003(68).

Permit. An official authorization designating that the Golf Cart to which the authorization is affixed meets the requirements of state law and the Village Code.

Slow Moving Vehicles. Any vehicle designed for use and speeds less than 25 miles per hour.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 97-23, § 1, 11-18-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-23. - Authorized use.

(a) Licensed drivers may operate Golf Carts which have been inspected and issued Permits by the Village Police Department on all Designated Streets within the Village.

(b) A Permit to use a Golf Cart on a Designated Street does not permit entry onto private property or semi-private property, including retail parking lots, private roads or common areas in condominiums. Access to these areas may be regulated by the property owners and/or property managers.

(c) Golf Carts that are intended to be leased for any amount of time or to be sold shall only be stored on property that has a Main Permitted Use of a Motel, Hotel, or a use within the C-1 District involved in the retail sale of Golf Carts. The storage of the Golf Carts shall not occur within ten feet of any property line that faces a street. Golf Carts with signs shall be parked only in a C-1 Light Intensity commercial District, O-1 Low Intensity Office District, or at a hotel or motel.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2002-5, § 3, 5-28-02; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-24. - Prohibited use.

The operation in the Village of any Golf Cart in the following manner or under the following conditions is prohibited:

(1) Without a valid, current driver's license;

(2) During hours between sunset and sunrise without being equipped with headlights and a windshield;

(3) Without a valid, current Permit issued by the Village Police Department and affixed to the Golf Cart in a conspicuous location;

(4) In violation of State or County traffic regulations;

(5) Anywhere on the roadway surface of Crandon Boulevard, except to cross that thoroughfare at marked intersections or intersections regulated by a traffic signal or to travel north or south upon Crandon Boulevard solely for the purpose of reaching the immediately next intersection. The operation of Golf Carts upon Crandon Boulevard pursuant to this subsection (5) shall be subject to authorization from Metro-Dade County pursuant to F.S. § 316.212(1);

(6) On the beaches, parks, bicycle paths, sidewalks, or swales of the Village;

(7) Parking in violation of posted regulations;

(8) Obstructing or interfering with normal traffic flow; and

(9) Carrying more passengers than those for which the Golf Cart was designed.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 97-23, § 2, 11-18-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-25. - Inspection.

(a) Each Golf Cart shall be inspected by the Village annually.

(b) Upon submitting a completed Permit application, proof of insurance and the payment of a $15.00 application fee, the Village Police Department will schedule an inspection to ensure that the required equipment is installed and operating properly.

(c) The application fees will be deposited into the General Operating Funds of the Village.

(d) The Village Police Department shall issue a Permit to a Golf Cart which passes the inspection. The Permit shall include a registration number and be displayed in a conspicuous location on the Golf Cart.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-26. - Required equipment.

A Golf Cart must be equipped with:

(1) Efficient brakes;

(2) Reliable steering apparatus;

(3) Safe tires;

(4) Rear view mirrors;

(5) Red reflectorized warning devices, both in the front and the rear;

(6) Rear stop lamps meeting the minimum standards of F.S. § 316.234(1);

(7) Turn signals meeting the minimum standards of F.S. § 316.234(2); and

(8) Safety belts.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-27. - Slow Moving Vehicles.

Golf Carts meeting the definition of Slow Moving Vehicle must also have a "SMV" triangular emblem attached to the Golf Cart pursuant to Metro-Dade Ordinance No. 71-94.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-28. - Operators.

Drivers must hold a current, valid driver's license in order to operate a Golf Cart upon the streets of the Village.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-29. - Traffic laws.

(a) Operators of Golf Carts using Designated Streets within the Village are required to observe all traffic laws as if they were operating any other motor vehicle.

(b) While traveling on Designated Streets, operators and passengers of Golf Carts must comply with applicable State law as to the requirements and usage of safety belts and child restraint equipment.

(c) Owners and operators of Golf Carts shall comply with applicable State law pertaining to insurance requirements.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Sec. 26-30. - Enforcement.

The Village Police Department shall be responsible for enforcing this article.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2010-1, § 2, 2-23-10)

Secs. 26-31—26-39. - Reserved.

The 2021 Florida Statutes

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.

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