

ORDINANCE NO. 2018- 42

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE OPERATION OF GOLF CARTS, LOW-SPEED VEHICLES, AND MINI TRUCKS ON COUNTY ROADS AND SIDEWALKS; PROVIDING FINDINGS OF FACT; REPEALING COUNTY ORDINANCE 2010-48 AND COUNTY RESOLUTION 2009-11; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR PROCEDURE, STANDARDS, AND METHOD OF APPEAL FOR DESIGNATION OF COUNTY ROADS FOR GOLF CART USE, DESIGNATION OF SIDEWALKS FOR GOLF CART AND LOW-SPEED VEHICLE USE, AND DESIGNATION OF COUNTY ROADS FOR LOW-SPEED VEHICLES AND/OR MINI TRUCKS USE PROHIBITED; PROVIDING GOLF CART, LOW-SPEED VEHICLE, AND MINI TRUCK OPERATION AND EQUIPMENT REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, section 316.212(1), Florida Statutes, provides that Golf Carts may be operated only upon a County Road that has been designated by the County for use by Golf Carts; and

WHEREAS, section 316.212(1), Florida Statutes, provides that designation of a County Road for use by Golf Carts must be preceded by a determination by the County that Golf Carts may safely travel upon or cross the County Road, considering factors including the speed, volume, and character of motor vehicular traffic using the County Road; and

WHEREAS, section 316.212(5), Florida Statutes, provides that 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 provided that the Golf Cart is equipped with headlights, brake lights, turn signals, and windshields; and

WHEREAS, section 316.212(8), Florida Statutes, expressly allows the County to enact an ordinance relating to Golf Cart operation and equipment which is more restrictive than the provisions enumerated in section 316.212, Florida Statutes, and that applies only to an unlicensed driver; and

WHEREAS, sections 316.008(7) and 316.212(8), Florida Statutes, expressly allow the County to enact an ordinance relating to Golf Cart operation on sidewalks adjacent to specific segments of County Roads; and

WHEREAS, section 316.2122, Florida Statutes, provides for the operation of Low-Speed Vehicles and Mini Trucks on certain streets and with certain restrictions and expressly allows the County to prohibit the operation of Low-Speed Vehicles or Mini Trucks on any road under its jurisdiction if the governing body of the County determines that such prohibition is necessary in

the interest of safety; and

WHEREAS, a determination by the County that Golf Carts may safely travel upon or cross a County Road, that a Golf Cart may be operated during the hours between sunset and sunrise, that Golf Carts and/or Low-Speed Vehicles may be operated on sidewalks adjacent to specific segments of County Roads, or that the operation of Low-Speed Vehicles or Mini Trucks on any road under the County's jurisdiction should be prohibited is discretionary, planning- and policy-level determination; and

WHEREAS, the regulations provided in this Ordinance promote and enhance the health, safety and welfare of the citizen of the County and the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The above recitals are hereby incorporated into the body of this Ordinance and are adopted as findings of fact.

Section 2. Repeal of Ordinance 2010-48 and Resolution 2009-11. Ordinance 2010-48 and Resolution 2009-11 are hereby repealed. This section shall not affect the validity of any enforcement action or proceedings undertaken under Ordinance 2010-48 or Resolution 2009-11 prior to the effective date of this Ordinance, or the validity of any designation of a County Road as a Designated County Road under Ordinance 2010-48 or Resolution 2009-11 prior to the effective date of this Ordinance.

Section 3. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. "Applicant" means a person or entity who is requesting for a County Road to be designated as either a Designated County Road or a Prohibited County Road, or for a sidewalk to be designated as a Multi-Use Path.

B. "Application" means a request for a County Road to be designated as either a Designated County Road or a Prohibited County Road, or for a sidewalk to be designated as a Multi-Use Path.

C. "Authorized Emergency Vehicle" means a Golf Cart, LSV, or Mini Truck of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of county or municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

D. "Board" means the Board of County Commissioners of St. Johns County, Florida.

E. "County" means St. Johns County, Florida.

F. "County Engineer" shall mean that county official designated or recognized to be performing as the Professional Engineer of the County.

G. "County Road" means land in which the County owns the fee or has a right-of-way or easement devoted to or restricted for use as a transportation facility for the public use; a road or street opened to travel by the public that is not maintained or owned by a community development district, special district, or a private entity.

H. "Designated County Road" means a County Road, or portion thereof, that, consistent with this Ordinance, has received approval from the County for the use of Golf Carts.

I. "Golf Cart" means 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 20 miles per hour.

J. "Low-Speed Vehicle," or "LSV," means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500 and section 316.2122, Florida Statutes.

K. "Mini Truck" means any four-wheeled, reduced-dimension truck that does not have National Highway Traffic Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.

L. "Multi-Use Path" means a sidewalk, or portion thereof, that, consistent with this Ordinance, has received approval from the County for the use of Golf Carts, LSVs, or both, to share the sidewalk with bicycles and pedestrians.

M. "Prohibited County Road" means a County Road, or portion thereof, on which, consistent with this Ordinance, the County has prohibited the use of LSVs, Mini Trucks, or both.

N. "Sidewalk" means that portion of a street between the curblines, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Section 4. Purpose. The purpose of this Ordinance is to:

A. Provide for the safe and orderly operation of Golf Carts on Designated County Roads, Golf Carts and LSVs on Multi-Use Paths, and LSVs and Mini Trucks on County Roads;

B. Provide for the prohibition of the operation of LSVs, Mini Trucks, or both, on a Prohibited County Road where the County has determined that such prohibition is necessary in the interest of safety; and

Section 5. Designation Procedures. The following procedures shall be utilized in designating any portion of any County Road as a Designated County Road or Prohibited County Road or any portion of a sidewalk as a Multi-Use Path:

A. Upon receipt of an Application, the County Engineer shall, as may be applicable, conduct a study, if the Application has been initiated by the County, review any study provided by the Applicant, or review the proposed construction plans, if the Application has been submitted during development review. The Application shall be accompanied by any administrative or processing fee as may be adopted by the Board by resolution. In the case of a request for an existing County Road to be designated as either a Designated County Road or a Prohibited County Road, or for an existing sidewalk to be designated as a Multi-Use Path, the Application must be submitted by the board of the homeowners' association of the subdivision where the existing County Road or sidewalk is located. The County Engineer shall review the Application in accordance with best practices within the industry and with local, state, and federal design standards and guidelines and shall make a determination of the following, as may be applicable:

i. In the case of a proposed Designated County Road, whether Golf Carts may travel on or cross the proposed Designated County Road, considering factors including the speed, volume, and character of motor vehicle traffic using said road or street, provided that, in no event shall an Application for a proposed Designated County Road be granted unless the posted speed limit is 25 miles per hour or less.

ii. In the case of a proposed Prohibited County Road, whether it is necessary in the interest of safety to prohibit the operation of LSVs, Mini Trucks, or both, on the proposed Prohibited County Road.

iii. In the case of a proposed Multi-Use Path, after considering the condition and current use of the sidewalk, the character of the surrounding community, and the locations of authorized Golf Cart crossing, whether Golf Carts, LSVs, bicycles, and pedestrians may safely share the sidewalk. Any Multi-Use Path shall have a minimum of 20 feet of clear width, with pavement width of at least 12 feet, measured from the centerline of the 20-foot clear width. The County Engineer may approve a deviation of both the required clear width and required pavement width based on topographic conditions, but may not approve a proposed Multi-Use Path with less than 8 feet of pavement width.

Upon completion of the review, the County Engineer shall either deny or grant the Application.

B. In the event that the County Engineer denies the Application, the County Engineer shall provide the Applicant with written finding of facts in support of the denial. The Applicant may appeal the denial to the Board of County Commissioners by filing a written notice of appeal with the County Administrator within 30 days after receipt of the written findings of fact.

C. In the event that the County Engineer grants the Application, the County Engineer shall install, or shall cause to be installed, appropriate signs and/or pavement markings to indicate that such vehicle use is allowed or prohibited, as may be applicable. All signage and pavement markings shall comply with the standards of the *Manual on Uniform Traffic Control Devices* issued by the Federal Highway Administration, United States Department of Transportation, and with any permitting requirements for such signs. Prior to installation of the signage and/or pavement markings, the Applicant, or designee, shall pay in full to the County for all costs and expenses associated with the fabrication and installation of such signage and/or pavement markings. The Applicant shall also pay the County for any costs and expenses associated with any

subsequent repair or replacement of such signage and/or pavement markings.

D. Communities that own and maintain their own road system (i.e. private communities, community development districts, special districts) may apply pursuant to this Section 5 for the community-owned roads or sidewalks, or any portion thereof, to be designated for Golf Cart and/or LSV use or for the use of LSVs, Mini Trucks, or both, to be prohibited upon the community-owned roads, or any portion thereof, and for enforcement of the provisions of this Ordinance, if said community has entered into a Traffic Enforcement Agreement with the St. Johns County Sheriff's Office. The cost of any and all signage and/or pavement markings required shall be the sole responsibility of the community. Nothing in this Ordinance shall be construed to convey to the County any ownership or maintenance responsibility of the community-owned roads or sidewalks.

Section 6. Golf Cart, LSV, and Mini Truck Operation and Equipment.

A. No Golf Cart, LSV, or Mini Truck shall be operated in a reckless or careless manner upon any County Road or sidewalk.

B. The operation of a Golf Cart upon any County Road is prohibited, except upon a Designated County Road that has been appropriately marked with signs and/or pavement markings by the County Engineer.

C. The operation of a Golf Cart or LSV upon any sidewalk adjacent to a County Road or state highway within the County is prohibited, except upon a Multi-Use Path that has been appropriately marked with signs and/or pavement markings.

D. An LSV or Mini Truck may be operated only upon a County Road where the posted speed limit is 35 miles per hour or less and which has not been designated a Prohibited County Road. This does not prohibit an LSV or Mini Truck from crossing a County Road at an intersection where the County Road has a posted speed limit of more than 35 miles per hour or where the County Road has been designated a Prohibited County Road.

E. The operation of a Mini Truck upon any sidewalk, including but not limited to any Multi-Use Path, is prohibited.

F. A Golf Cart may be operated on a Designated County Road and Multi-Use Path only between sunrise and sunset, unless the County has determined that Golf Carts may be operated between sunset and sunrise on the particular Designated County Road or Multi-Use Path and the Golf Cart is equipped with headlights, brake lights, turn signals, and a windshield.

G. A Golf Cart may not be operated upon a Designated County Road or Multi-Use Path by any person under the age of 14.

H. The operation of a Golf Cart or LSV upon a Multi-Use Path shall be restricted to a maximum speed of 15 miles per hour.

I. Any person operating a Golf Cart or LSV upon a Multi-Use Path shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian or bicycle upon the Multi-Use

Path.

J. Any person operating an LSV or Mini Truck must have in his or her possession a valid driver license.

K. Any person who does not hold a valid driver license must have in his or her possession photographic identification while operating a Golf Cart upon a Designated County Road or Multi-Use Path.

L. No person who does not hold a valid driver license and who is under 17 years of age may operate a Golf Cart upon a Designated County Road or Multi-Use Path after 11 p.m. and before 6 a.m.

M. No person who does not hold a valid driver license and who is 17 years of age may operate a Golf Cart upon a Designated County Road or Multi-Use Path after 1 a.m. and before 5 a.m.

N. A Golf Cart operating on a Designated County Road or Multi-Use Path 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. Additionally, a Golf Cart or LSV operating on a Multi-Use Path must be equipped with a horn or other warning device required by section 316.271, Florida Statutes.

O. An LSV must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

P. An LSV or Mini Truck must be registered and insured in accordance with section 302.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes.

Q. The County may use Golf Carts and LSVs upon any County Road or sidewalk in accordance with the provisions of this Section 6, as applicable, and of section 316.2126(1) and (4), Florida Statutes.

R. Notwithstanding any provision of this Ordinance to the contrary, any Authorized Emergency Vehicle may operate on any County Road or sidewalk while carrying out official duties and in accordance with section 316.21265, Florida Statutes.

S. In addition to the above provisions, the Florida Uniform Traffic Control Law (Chapter 316, Florida Statutes) shall apply where applicable, as per Florida law.

Section 7. Geographic Limits of Ordinance. The Ordinance shall apply to the unincorporated portions of the County.

Section 8. Enforcement and Penalties. Violations of this Ordinance may be enforced by the St. Johns County Sheriff or Code Enforcement Officers by any method allowable in law or equity, including but not limited to the following:

A. Any person or entity violating any of the provisions of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense.

B. This Ordinance may also be enforced in accordance with the provisions of Chapter 162, Florida Statutes (Code Enforcement Board, or Citation) as a civil infraction punishable by civil penalty in the amounts set forth below. The maximum civil penalty shall not exceed five hundred dollars (\$500.00). A civil penalty of less than the maximum civil penalty shall be imposed if the person who has committed the civil infraction does not contest the citation. An officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that a person has committed a violation of this Ordinance. A citation issued pursuant to this subsection 8.B shall comply with the requirements of Chapter 162, Part II, Florida Statutes, and may be contested in County Court. Violations enforced in accordance with this subsection 8.B are a civil infraction and shall include fines as follows:

	<u>Uncontested</u>	<u>Contested</u>
First Violation	\$75.00	\$93.00
Second Violation (and every violation thereafter)	\$150.00	\$168.00

The above fine amounts may be changed by resolution of the Board. In addition to the fines set forth above, a person who is issued a citation for a violation of this Ordinance shall pay any filing fees or court costs assessed in connection with the citation.

C. Uniform Traffic Citations shall only be used for violations of this Ordinance where there is also a violation of the Florida Uniform Traffic Control Law.

D. The enforcement provisions of this Section 8 are supplemental in nature and are not intended to prohibit the County from seeking any remedy available at law or equity.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance. This Ordinance shall be read with Florida Statute 316.212 and 316.2122, or any other applicable statutes, as may be amended from time to time. If any conflict exists or arises between this Ordinance and said statutes or any rule promulgated under that statute, the statute or rule shall control and automatically sever the conflicting Ordinance provision.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its being filed with the Secretary of State.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this ___ day of _____ 2018.

BOARD OF COUNTY COMMISSIONERS OF

ST. JOHNS COUNTY, FLORIDA

By: _____
Henry Dean, Chair

ATTEST: Hunter S. Conrad

Deputy Clerk