

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 583.18**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY ADDING SECTIONS 38-100 THROUGH 38-109 TO A NEW ARTICLE IV, "GOLF CARTS" WITHIN CHAPTER 38, "TRAFFIC AND VEHICLES" TO PROVIDE REGULATIONS FOR THE USE OF GOLF CARTS ON THE PUBLIC ROADS AND STREETS WITHIN THE TOWN'S JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

1           **WHEREAS**, the Town of Golden Beach, Florida (the "Town") Council desires to  
2 amend the Code of Ordinances of the Town of Golden Beach, Florida by adding Sections  
3 38-100 through 38-109 to a new Article IV, "Golf Carts" within the existing Chapter 38,  
4 "Traffic and Vehicles" to permit and provide regulations for the use of golf carts on  
5 designated public roads and streets within the Town's jurisdiction during non-restricted  
6 hours by golf cart operators who have passed a safety inspection; and

7           **WHEREAS**, in accordance with Section 316.212, Florida Statutes, the Town Council  
8 finds that golf carts may safely travel on or cross the public roads or streets within the  
9 Town's jurisdiction, and, in making this determination, the Town Council has considered  
10 factors including the speed, volume, and character of motor vehicle traffic using the roads  
11 or streets within the Town's jurisdiction; and

12           **WHEREAS**, the Town Council finds that golf carts may be operated at any time of  
13 day, including between sunset and sunrise if the golf cart is equipped with headlights,  
14 brake lights, turn signals, and a windshield; and

15           **WHEREAS**, the Town Council finds this Ordinance to be in the best interest and  
16 welfare of the residents of the Town.

17           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GOLDEN**  
18 **BEACH, FLORIDA:**

19           **Section 1. Recitals.** That the recitals set forth above are hereby adopted and  
20 confirmed.

21           **Section 2. Amending Code.** That the Code of Ordinances of the Town of  
22 Golden Beach, Florida is hereby amended by adding Sections 38-100 through 38-109 to  
23 a new Article IV, "Golf Carts" within the existing Chapter 38, "Traffic and Vehicles," which  
24 sections shall read as follows:<sup>1</sup>

25 Chapter 38 – TRAFFIC AND VEHICLES

26           \* \* \*

27 ARTICLE IV – GOLF CARTS

28 Sec. 38-100. - Legislative intent.

29 It is the intent of this article to permit and regulate the use of Golf Carts within the  
30 Designated Streets of the Town, during non-restricted hours by Golf Cart operators which  
31 have passed a safety inspection.

32 Sec. 38-101. - Definitions.

33 *Designated Streets.* All streets within the Town except Ocean Boulevard/A1A.

34 *Golf Cart.* A motor vehicle designed and manufactured for operation on a golf course for  
35 sporting or recreational purposes as defined in Florida Statutes Section 316.003(27).

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

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

---

<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Additions added between first and second reading are shown in double underline.

40 Sec. 38-102. - Authorized use.

- 41 (a) Only those Golf Carts which have been inspected and issued Permits by the Town  
42 Police Department may be operated on all Designated Streets within the Town.
- 43 (b) A Permit to use a Golf Cart on a Designated Street does not permit entry onto private  
44 property or semi-private property, including private roads. Access to these areas may  
45 be regulated by property owners and/or property managers.

46 Sec. 38-103. - Prohibited use.

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

- 49 (1) By an individual under the age of 16;
- 50 (2) During hours between sunset and sunrise without being equipped with  
51 headlights, brake lights, turn signals, and a windshield;
- 52 (3) Without a valid, current Permit issued by the Town Police Department and  
53 affixed to the Golf Cart in a conspicuous location;
- 54 (4) In violation of State or County traffic regulations;
- 55 (5) Anywhere on the roadway surface of Ocean Boulevard/A1A, except to cross  
56 that thoroughfare at marked intersections or intersections regulated by a traffic  
57 signal or to travel north or south upon Ocean Boulevard/A1A solely for the  
58 purpose of reaching the immediately next intersection. The operation of Golf  
59 Carts upon Ocean Boulevard/A1A pursuant to this subsection (5) shall be subject  
60 to authorization from the Florida Department of Transportation pursuant to Florida  
61 Statutes Section 316.212(2);
- 62 (6) On the beaches, parks, bicycle paths, sidewalks, or swales of the Town;
- 63 (7) Parking in violation of posted regulations;
- 64 (8) Obstructing or interfering with normal traffic flow;
- 65 (9) Carrying more passengers than those for which the Golf Cart was designed;  
66 and
- 67 (10) By an unlicensed driver who fails a skills test administered by the Town's Police  
68 Department.

69 Sec. 38-104. - Inspection.

- 70 (a) Each Golf Cart shall be inspected by the Town annually.
- 71 (b) Upon submitting a completed Permit application, proof of insurance and the  
72 payment of a \$15.00 application fee, the Town Police Department will schedule an  
73 inspection to ensure that the required equipment is installed and operating properly.
- 74 (c) The application fees will be deposited into the General Operating Funds of the Town.

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

78 Sec. 38-105. - Required equipment.

79 A Golf Cart must be equipped with:

- 80 (1) Efficient brakes;
- 81 (2) Reliable steering apparatus;
- 82 (3) Safe tires;
- 83 (4) Rear view mirrors;
- 84 (5) Red reflectorized warning devices in both the front and the rear;
- 85 (6) Headlights;
- 86 (7) Brake lights (also referred to as rear stop lamps) meeting the minimum  
87 standards of F.S. § 316.234(1);
- 88 (8) Turn signals meeting the minimum standards of F.S. § 316.234(2); and
- 89 (9) A windshield.

90 Sec. 38-106. - Slow Moving Vehicles.

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

94 Sec. 38-107. - Operators.

- 95 (a) A Golf Cart may not be operated by any person under the age of 16.
- 96 (b) A Golf Cart may be operated by an unlicensed individual who passes a skills test  
97 administered by the Town's Police Department.
- 98 (c) Golf Cart operators must maintain and provide proof of liability insurance coverage  
99 (for both bodily injury and property damage) in a minimum amount of \$100,000.

100 Sec. 38-108. - Traffic laws.

- 101 (a) Operators of Golf Carts using Designated Streets within the Town are required to  
102 observe all traffic laws as if they were operating any other motor vehicle.
- 103 (b) While traveling on Designated Streets, operators and passengers of Golf Carts must  
104 comply with applicable State law as to the requirements and usage of safety belts  
105 and child restraint equipment.
- 106 (c) Owners and operators of Golf Carts shall comply with applicable State law  
107 pertaining to insurance requirements.

108 Sec. 38-109. - Enforcement.

109 The Town Police Department shall be responsible for enforcing this article.

110 Secs. 38-110 – 38-120 - Reserved.

111 **Section 3. Severability.** That the provisions of this Ordinance are declared to  
112 be severable and if any section, sentence, clause or phrase of this Ordinance shall for  
113 any reason be held to be invalid or unconstitutional, such decision shall not affect the  
114 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
115 they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
116 notwithstanding the invalidity of any part.

117 **Section 4. Codification.** That it is the intent of the Town Council that the  
118 provisions of this ordinance shall become and be made a part of the Town's Code of  
119 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,  
120 and the word "ordinance" may be changed to "section," "article," "regulation," or such  
121 other appropriate word or phrase in order to accomplish such intentions.

122 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or  
123 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

124 **Section 6. Effective Date.** That this Ordinance shall be in full force and take  
125 effect immediately upon its passage and adoption.

126 The Motion to adopt the foregoing Ordinance was offered by Councilmember  
127 Luskin, seconded by Councilmember Rojas, and on roll call the following vote ensued:

128	Mayor Glenn Singer	<u>Aye</u>
129	Vice-Mayor Jaime Mendal	<u>Aye</u>
130	Councilmember Amy Isackson-Rojas	<u>Nay</u>
131	Councilmember Kenneth Bernstein	<u>Aye</u>
132	Councilmember Judy Luskin	<u>Aye</u>

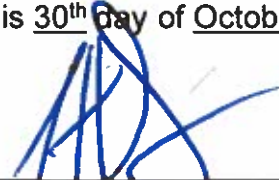
133

134 **PASSED AND ADOPTED** on first reading this 27<sup>th</sup> day of September, 2018.


135 The Motion to adopt the foregoing Ordinance was offered by Councilmember  
136 Rojas, seconded by Councilmember Bernstein, and on roll call the following vote  
137 ensued:

138	Mayor Glenn Singer	<u>Aye</u>
139	Vice-Mayor Jaime Mendal	<u>Aye (via phone)</u>
140	Councilmember Amy Isackson-Rojas	<u>Aye</u>
141	Councilmember Judy Lusskin	<u>Absent</u>
142	Councilmember Kenneth Bernstein	<u>Aye</u>

143  
144 **PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of October, 2018.

145  
146  
147  
  
\_\_\_\_\_  
MAYOR GLENN SINGER

148 ATTEST:  
149  
150  
151  
  
\_\_\_\_\_  
LISSETTE PEREZ  
153 TOWN CLERK

154  
155  
156 APPROVED AS TO FORM  
157 AND LEGAL SUFFICIENCY:  
158  
159  
160  
  
\_\_\_\_\_  
161 STEPHEN J. HELFMAN  
162 TOWN ATTORNEY