



Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
5/5/2020	1	Board of County Commissioners	withdrawn	

PLACEMENT: Departmental

TITLE:

GOLF CARTS ON COUNTY ROADS

EXECUTIVE SUMMARY:

Staff is asking the Board of County Commissioners for direction on whether to regulate the use of golf carts on County roads.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Lisa A. Wichser, P.E., CFM
Title: County Engineer

REQUESTED BY: The Honorable Board of County Commissioners

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

At the February 18, 2020 Board of County Commissioners (Board) meeting, a resident representing Seagate Harbor and Lighthouse Point solicited the Board to designate their neighborhood's roads for use by golf carts. The Board of County Commissioners asked the staff to bring back an item that identifies acceptable parameters for the designation of golf carts on County roads.

Staff contacted the Sheriff's Office and found that four written citations involving golf carts were issued in unincorporated Martin County since January 1, 2018: one on NE Jensen Beach Boulevard where the driver was cited for unlawfully driving an unregistered vehicle; another on NE Jensen Beach Boulevard where the driver was involved in a hit and run crash and later arrested for driving

under the influence; one on NE Causeway Boulevard where the driver was cited for unlawfully driving an unregistered vehicle; and one in Palm City where the driver was arrested for theft of a golf cart.

In the same timeframe, 7 written warnings were issued, and 49 verbal warnings were issued. Only 3 of the written warnings and 17 of the verbal warning were issued in residential neighborhoods, the rest were issued on major corridors like Jensen Beach Boulevard, Federal Highway, Bridge Road, Martin Downs Boulevard, etc.

Florida Statutes prohibits the use of golf carts on public roads, but it provides that a County may designate their use if it determines it is safe:

“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.”

There are no County roads in unincorporated Martin County designated for golf cart use. However, the Florida Statutes provides that low-speed vehicles may be used on a County road without specific designation. A low-speed vehicle is defined as, “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 certain safety standards. This means that if a golf cart (and its driver) complies with the following statutory provisions, it can be used on a County road without the County having separate regulations or designations:

“316.2122 Operation of a low-speed vehicle or mini truck on certain roadways - The operation of a low-speed vehicle ... is authorized with the following restrictions:

- (1) A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- (3) A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02 <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-
- (4) Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver license.”

The attached Florida Department of Highway Safety and Motor Vehicles' brochure helps distinguish between a golf cart and a low-speed vehicle.

Should the Board determine that the requirements of operating a low-speed vehicle on County roads is too imposing for some neighborhoods' residents, the Board may adopt an Ordinance that sets forth the process for a neighborhood to request the designation of its road(s) as appropriate for golf cart use and includes the parameters used to determine whether golf carts may safely travel on or cross the County road(s) in question. The following information provides a framework for a potential Ordinance should the Board opt to explore this opportunity to allow golf carts that are not registered as low-speed vehicles to use County roads.

Suggested Process

Staff found other counties and municipalities require a petition that demonstrates support from a certain majority of the residents in the community seeking such designation. Our regulations require petitions from property owners for various requests and each has a unique determination for the support required:

<u>Request</u>	<u>Support required</u>
Street name change	at least 51%
Traffic calming	majority of residents
Beach nourishment	two-thirds
Extension of utility services	50% + 1
Assessible paving	50% + 1

Based on experience with traffic calming safety projects and the dissension that is generated among neighborhood residents trying to reach consensus during the planning stages or after implementation, staff suggests the Ordinance include the requirement of a petition supported by at least two-thirds of the property owners in the neighborhood where such designation is being sought.

Upon staff's determination that the request for designation is appropriately supported and that the parameters set forth in the Ordinance have been met, staff suggests the Ordinance include the requirement for the Board's approval in the form of a Resolution, which could be considered by the Board under consent. The approved resolution would trigger the installation of appropriate signage and notification to the Sheriff's Office.

Suggested Parameters

Florida Statutes Section 316.212 further provides the following provisions for use of golf carts on County roads designated for such use:

- “(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.”

If the Board opts to create an Ordinance, staff suggests it include a provision to allow the operation of a golf cart between 6:00 am and 10:00 pm and only if it is properly equipped as required in paragraphs (5) and (6). Staff suggests the Ordinance prohibit the operation of a golf cart by any person under the age of 16 and limit the occupancy of the golf cart to the number of occupants recommended by the manufacturer.

In addition, if the Board opts to create an Ordinance, staff suggests that the designation of a County road for golf cart use be restricted to roads having a posted speed of 30 MPH or less and that are in neighborhoods with no more than four access points to major roadways. Finally, staff suggests the Ordinance, if desired, prohibit golf carts from crossing an intersection where the road being crossed has a posted speed higher than 35 MPH or is designated as a State road.

ISSUES:

The Board should carefully consider whether it is appropriate for unlicensed or licensed individuals to operate unregistered and uninsured vehicles on County roads and the Board should consider the impact to the Sheriff’s Office and staff to implement this potential change.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Continue to allow low-speed vehicles on County Roads and provide direction regarding the development of an Ordinance to provide the process and parameters for designating golf cart use on County roads.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds

Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other:

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