

Ordinance

No. 2005 - 05

AN ORDINANCE FOR THE TOWN OF OAKLAND, FLORIDA; CREATING ARTICLE VI, GOLF CARTS OF CHAPTER 70, TRAFFIC AND VEHICLES IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS, RESTRICTIONS, AUTHORIZATION, HOURS OF OPERATION, COMPLIANCE WITH TRAFFIC LAWS, AND REGISTRATION; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, The Town Commissioners at a Town meeting found that the improper use of golf carts can be a threat to the health and safety of its citizens;

WHEREAS, The proper use of golf carts can aid in the mobility of certain segments of the local population; and

WHEREAS, the proper use of golf carts can also reduce the negative impacts of automobiles.

THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF OAKLAND, FLORIDA:

SECTION 1. The Town Code, Chapter 70, Town of Oakland, Florida, is hereby amended by adding Article VI, to be titled "Golf Carts" as follows:

ARTICLE VI. Golf Carts

Section 70.151. Definition of Golf Cart. Pursuant to Section 320.01(22), Florida Statutes, a "golf cart" is defined 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 20 miles per hour.

Section 70.152. Restriction to Golf Cart Modifications. All golf carts operated within the Town of Oakland shall meet the minimum equipment standards established by Florida State Statutes and have no increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart. Speed-modified golf carts or "hybrid" golf carts are not authorized for use on Town of Oakland streets.

Section 70.153. Authorization to Operate Golf Carts Within the Town of Oakland. Golf carts meeting the definition set forth in Section 70.151 above and properly equipped meeting restrictions in Section 70.152 above, may be operated on those streets designated for cart usage.

A. Permitted Designated Streets.

1. All town streets north of and including Sadler Ave. and east of and including Simeon Rd.
2. All town streets within Town subdivisions or streets in subdivisions which traffic is enforceable providing they are approved for use by the subdivisions Homeowners Association and a written agreement has been entered with the Town for traffic enforcement on subdivision streets. Any notice to rescind this use will be provided in writing.

B. Non-Designated Street.

1. Golf carts will NOT be permitted to use CR 438 (Oakland Avenue), S. Tubb Street, SR 50 or Remington Road. Golf carts may be permitted to cross CR 438 at a controlled intersection while obeying traffic laws and yielding the right of way to other vehicular traffic. No golf carts are permitted to cross SR 50.
2. No golf cart is permitted on or along the sides of the West Orange Trail and is only permitted to cross the West Orange Trail at Town street intersections.
3. No golf cart is permitted to ride on private property except that property owned by the same individual as the golf cart or without written consent of the owner. If the owner is present on property where a golf cart is being used, they are permitted to give verbal consent.

*The Town of Oakland shall provide signage designating streets or other areas where golf carts may be operated.

Section 70.154. Hours of Operation. Golf carts will ONLY be permitted on Town streets from 8am to 6pm. During times of any darkness, fog, smoke and rain, golf carts must be equipped with headlights, brake lights, turn signals and a windshield. The Town Commission strongly recommends the placement of reflective devices or reflective tape on the sides of all golf carts.

Section 70.155. Compliance with Traffic Laws. Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

Section 70.156. Golf Cart Registration. All golf carts operated on Town of Oakland streets must first be registered through the Oakland Police Department. Registration of golf carts must be made by the owner who is at least 18 years of age. The owner of the golf cart will be charged an annual registration fee of \$12. There will be no prorated registrations. Funds from registration fees will help support costs of street designation signs, police inspection of the golf cart and registration stickers, which are to be placed on the driver's rear fender of the golf cart. A thirty-one day re-registration period for all previously registered golf carts will be permitted during the month of January each year for an annual re-registration fee of \$10. Owners re-registering golf carts after this date will be charged the annual fee of \$12. Owners re-registering after January 31st of each year will be considered expired until and re-registered and not permitted for use on Town of Oakland designated streets. Driving a golf cart without a current registration will result in a fine of \$25. If not paid, this fine will be billed through the Town of Oakland monthly water bill. Any person, who demonstrates their fine has been paid by producing a receipt from the Town, can register their golf cart for free within 10 working days of paying their fine. After ten working days it will cost the owner another \$12 to register their golf cart. A list of all golf cart registrations will be maintained by the Oakland Police Department.

SECTION 2. Codification: It is the intention of the Town Commissioners of the Town of Oakland, Florida, and it is hereby ordained the provisions of this Ordinance become and be made a part of the Town Code of the Town of Oakland, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to

accomplish such intention; that the word, "Ordinance" may be changed to "Section", "Article" or other appropriate wording.

Section 3. Conflict. All ordinances or regulations in conflict with the provisions herein are herewith are hereby repealed. The Ordinance shall not repeal prior resolutions or provisions that established specific golf cart communities, nor prevent the establishment of additional golf cart communities within the Town.

SECTION 4. Severability. It is the intent of the Town Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be 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 portions hereof.

SECTION 5. Effective Date. This Ordinance shall have effect upon becoming law.

FIRST READING this July 12, 2005.

SECOND READING AND ADOPTION this July 26, 2005.

TOWN OF OAKLAND

ATTEST:



Linda Balsavage, Town Clerk



Kathy Stark, Mayor

This instrument prepared by:

Timothy Driscoll
Chief of Police
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