

ORDINANCE 2008-17

AN ORDINANCE PURSUANT TO FLORIDA STATUTES SECTION 316.12, DESIGNATING CERTAIN ROADS UPON WHICH A GOLF CART MAY BE OPERATED AND ESTABLISHING LIMITATIONS ON THE USE OF GOLF-CARTS ON CERTAIN DESIGNATED ROADS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS this Ordinance is enacted pursuant to Florida Statutes Section 316.12, which prohibits operation of golf carts on any public street or road, unless the local government has designated a County Road, or portion of a State Road, to be available for use of golf carts;

WHEREAS Florida Statutes Section 316.12 requires that the local government determine said road to be safe for use of golf carts, and sets certain minimum requirements and limitations to the operation of golf carts on public roads;

WHEREAS Nassau County Engineering Services Department has evaluated certain County Roads, or public easements which are being used as County Roads, and has determined that these roads are safe for use of golf carts under the limitations contained herein and as set forth in the above-referenced statute; and

WHEREAS the citizens in the areas subject to this Ordinance have shown an interest in the roads being designated for use by golf carts.

NOW, THEREFORE, BE IT ORDAINED this 24th day of November, 2008, by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 2008- 17 be enacted as follows:

1. **INTENT.** Pursuant to Fla. Stat. §316.212 (2007), it is the intent of the Commission to allow and authorize operation of golf carts under the conditions specified

herein and set forth in the above-referenced statute on the county roads designated in this section.

2. DEFINITIONS.

2.1 Golf Cart: Pursuant to Fla. Stat. §320.01 a golf cart is a motor vehicle designed for operation on a golf course for sporting or recreational purposes, and that is not capable of exceeding speeds of twenty (20) miles per hour.

2.2 County Roads: For the purposes of this section only, county roads mean any road open for use to the public whether or not it has been dedicated to public use by plat or other means, and regardless of whether it is maintained by the County.

3. LIMITATIONS ON OPERATING GOLF CARTS.

3.1 Golf carts may be operated on designated county roads only.

3.2 Golf carts operated on designated county roads 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.

3.3 Golf carts may not be operated on any county roads by anyone under the age of sixteen (16) years.

3.4 Golf carts may be operated on designated county roads during daylight (the hours between sunrise and sunset).

3.5 Golf carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as a motor vehicle operator under Florida Law.

3.6 Golf Carts shall be registered by the County as provided in Section 4 below.

4. OPERATOR ASSUMES RISK, INDEMNIFIES AND HOLDS HARMLESS.

Any person operating a golf cart on any county road does so at his own risk and must operate such a vehicle with due regard for the safety and convenience of other motor vehicles, bicyclist(s) and pedestrians. The County, in extending operating privileges to golf carts, does so on the express condition that the operator undertakes such operation at his own risk and assumes sole responsibility for operating said vehicle, and shall be deemed to defend, release, indemnify and hold harmless Nassau County, its officials and employees from any and all claims, demands, damages, or causes of action, known or unknown, of any nature arising from such operation by any person against Nassau County, its officials and employees. In return for this privilege, a golf cart owner shall register the golf cart with Nassau County Engineering Services Department and shall pay a fifteen dollar (\$15.00) registration fee. By registering the golf cart, the owner shall confirm compliance with this section; assume the risk of operating golf carts on public roads; and shall hold the County harmless for any loss suffered as a result of operating the golf cart on a public road.

5. PENALTIES. Violation of this section is a non-criminal traffic infraction punishable as provided in Fla. Stat. §316.212, pursuant to Chapter 318, Florida Statutes.

6. DESIGNATED AREAS.

6.1 To alert motorist to the presence of golf cart traffic the County Coordinator, or his designee, shall post signs in all designated areas approved for golf cart traffic.

6.2 Golf carts traffic will be permitted on the following roads only:

A. Edwards Road from Royal Palm Drive to the dead end.

B. Randy Road and those roads connecting Randy Road with Edwards Road, more specifically known as Newell Road, Twisted Oak Drive, and Parrish Drive.

C. Easy Street off Edwards Road

D. Royal Palm Drive off Edwards Road; and

6.3 Golf cart traffic may be permitted on any other county road determined safe for golf cart traffic and approved for golf cart traffic by resolution of the Board of County Commissioners. Citizens shall petition the Board of County Commissioners to authorize Engineering Services Department to evaluate a county road for golf cart traffic, and the Board may approve a county road for golf cart traffic subject to a determination by Engineering Services that the road is safe for golf cart traffic. When applicable, the Home Owners Association related to the road shall make or concur in the petition. Engineering Services shall consider the roads on a case by case basis and shall consider all relevant factors including speed, volume, and character of motor vehicle traffic using the road or street when determining whether golf carts can be safely driven on the road.

6.4 The County may revoke any and all designations and may close a road to golf cart traffic by resolution of the Board of County Commissioners.

7. EFFECTIVE DATE

This ordinance shall become effective upon its being filed in the office of the Secretary of State.

8. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction

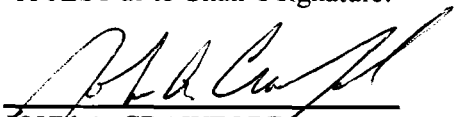
such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA




BARRY HOLLOWAY
Its: Chair

ATTEST as to Chair's signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



DAVID A. HALLMAN