

Town of Windermere



ORDINANCE NO. 2012-09

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; CREATING A NEW ARTICLE IV IN CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS"; PROVIDING FOR THE OPERATION OF GOLF CARTS; PROVIDING RESTRICTIONS, HOURS OF OPERATION, AND REQUIRED EQUIPMENT STANDARDS; PROVIDING FOR ENFORCEMENT AND A WAIVER OF CLAIMS AGAINST THE TOWN; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Amendment to Chapter 5 of the Town Code. A new Article IV consisting of sections 5-51 through 5-56 is hereby added to Chapter 5 of the Code of Ordinances for the Town of Windermere:

Article IV. Golf Carts.

Sec. 5-51. Purpose and intent.

To protect the public health, safety and welfare of the town's citizens, the town council has elected to adopt an ordinance regarding golf cart (i) operation on designated town streets, and (ii) equipment which is more restrictive than those enumerated in section 316.212 of the Florida Statutes.

Sec. 5-52. Operation of golf carts.

- (a) For purposes of this Article, a "golf cart" is defined in accordance with subsection 320.01(22) of the Florida Statutes 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 twenty miles per hour.
- (b) Golf carts may be operated on town streets depicted in the official town "Golf Cart District Map". The map shall be adopted by resolution and may be amended by resolution from time-to-time at the discretion of the town council.
- (c) Golf carts may be operated on town streets within a subdivision governed by an association such as a community or homeowner's association provided the streets are

47 approved by the association and a written agreement has been entered into between
48 the town and the association.

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- 50 (d) The town shall post appropriate signs to indicate that golf cart operation is allowed
51 on a town street.
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- 53 (e) The operation of golf carts is prohibited unless the golf cart is operated and equipped
54 in full compliance with the town code.
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- 56 (f) In addition to the requirements of section 316.212 of the Florida Statutes, the
57 following restrictions shall also apply to the operation of golf carts on town streets:
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- 59 1. Golf carts may not be operated on town streets by persons under 15 years of
60 age. Drivers must have in their possession while operating a golf cart a valid
61 driver's license, or a valid learner's driver's license. If the driver holds a
62 learner's driver's license, then the golf cart must be operated in accordance
63 with section 322.1615 of the Florida Statutes.
 - 64
 - 65 2. Drivers of golf carts on town streets must observe state and local traffic laws
66 applicable to motor vehicles.
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 - 68 3. Golf carts may not be operated on town sidewalks.
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 - 70 4. The maximum number of occupants in any golf cart being operated on town
71 streets shall be restricted to the number of seats in the golf cart, and may not
72 exceed the number of persons for which the golf cart was designed by its
73 manufacturer. Occupants of golf carts must remain seated with their seatbelts
74 properly fastened at all times the golf cart is in motion. No parts of the body
75 of any rider may extend outside of the golf cart.
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 - 77 5. Children must be old enough to be properly seated on the golf cart seat. No
78 child may sit in a driver or occupant's lap.
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 - 80 6. Unless indicated otherwise on a sign posted by the town on a town street, golf
81 carts may not be operated on streets with a posted speed limit of 25 mph or
82 more, except at designated crossing points.
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 - 84 7. Golf carts must be covered with liability and property damage insurance as
85 minimum coverage.
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 - 87 8. Drivers of golf carts must yield to pedestrians at all times.
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89 **Sec. 5-53. Hours of operation.**

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91 Golf carts equipped with the equipment specified in sec. 5-54(a) and 5-54(b) may be
92 operated 24-hours a day. Golf carts equipped with only the equipment specified in sec.
93 5-54(a) may be operated only during the hours between sunrise and sunset.
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95 **Sec. 5-54. Required equipment.**
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97 (a) At a minimum, all golf carts operated on town streets must be equipped with the
98 following properly operating equipment:
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- 100 1. Efficient brakes;
- 101 2. Reliable steering;
- 102 3. Safe tires;
- 103 4. Rear-view mirror;
- 104 5. Red reflectorized warning devices in the front and rear; and
- 105 6. Seatbelts for all passengers.

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107 (b) All golf carts operated on town streets after sunset or before sunrise must be equipped
108 with the following additional properly operating equipment:
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- 110 1. Headlights;
- 111 2. Brake lights;
- 112 3. Turn signals; and
- 113 4. Windshield.

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115 **Sec. 5-55. Waiver of claims.**
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117 Each person operating a golf cart on town streets and all persons who are passengers in
118 such golf carts shall be deemed to have waived all claims against the town for its decision
119 to allow the operation of such golf carts on town streets as permitted herein.
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121 **Sec. 5-56. Enforcement.**
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123 Violations of this Article shall be enforced in accordance with the provisions of chapters
124 162, 316, and 318 of the Florida Statutes by law enforcement officers and code
125 enforcement as their legal authority and jurisdiction allows.
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127 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
128 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions
129 and portions of this ordinance shall remain in full effect.
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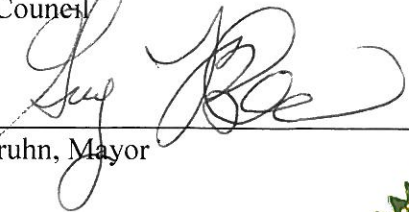
131 **Section 3. Codification.** The amendments in Section 1 of this Ordinance shall be codified and made
132 part of the official Code of Ordinances of the Town of Windermere.
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134 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
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136 **ENACTED** this 11th day of September, 2012, at a regular meeting of the Town Council of
137 the Town of Windermere, Florida.

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Town of Windermere, Florida
by: Town Council

by: 
Gary Bruhn, Mayor

Attest:


Dorothy Burkhalter, CMC
Town Clerk

First reading: August 28, 2012
Second reading: September 11, 2012

