

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA,
PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING
AND UPDATING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE
OF ORDINANCES ENTITLED "GOLF CARTS"; PROVIDING FOR
SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

Section 1. Amendments to Article III of Chapter 20. Article III of Chapter 20 entitled "Golf Carts" is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

ARTICLE III. GOLF CARTS

Sec. 20-77. Title and authority. This article is known and may be cited as the Town of Windermere Golf Cart Ordinance. The Town has the authority to adopt this article pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166 of the Florida Statutes and Section 316.212 of the Florida Statutes.

~~Sec. 20-77. 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 carts:~~

~~(1) Operation on designated town streets; and~~

~~(2) Equipment which is more restrictive than those enumerated in F.S. § 316.212.~~

~~(Ord. No. 2012-09, § 1(5-51), 9-11-2012)~~

Sec. 20-78. Operation of golf carts.

(a) It shall be unlawful to operate a golf cart on any street or sidewalk within the corporate limits of the town unless expressly authorized by this article or Florida law. For purposes of this article, the term "golf cart" is defined in accordance with F.S. § 320.01(22) as means 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.

(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. To receive approval, a resolution proposed under this article must be include the requisite legislative findings as required by Sec. 316.212, Fla. Stat. and a plan for the placement of the signage on the golf cart permitted streets. The town council may approve or disapprove a resolution based upon its legislative determination as to whether golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume and character of motor vehicles using the road or street and such

other factors as the town council may deem appropriate, including input received at any public hearing.

(c) Golf carts may be operated on town streets within a subdivision governed by an association such as a community's or homeowners' association provided the streets are approved by the association and a written agreement has been entered into between the town and the association.

(d) The town shall post appropriate signs to indicate that golf cart operation is allowed on a town street.

~~(e) The operation of golf carts is prohibited unless the golf cart is operated and equipped in full compliance with the town code.~~

Golf carts may be operated upon the sidewalks within the town subject to the following restrictions and requirements:

(1) The maximum speed for golf carts on sidewalks is 15 miles per hour.

(2) Golf carts operated upon sidewalks must meet the equipment requirements of Sec. 20-80.

(3) Golf carts may only be operated on sidewalks which are at least eight feet wide.

(f) A golf cart may not be operated on town streets or sidewalks by any person under the age of 14.

(g) This article is in addition to and not in lieu of the Florida Uniform Traffic Control Law, Chapter 316 Fla. Stat. Golf carts shall comply with all applicable state traffic laws and provisions of this article and may be ticketed for traffic violations in the same manner as motor vehicles.

~~In addition to the requirements of F.S. § 316.212, the following restrictions shall also apply to the operation of golf carts on town streets:~~

~~(1) Golf carts may not be operated on town streets by persons under 15 years of age. Drivers must have in their possession while operating a golf cart a valid driver's license, or a valid learner's driver's license. If the driver holds a learner's driver's license, then the golf cart must be operated in accordance with F.S. § 322.1615.~~

~~(2) Drivers of golf carts on town streets must observe state and local traffic laws applicable to motor vehicles.~~

~~(3) Golf carts may not be operated on town sidewalks.~~

~~(4) The maximum number of occupants in any golf cart being operated on town streets shall be restricted to the number of seats in the golf cart, and may not exceed the number of persons for which the golf cart was designed by its manufacturer. Occupants of golf carts must remain seated with their seatbelts properly fastened at all times the golf cart is in motion. No parts of the body of any rider may extend outside of the golf cart.~~

- ~~(5) Children must be old enough to be properly seated on the golf cart seat. No child may sit in a driver or occupant's lap.~~
- ~~(6) Unless indicated otherwise on a sign posted by the town on a town street, golf carts may not be operated on streets with a posted speed limit of 25 mph or more, except at designated crossing points.~~
- ~~(7) Golf carts must be covered with liability and property damage insurance as minimum coverage.~~
- ~~(8) Drivers of golf carts must yield to pedestrians at all times.~~
- ~~(Ord. No. 2012-09, § 1(5-52), 9-11-2012)~~

Sec. 20-79. Hours of operation.

- ~~(a) Golf carts equipped with the equipment specified in section 20-80(a) and (b) and also equipped with headlights, brake lights, turn signals, and a windshield may be operated 24-hours a day.~~
- ~~(b) Golf carts equipped with only the equipment specified in section 20-80(a) may be operated only during the hours between sunrise and sunset.~~
- ~~(c) Unlicensed drivers may not operate a golf cart between sunset and sunrise.~~

~~Golf carts equipped with only the equipment specified in section 20-80(a) may be operated only during the hours between sunrise and sunset.~~

~~(Ord. No. 2012-09, § 1(5-53), 9-11-2012)~~

Sec. 20-80. Required equipment.

It shall be unlawful to operate a golf cart upon any town street or town sidewalk unless the golf cart is equipped with efficient brakes, reliable steering apparatus, horn, safe tires, a rearview mirror, and red reflective warning devices in both the front and rear as required by Sec. 316.212(6), Fla. Stat.

- ~~(a) At a minimum, all golf carts operated on town streets must be equipped with the following properly operating equipment:~~

- ~~(1) Efficient brakes;~~
- ~~(2) Reliable steering;~~
- ~~(3) Safe tires;~~
- ~~(4) Rear view mirror;~~
- ~~(5) Red reflectorized warning devices in the front and rear; and~~
- ~~(6) Seatbelts for all passengers.~~

- ~~(b) All golf carts operated on town streets after sunset or before sunrise must be equipped with the following additional properly operating equipment:~~

- ~~(1) Headlights;~~
- ~~(2) Brake lights;~~
- ~~(3) Turn signals; and~~

124 ~~(4) Windshield.~~

125 ~~(Ord. No. 2012-09, § 1(5-54), 9-11-2012)~~

126 **Sec. 20-81. Parking of golf carts.**

127 It is unlawful to park or leave unattended a golf cart in or upon a town street, right-of-way,
128 sidewalk, or public park. Golf carts may not be parked upon private property that is not owned or
129 leased by the owner of such golf cart without the permission of such private property owner.

130 **Sec. 20-812. Waiver of claims; Indemnification.**

131 (a) Each person operating a golf cart on town streets and all persons who are passengers in
132 such golf carts does so at his or her own risk and must operate such vehicle with due regard
133 for the safety and convenience of other motor vehicles, bicyclists and pedestrians, and shall
134 be deemed to have waived all claims against the town for its decision to allow the operation
135 of such golf carts on town streets as permitted herein.

136 (b) The town in so designating certain town streets for the operation of the golf carts extends
137 such operating privileges on the express condition that the operator of such golf carts
138 undertakes such operation at his own risk and assumes sole liability for operating the golf
139 cart on town streets and by such operation shall be deemed to agree to defend, release,
140 indemnify and hold harmless the Town of Windermere, its officials and employees for and
141 regarding any and all claims, demands or damages of any nature whatsoever arising from
142 such operation by any person against the Town of Windermere.

143 ~~(Ord. No. 2012-09, § 1(5-55), 9-11-2012)~~

144 **Sec. 20-823. Enforcement.**

145 (a) The Windermere Police Department has the power and authority to enforce the provisions of
146 this article. Any person found in violation of this article may be issued a civil citation under
147 the town's Code Enforcement Citation Program.

148 (b) In addition to any fine levied under this article, the town may bring civil suit to restrain, enjoin
149 or otherwise prevent the violation of this article in a court of competent jurisdiction. If the
150 town brings suit to restrain or enjoin or to otherwise prevent the violation of this article, the
151 town is entitled to recover its reasonable attorneys' fees and court costs from the named
152 defendant in the action.

153 ~~Violations of this article shall be enforced in accordance with the provisions of F.S. chs. 162,~~
154 ~~316 and 318 by law enforcement officers and code enforcement as their legal authority and~~
155 ~~jurisdiction allows.~~

156 ~~(Ord. No. 2012-09, § 1(5-56), 9-11-2012)~~

157 **Sec. 20-84. Violations; penalties.**

158 (a) With the exception of section 20-81, violations of this article shall constitute a non-criminal
159 infraction punishable pursuant to the provisions of Sec. 316.212(9), Fla. Stat. The use of a
160 golf cart resulting in violations of the Florida "Uniform Traffic Control" statute and the

Florida Uniform Disposition of Traffic Infractions Act" are punishable pursuant to chapters 316, 318, and 319, Fla. Stat. as applicable.

(b) Violations.

(1) Violations of section 20-78(a) and (e), and section 20-80 shall be a noncriminal traffic violation, punishable pursuant to chapter 318, Fla. Stat. as a moving violation.

(2) Violations of section 20-79 shall be a noncriminal traffic violation punishable pursuant to chapter 318, Fla. Stat. as a nonmoving violation.

(3) Violations of section 20-78(f) shall be punishable by a \$100.00 fine.

(4) Violations of section 20-81 shall be punishable as a Class 2 violation under the town's Code Enforcement Citation Program.

(c) Any person receiving a civil citation pursuant to this article shall pay the assessed civil penalty pursuant to instructions or contest the citation pursuant to the procedures set forth in the citation.

Section 2. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

Section 3. Codification. The amendments in Section 1 of this Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Windermere.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its enactment.

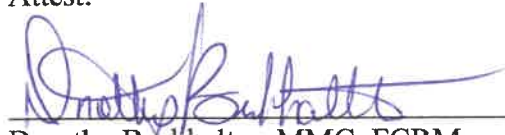
APPROVED AND ADOPTED by the Town Council of the Town of Windermere on the 13th day of December 2022.

Town of Windermere, Florida

By: Town Council

By: 
Jim O'Brien, Mayor

Attest:


Dorothy Burkhalter, MMC, FCRM
Town Clerk



First Reading: November 14, 2022

Advertised: December 1, 2022

Second Reading: December 13, 2022

Serial Number
22-04355W

WEST ORANGE Times

West Orange Times
Published Weekly
Winter Garden, Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden, Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on December 13, 2022 Ordinance 2022-10

in the Court, was published in said newspaper by print in the

issues of 12/1/2022

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2022-10
The Town of Windermere, Florida, proposes to adopt Ordinance 2022-10. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, December 13, 2022, at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2022-10, the title of which reads as follows:

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING AND UPDATING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS"; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance.

This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection during normal business hours of Mon-Fri 8:00 a.m. - 5:00 p.m. If any questions, please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 7.

Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.

December 1, 2022

22-04355W

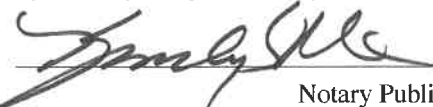


Lindsey Padgett

Sworn to and subscribed, and personally appeared by physical presence before me,

1st day of December, 2022 A.D.

by Lindsey Padgett who is personally known to me.


Notary Public, State of Florida
(SEAL)

Kimberly S. Martin
Comm.: HH 282034
Expires: July 25, 2026
Notary Public - State of Florida