

**RESOLUTION**

of the

**SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**

**AMENDING THE SEMINOLE COUNTY ADMINISTRATIVE CODE BY CREATING SECTION 34.30 (USE OF GOLF CARTS ON DESIGNATED COUNTY FACILITIES); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Seminole County Ordinance No. 89-28 created the Seminole County Administrative Code; and

**WHEREAS**, Seminole County Resolution Numbers 89-R-438 and 05-R-151 adopted the Seminole County Administrative Code; and

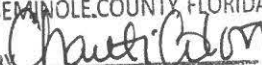

**WHEREAS**, the Seminole County Administrative Code needs to be amended from time to time to reflect changes in the administration of County government; and

**WHEREAS**, the Board of County Commissioners desires to amend sections of the Seminole County Administrative Code to set forth policy and process for authorizing golf carts on County roads or sidewalks under certain conditions,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Seminole County, Florida that:


**Section 1.** Section 34.30 of the Seminole County Administrative Code is created as identified in the attached "Use of Golf Carts on Designated County Facilities" as shown in Exhibit A.

**Section 2.** This Resolution becomes effective upon adoption by the Board of County Commissioners.

CERTIFIED COPY - GRANT MALOY  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER  
SEMINOLE COUNTY, FLORIDA  
BY  DEPUTY CLERK 

ADOPTED this 10<sup>th</sup> day of December, 2019.

ATTEST:

  
GRANT MAEOY  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: 

JAY ZEMBOWER, Chairman

Attachment:

Exhibit A – Section 34.30, Seminole County Administrative Code

DGS/sjs  
10/25/19

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**SECTION 34. PUBLIC WORKS DEPARTMENT**

**34.30 USE OF GOLF CARTS ON DESIGNATED COUNTY FACILITIES**

**A. PURPOSE.** It is the purpose and intent of this Code to provide policies and procedures for permitting and regulating the operation of Golf Carts on Designated County Facilities located within the geographical limits of unincorporated Seminole County and under the jurisdiction of the County. It is also the purpose of this Code to provide policies and procedures for the orderly operation of Golf Carts on Designated County Facilities. The provisions of this Code may not be construed or interpreted to authorize any use of Seminole County's rights-of-way, roads, or streets that is not authorized by controlling law. The provisions of this Code apply only in the unincorporated areas of Seminole County.

**B. DEFINITIONS.** The following definitions apply to this Section 34.30:

(1) *Affected Area:* The area that extends at least one block beyond all sides of the County Road or Sidewalk that is the subject of the Request to be designated as a Designated County Facility. In some instances, the designation of a County Road or Sidewalk will create impacts beyond the one block perimeter, and in such cases, the County Engineer has the authority to extend notification beyond that boundary. If the County Road or Sidewalk proposed for designation as a Designated County Facility is located within an existing subdivision, the entire subdivision should be considered the Affected Area, if practicable.

(2) *Authorized Emergency Vehicle:* A Golf Cart of any fire department, police or sheriff vehicles, and such ambulances and emergency vehicles of County or municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(3) *Board:* The Board of County Commissioners of Seminole County, Florida.

(4) *County:* Seminole County, Florida.

(5) *County Engineer:* That County official designated or recognized to be performing as the Professional Engineer of the County.

(6) *County Road:* Land in which the County owns the property in fee simple, or has a right-of-way or easement devoted to or restricted for use as a transportation facility for the public use; a road or street opened to travel by the public that is not maintained or owned by a community development district, special district, or a private entity.

(7) *Designated County Facility:* A County Road or Sidewalk, or a portion of them, which, consistent with this Section 34.30, has received approval from the County for the use of Golf Carts.

(8) *Golf Cart:* 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 the speed of twenty (20) miles per hour.

(9) *Operator:* A person operating a Golf Cart within Seminole County.

(10) *Request:* A written request for a county road or sidewalk to be designated as a Designated County Facility.

(11) *Requestor:* A person or entity who is requesting that a County Road or Sidewalk be designated as a Designated County Facility. A Request for designation of a County Road or Sidewalk located within a subdivision with a homeowners' association must be submitted by a properly authorized representative of that homeowners' association.

(12) *Sidewalk:* The portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

**C. PROCEDURES.** Citizens may request the County designate certain County Roads or Sidewalks, or portions of them, for Golf Cart use. The following procedures apply to all requests for any such designation:

(1) Requests for designation of a County Road or Sidewalk as a Designated County Facility for Golf Cart use must be submitted to the County Engineer.

(2) The Request must clearly indicate the specific County Road or Sidewalk, or portion of them, for which the Requestor is seeking a designation, as well as any proposed roadway crossings.

(3) The County Engineer shall conduct an initial sufficiency review to determine the potential consistency of the Request with the requirements of this Section 34.30 and Section 316.212, Florida Statutes (2019), as this statute may be amended from time to time.

(4) If it appears the Request is sufficient to move forward under the requirements of this Code and Section 316.212, Florida Statutes (2019), as this statute may be amended from time to time, the County Engineer shall notify property owners in the Affected Area of the Request, identifying the County Road or Sidewalk that the Request involves, and providing the anticipated date of a decision regarding approval of the Request. The County Engineer shall also provide notification to the Seminole County Sheriff's Office for review and comment.

(5) Following the initial sufficiency determination, the County Engineer shall review the Request in accordance with best practices within the industry and with local, state, and federal design standards and guidelines and shall make a determination of subsections (6) and (7) below, as may be applicable.

(6) If the proposed Designated County Facility is a County Road, or portion of it, the County Engineer shall consider whether Golf Carts may safely travel on or cross the County Road, considering factors including the speed, volume, and character of



motor vehicle traffic using such road or street, and any input from the Seminole County Sheriff's Office.

(7) Only County Roads with a posted speed limit of twenty-five (25) miles per hour or less are eligible for consideration as a Designated County Facility.

(8) Upon completion of the review, the County Engineer shall issue an initial determination of approval or denial of the Request.

(9) If the County Engineer issues an initial determination of approval of the Request, the Requestor will be notified and a community meeting will be scheduled. All property owners within the Affected Area will be notified of the community meeting. The purpose of the community meeting is to provide notification of the initial determination of approval and to receive community input.

(10) Within fifteen (15) days of the community meeting, the County Engineer shall issue a final determination of approval or denial of the Request. Notice will be provided to the Requestor, all property owners in the Affected Area, and the Seminole County Sheriff's Office. The notification will include the effective date of the designation, if approved, as well as safety information and regulations related to the operation of Golf Carts on the Designated County Facility.

(11) In the event that the County Engineer denies the Request, the County Engineer shall provide the Requestor with written finding of facts in support of the denial. The Requestor may appeal the denial to the Board by filing a written notice of appeal with the County Manager within fifteen (15) days after receipt of the written findings of fact.

(12) If the proposed Designated County Facility is a Sidewalk, or portion of it, the County Engineer shall consider whether Golf Carts, bicycles, and pedestrians may safely share the Sidewalk, taking into consideration the current use of the Sidewalk, character of the surrounding community, the width of the Sidewalk, the clearance on either side of the Sidewalk, and the location of any authorized Golf Cart crossing.

(13) In order to be eligible to be considered as a Designated County Facility, Sidewalks must be a minimum of eight (8) feet wide, have a minimum of five (5) feet clearance from the edge of the adjacent roadway, and have a minimum of four (4) feet of recovery area on the outside of the Sidewalk. The character of the Sidewalk may dictate a wider required pavement width, and drainage features or other factors may require wider clearances on one or both sides of the Sidewalk. The Board may waive these minimums if it determines that Golf Carts, bicycles, and pedestrians may safely share the Sidewalk at reduced standards.

(14) Upon completion of the review, the County Engineer shall issue an initial recommendation of approval of the Request or a denial to advance the Request based on a finding that Golf Carts, bicyclists, and pedestrians cannot safely share the Sidewalk.

(15) If the County Engineer issues an initial recommendation of approval of the Request, the Requestor will be notified and a community meeting will be scheduled. All property owners within the Affected Area will be notified of the community meeting. The

purpose of the community meeting is to provide notification of the initial recommendation of approval and to receive community input.

(16) Within fifteen (15) days of the community meeting, the County Engineer shall issue a final recommendation of approval of the Request, or a denial to advance the Request based on a finding that Golf Carts, bicyclists, and pedestrians cannot safely share the Sidewalk. If the final recommendation is for approval, the County Engineer, with the assistance of the County Attorney's Office, shall cause an ordinance enabling the designation to be prepared for consideration by Board. Notice of the final recommendation of approval and of the hearing date for the enabling ordinance will be provided to the Requestor, all property owners in the Affected Area, and the Seminole County Sheriff's Office.

(17) Prior to the Board's consideration of the enacting ordinance, the County Engineer shall consult with the Florida Department of Transportation with respect to the proposed designation.

(18) Within five (5) days following the Board's action on enabling ordinance, the County Engineer shall notify the Requestor, all property owners in the Affected Area, and the Seminole County Sheriff's Office of the Board's action. The notification will include the effective date of the designation, if approved, as well as safety information and regulations related to the operation of Golf Carts on the Designated County Facility.

(19) In the event that the County Engineer denies advancement of the Request to the Board, the County Engineer shall provide the Requestor with written finding of facts in support of the denial. The Requestor may appeal the denial to the Board by filing a written notice of appeal with the County Manager within fifteen (15) days after receipt of the written findings of fact.

**D. INSTALLATION OF SIGNAGE AND OTHER IMPROVEMENTS.**

(1) In the event that the County Engineer or the Board approves the Request, the County Engineer shall install, or shall cause to be installed, an appropriate combination of signs and pavement markings to indicate that such Golf Cart use is allowed or prohibited, as may be applicable, on the Designated County Facility. All signage and pavement markings must comply with the standards of the *Manual on Uniform Traffic Control Devices* issued by the Federal Highway Administration, United States Department of Transportation, and with any permitting requirements for such signs or pavement markings.

(2) The County Engineer or the Board may require, as a condition of approval of a Designated County Facility, that additional safety improvements be installed at the expense of the Requestor.

(3) All signage, pavement marking, and other required safety improvements must be installed prior to the operation of Golf Carts upon the Designated Facility.

**E. EXEMPTIONS.**

(1) The County may use Golf Carts upon any County Road or Sidewalk in accordance with the provisions relating to municipalities in Section 316.2126(1), Florida Statutes (2019), as this statute may be amended from time to time.

(2) Notwithstanding any provision of this Code to the contrary, any Authorized Emergency Vehicle may operate on any County Road or Sidewalk, while carrying out official duties and in accordance with the provisions applicable to law enforcement officers in Section 316 .21265, Florida Statutes (2019), as this statute may be amended from time to time.

**F. RULES AND REGULATIONS.**

(1) The use of Golf Carts upon County Roads will be regulated by Chapter 316, Florida Statutes (2019), as this statute may be amended from time to time.

(2) Any ordinance authorizing Golf carts on sidewalks must substantially include the following:

(a) Golf Cart Operation and Equipment.

(i) The operation of a Golf Cart upon any County Facility is prohibited, except upon a Designated County Facility that has been marked with appropriate signs and pavement markings by the County Engineer.

(ii) Golf Carts operating within Seminole County must meet minimum equipment standards, as set forth in controlling law, including efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(iii) Golf Carts may cross at any intersection of two (2) Seminole County streets that are both designated for Golf Carts in the area of the intersection. Crossings may be designated over roadways with speed limits higher than 25 mph if proper safety measures are in place i.e. signal, four-way stop, etc.

(iv) All traffic control signs, signals, pavement markings, and controlling law for such crossings must be obeyed while crossing at intersections and it is prohibited and unlawful to fail to obey such signs, signals, pavement markings, and laws.

(v) Golf Carts operating on a Sidewalk must be equipped with a horn or other warning device as specified in section 316.271, Florida Statutes (2019), as this statute may be amended from time to time.

(vi) Consistent with Section 316.613, Florida Statutes (2019), as this statute may be amended from time to time, children aged five (5) years and younger must be restrained in a properly attached and separate federally approved child restraint device. For children aged four (4) through five (5) years, a properly attached child booster seat may be used. Additionally, for children aged four (4) through five (5) years, a safety belt may be used in lieu of the child restraint device if the child is being transported gratuitously by an operator who is not a member of the child's

immediate family; is being transported in a medical emergency situation involving the child; or has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

(vii) No Golf Cart may be operated in a reckless or careless manner upon any Designated County Facility.

(viii) A Golf Cart may be operated on a Designated County Facility only between sunrise and sunset, unless the County has determined that Golf Carts may be operated between sunset and sunrise on the particular Designated County Facility, in which case, the Golf Cart must be equipped with headlights, brake lights, turn signals, and a windshield.

(ix) The operation of a Golf Cart upon a Sidewalk is restricted to a maximum speed of fifteen (15) miles per hour.

(x) Any person operating a Golf Cart upon a Sidewalk must yield the right-of-way, slowing down or stopping, if necessary, to a pedestrian or bicycle upon the Designated Area.

(xi) A Golf Cart may not be operated upon a Designated County Facility by any person under the age of fourteen (14).

(xii) In addition to the above provisions, Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, applies as set forth in the provisions of this statute.

(b) Penalties/Enforcement/Collections.

(i) Violations of the Seminole County Code concerning golf carts constitute a non-criminal infraction enforceable pursuant to the provisions of Section 316.212(9), Florida Statutes (2019), as this statute may be amended from time to time. The use of a Golf Cart resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are enforceable according to Chapters 316 and 318, Florida Statutes (2019), as these statutes may be amended from time to time. All other Seminole County ordinances pertaining to the use of motor vehicles are also applicable to the operation of Golf Carts. Seminole County may enforce the provisions of this Code in any way authorized in accordance with controlling law and may seek any legal remedy as may be authorized by controlling law.

(ii) Under certain circumstances, it is a violation of state law for a person to refuse to take action at the time a citation is issued. Seminole County may enforce those laws and pursue statutory violations in accordance with controlling Florida law.

(iii) The enforcement provisions of this Section are supplemental in nature and are not intended to prohibit the County from seeking any remedy available at law or equity.

**G. AUTHORITY.** Resolution 2019-R-\_\_\_\_\_ adopted \_\_\_\_\_