



VILLAGE OF PINECREST  
Village Council Meeting

Village Council  
Cindy Lerner, Mayor  
Bob Ross, Vice Mayor  
Cheri Ball  
Doug Kraft  
James E. McDonald

Yocelyn Galiano Gomez, ICMA-CM  
Village Manager

Guido H. Inguanzo, Jr., CMC  
Village Clerk

Mitchell Bierman  
Village Attorney

COMMITTEE OF THE WHOLE MEETING AGENDA

TUESDAY, JUNE 9, 2015, 5:00 P.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER  
12645 PINECREST PARKWAY  
PINECREST, FLORIDA

I. CALL TO ORDER/ROLL CALL OF MEMBERS

II. PLEDGE OF ALLEGIANCE

III. DISCUSSION ITEMS:

PURSUANT TO ORDINANCE 2014-6, THERE IS NO ACTION TAKEN ON THESE ITEMS AT THIS MEETING. THE COMMITTEE OF THE WHOLE MAY SUBMIT A RECOMMENDATION TO THE VILLAGE COUNCIL ON THESE ITEMS. ITEMS WITH A FAVORABLE RECOMMENDATION WILL APPEAR ON THE CONSENT AGENDA OF A FUTURE REGULAR VILLAGE COUNCIL MEETING.

A. GOLF CART REGULATIONS

IV. ADJOURNMENT

*IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE VILLAGE CLERK AT (305) 234-2121 NOT LATER THAN FOUR BUSINESS DAYS PRIOR TO SUCH PROCEEDING.*

*PURSUANT TO FLORIDA STATUTE 286.0105, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING SHALL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.*

12645 Pinecrest Parkway, Pinecrest, Florida 33156  
T: 305.234.2121 | F: 305.234.2131  
[www.pinecrest-fl.gov](http://www.pinecrest-fl.gov)



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**ORDINANCE NO. 2015-**

**AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES BY CREATING A NEW SECTION ENTITLED "OPERATION OF GOLF CARTS ON VILLAGE ROADWAYS," RELATING TO REGULATION OF GOLF CARTS ON VILLAGE ROADWAYS PURSUANT TO FLORIDA LAW; PROVIDING SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida state law authorizes municipalities the right to designate streets within its boundaries for use by golf carts; and

WHEREAS, the Village Council recognizes the needs of many citizens who enjoy the recreational advantage of golf carts; and

WHEREAS, the Village Council has determined that golf carts may safely travel on designated streets; and

WHEREAS, the Village Council finds that the adoption of this ordinance is in the best interest and welfare of the residents of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 36. The Village Council of the Village of Pinecrest hereby amends Chapter 36, *Traffic*, of the Code of Ordinances as follows<sup>1</sup>:

Sec. 36-4. Operation of Golf Carts on Village Roadways.

- (a) Legislative Intent. It is the intent of this section to permit and regulate the operation of golf carts by licensed drivers upon the designated streets of the village pursuant to F.S. § 316.212. This section is adopted to address the interest of public safety. All persons who operate or ride upon golf carts, on the public right of way do so at their own risk and peril, and must be observant of, and attentive to their safety and that of their passengers, other motorists, bicyclists and pedestrians. Any person who owns and operates a golf cart in the village shall procure liability insurance as a requirement under this section, which

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<sup>1</sup> Additions to the Code of Ordinances are reflected in underline. Deletions are reflected in ~~strikethrough~~.

requirement is a condition to operating a golf cart on village roadways. The operation of a golf cart within the village is strictly prohibited unless the golf cart is operated and equipped in full compliance with this section.

(b) Definitions.

(1) Designated streets shall mean all streets within the village except the following restricted streets:

- Old Cutler Road;
- Pinecrest Parkway (US 1);
- Southwest 88 Street (Kendall Drive);
- Southwest 136 Street; and
- that portion of Southwest 57th Avenue (Red Road) between Old Cutler Road and Kendall Drive;

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. § 316.003(68).

Permit means an official authorization designating that the golf cart to which the authorization is affixed meets the requirements of state law and the Code of Ordinances.

(c) Registration required; permits; fees.

(1) Registration: All golf carts operated on village designated streets must first be registered with the village or a neighboring jurisdiction.

- a. Registration of golf carts by a village resident must be made by the owner who is at least 18 years of age.
- b. The owner of the golf cart will be charged a one-time permit application/registration fee of \$40.00.
- c. A list of all golf cart registrations will be maintained by the village.
- d. At registration, and annually thereafter, the applicant shall file a notarized, verified affidavit that the golf cart being registered complies with all the conditions contained in this section, including all safety requirements required. Failure to execute and provide the

notarized verified affidavit shall result in the rejection or revocation of the issued permit by the village.

e. The village shall issue a permit to a golf cart which complies with all requirements identified herein.

f. The permit shall be conspicuously displayed on the golf cart's rear fender. Proof of personal injury and property damage liability insurance must be provided to the village annually. Failure to provide proof of coverage shall result in revocation of golf cart registration permit.

(2) A permit to use a golf cart on a designated street does not grant operators access to semi-private property, including retail parking lots, private roads or common areas in condominiums. Access to these areas may be regulated by the property owners and/or property managers.

(d) Prohibited use. The operation of any golf cart in the village in the following manner or under the following conditions is prohibited:

- Without a valid operator driver's license;
- Without a valid, current permit issued by the village or a neighboring jurisdiction;
- Parking in violation of posted regulations;
- Operating with more occupants than installed seating is designed to accommodate, or with insufficient seatbelts;
- On the sidewalks of the village; or
- Standing on any portion of a moving golf cart.

(e) Required equipment.

(1) All golf carts shall be equipped with the following equipment:

- Efficient brakes;
- Reliable steering apparatus;
- Safe tires;

- A rearview mirror;
- Red reflectorized warning devices in both the front and rear;
- Headlights;
- Brake lights (Rear stop lamps meeting the minimum standards of F.S. § 316.234(1));
- Turn signals meeting the minimum standards of F.S. § 316.234(2);
- A windshield.
- Seatbelts for the driver and passengers;
- A horn; and
- Tail lamps (rear position lamps as set forth in ANSI/NGCMA Z135-2004, American National Standard for Personal Transport Vehicles – Safety and Performance Specifications).

(2) The golf cart driver and all passengers must wear the required seatbelts during its use and operation.

(f) Permitted use; Storage.

(1) The operation of any golf cart on a designated street or the crossing on any restricted street within the village shall be permitted.

(2) Licensed drivers, with the minimum age of 16 years old, may operate golf carts on all designated streets within the village, between sunrise and 11:00 p.m., when a permit has been issued by the village or a neighboring jurisdiction; except that golf carts are prohibited on the following designated streets on weekdays, excluding holidays during the hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.

- Southwest 67 Avenue (Ludlam Road)
- Southwest 77 Avenue
- Southwest 82 Avenue
- Southwest 104 Street
- Southwest 112 Street (Killian Drive)

- (3) The storage of golf carts shall not occur within ten (10) feet of any property line that faces a street.
- (g) Enforcement authority. Sworn members of the police department shall be responsible for enforcing this section. For the purposes of this section, sworn members of the police department shall be considered "code compliance officers" as defined in section 2-132 of the Code of Ordinances.
- (h) Penalties.
- (1) Driving a golf cart on a non designated street shall be a noncriminal traffic infraction, punishable pursuant to Chapter 318, F.S. as a moving violation.
- (2) Driving a golf cart between the hours of sunset and sunrise without headlights, brake lights, turn signals, and a windshield shall be a noncriminal traffic infraction, punishable pursuant to Chapter 318, F.S. as a moving violation.
- (3) A golf cart that is not equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear shall be a noncriminal traffic infraction, punishable pursuant to Chapter 318, F.S. as a nonmoving violation.
- (4) All violations of this section not referenced above shall be punishable by the issuance of a civil citation as follows:
- a. A fine of \$50 for the first violation.
- b. A fine of \$100 for the second violation within one (1) year of the first violation.
- c. A fine of \$250 for the third and any subsequent violation within one (1) year of the first violation.

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Village of Pinecrest; that the sections of this Ordinance may be

renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this   th day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED on second reading this   th day \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cindy Lerner, Mayor

Attest:

\_\_\_\_\_  
Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Mitchell Bierman  
Village Attorney

Motion on Second Reading by:  
Second on Second Reading by:

Vote: