

ORDINANCE NO. 359

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HAVANA BY ADDING PROVISIONS FOR THE USE OF GOLF CARTS UNDER CERTAIN CONDITIONS AND RESTRICTIONS PURSUANT TO FLORIDA STATUTES SECTION 316.212 (FLA. STAT 2003); PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF STREETS AND ROADS WITHIN THE TOWN OF HAVANA FOR THE USE OF SAID GOLF CARTS AND FOR CHANGES IN SAID DESIGNATION BY THE TOWN COUNCIL BY RESOLUTION FROM TIME TO TIME; PROVIDING THAT GOLF CARTS ARE NOT ALLOWED OR PERMITTED TO BE LOCATED ON STATE ROADS UNLESS SPECIFICALLY AUTHORIZED OR ON THE SIDEWALKS, PARKS OR OTHER PROPERTY OF THE TOWN OF HAVANA; PROVIDING FOR HOURS OF OPERATION, AGE OF OPERATORS, INDEMNIFICATION AND REGISTRATION; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR CODIFICATION AND EFFECTIVE DATE.

WHEREAS, the Town Council has determined that there is a growing public interest in using golf carts to make short trips for shopping, social and recreational purposes. The Town Council has concluded that certain local roads or streets are uniformly configured by platting, vehicle volume, vehicle speeds and right of way designation; that golf carts are currently an accepted mode of limited destination travel; and that the use of golf carts has been analyzed by the police department which has determined it is operationally and economically feasible to implement ss 316.212 and ss316.2122, Florida Statutes;

WHEREAS, Florida Statute 316.212 allows golf carts to be driven on Town streets that have been designated by the town for use by golf carts under specified conditions; and,

WHEREAS, the Town of Havana has determined after conducting a study that golf carts may, under certain circumstances which are set forth herein for the safety, health and welfare of the citizens of the Town of Havana and its visitors, provide safe travel and be operated on certain Town streets as designated herein and as later changed and designated by resolution of the Town of Havana;

AND WHEREAS THE TOWN OF HAVANA DESIRES TO PROVIDE ADDITIONAL REGULATIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED STREETS IN THE TOWN OF HAVANA, FLORIDA, IN ORDER TO ENSURE THE SAFETY, HEALTH AND WELFARE OF ITS CITIZENS AND VISITORS.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HAVANA, FLORIDA AS FOLLOWS:

SECTION 1. INTENT. Pursuant to Florida Statutes, Section 316.212 (2003), it is the intent of the Town Council of the Town of Havana, Florida, to allow golf carts on certain Town streets under certain conditions as set forth herein.

SECTION 2. DEFINITION. Pursuant to Section 320.01(22) Florida Statutes, a "GOLF CART" is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

SECTION 3. AUTHORIZATION. Golf Carts meeting the definition set forth in Section 2 above and meeting the minimum equipment standards established by Florida Statutes ss 316.212(1), (presently they must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror and reflectorized warning devices on the front and rear) are authorized subject to the conditions and regulations set forth herein on all Town streets within the Town of Havana, Florida EXCEPT as set forth below which designation may be changed or amended by the Town of Havana Town Council by resolution from time to time.

- A. Highway US 27.
- B. 5th Avenue (County Road 12) East except at crossings designated and marked by signage by the Town of Havana.
- C. 9th Avenue East (County Road 12-A) except at crossing designated and marked by signage by the Town of Havana.
- D. 9th Avenue West (State Road 12).

SECTION 4. STATE ROADS AND CITY PROPERTY. A golf cart may not be operated on a road or street that is part of the State of Florida Highway or U. S. Highway Systems unless specifically authorized by the Town and Department of Transportation as provided in Florida Statutes Section 316.212(2) nor may a golf cart be operated or located on the sidewalks, parks or other property of the Town unless authorized by the Town of Havana.

SECTION 5. HOURS OF OPERATION. A golf cart may only be operated on streets of the Town of Havana as provided herein during the hours between sunrise and sunset.

SECTION 6. AGE AND DRIVERS LICENSE. No golf cart shall be operated by anyone under the age of sixteen (16) years upon any Town street within the Town of Havana. The operator of any golf cart in the Town of Havana under this Ordinance shall be required to hold a valid current driver's license.

SECTION 7. COMPLIANCE WITH TRAFFIC LAWS AND REGISTRATION. Golf carts shall comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as a motor vehicle under Florida Law and shall be occupied by no more passengers than for whom there are seats in the golf cart. Each golf cart operated on the streets of the town of Havana pursuant to this Ordinance shall be required to have a current annual registration decal displayed on the vehicle. There will be no fee for the registration or permit; however this is subject to change by Resolution of the Town Council.

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNITY AND HOLD HARMLESS. Any person operating a golf cart on any Town street does so at his/her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The Town in so designating certain Town streets for the operation of golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and the owner of the golf cart and the operator assume sole liability for operating the vehicle on Town streets and by such owner and operator shall be deemed and does hereby agree to defend, release, indemnify and hold harmless the Town of Havana, its officials and employees for and regarding any and all claims, suits, demands or damages of any nature whatsoever arising from such operation by any person of said golf cart against the Town of Havana. Each owner of the Golf Cart requesting to be operated on the streets of the Town of Havana must register the Golf Cart with the Town, listing all persons authorized to drive the Golf Cart and receive and display at all times on the front of Golf Cart the registration decal from the Town. Furthermore, in consideration of and in return for the privilege of operating said Golf Cart on the permitted streets of the Town of Havana, owners shall be required to sign a defense, release, indemnify and hold harmless agreement as set forth above.

SECTION 9. PENALTIES. A violation of this section is a non-criminal traffic infraction punishable as provided in FS Section 316.212(9) pursuant to Chapter 318, Florida Statutes.

SECTION 10. SIGNS. Upon the Town of Havana's determination and designation as provided herein that golf carts may be safely operated on a designated street or road of the Town of Havana, the Town shall post

appropriate signs on such streets or roads to indicate that such operation is allowed subject to the conditions and requirements of this Ordinance.

SECTION 11. CODIFICATION: It is the intention of the Town and it is hereby provided that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Havana, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and approval as required by law.

PASSED ON FIRST READING in open session of the Town Council of the Town of Havana, Florida, this ____ day of _____, A.D. 2013.

PASSED ON SECOND READING in open session of the Town Council of the Town of Havana, Florida, this ____ day of _____, A.D. 2013.

TOWN OF HAVANA, FLORIDA

Presiding Officer of the Town Council
of the Town of Havana, Florida

ATTEST:

Clerk of the Town of Havana and
Clerk of the Town Council thereof



Town of Havana

GOLF CART REGISTRATION CERTIFICATION AND HOLD HARMLESS

Any person operating a golf cart on any town street does so at his/her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The Town in so designating certain Town streets for the operation of golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and the owner of the golf cart and the operator assume sole liability for operating the vehicle on Town streets and by such owner and operator shall be deemed and do hereby agree to defend, release, indemnify and hold harmless the Town of Havana, its officials and employees for and regarding any and all claims, suits, demands or damages of any nature whatsoever arising from such operation by any person of said golf cart against the Town of Havana.

I am the owner of the Golf Cart for which I am applying for a use permit from the Town of Havana, Florida I undersigned, certify, and state as follows:

1. I will ensure that the Golf Cart shall only be operated by a licensed driver.
2. The Golf Cart has been equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror and reflectorized warning devices on the front and rear.
3. I hereby hold harmless and agree to indemnify the Town of Havana, Florida, and its agents/representatives for damages stemming from injuries or other claims for loss arising from accidents involving my Golf Cart, whether the claim for said damages is by me or another person(s).

Printed Name: _____ Signed: _____ Date _____

Address: _____ Telephone Number: _____

STATE OF FLORIDA
COUNTY OF GADSDEN

Sworn to (or affirmed) and subscribed before me this ____ day of ____, 20 ____, by (name of person making statement). _____ (Notary)

Personally Known _____ OR Produced Identification _____ Type _____

Vehicle Sticker # _____