

DRAFT

Ordinance No. _____
City of Freeport Golf Cart Ordinance

(Insert applicable Whereas, language).

Whereas, 316.212, Florida Statutes authorizes a city to designate certain City roads for lawful operation of golf carts, if the City determines such operation of golf carts is safe, and to regulate said operations; and

Whereas, the Sheriff of Walton County has studied the safety of golf cart operations on certain City of Freeport roadways; and

Whereas, the City desires to promote traffic safety within the City and specifically, within Residential Planned Development Projects; and

Whereas, the City finds in order to promote safety for everyone the following golf cart registration requirements and operational rules are in the best interest of all of it's citizens.

Now, Therefore, Be it ordained by the City Council of the City of Freeport as follows:

Purpose and Intent:

It is the intent and purpose of this article to implement procedures and regulations relating to golf cart operation on public roadways which are more restrictive than those contained in Section 316.212, Florida Statutes, to protect the public health, safety, and welfare of the citizens of the City of Freeport.

Definitions:

For the purpose of this article the following definitions shall be applicable hereto in interpreting the meaning of this article.

1. City road shall mean any local or collector road within the corporate limits of the City of Freeport which is not part of the county or state road as defined in Section 334.03(3), Florida Statutes.
2. The City shall adopt by resolution the applicable City roadways, multi-use paths and sidewalks for which this article shall be applied and enforced.
3. Golf Cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course or for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour as defined in Section 320.01(22), Florida Statutes. *An ATV is not considered a golf cart and falls under ORDINANCE*

Operational considerations and limitations:

Robin Haynes

From: Latilda Hughes <lhughes@freeportflorida.gov>
Sent: Tuesday, February 04, 2014 9:10 AM
To: Robin Haynes
Subject: FW: "GOLF CARTS" ON PUBLIC STREETS
Attachments: Florida LSV Legal Rev.pdf

Comments on golf cart ordinance..

From: tom@electriccartcompany.com [mailto:tom@electriccartcompany.com]
Sent: Wednesday, January 29, 2014 2:00 PM
To: Russ Barley; Latilda Hughes; Robin Haynes; Al Wilson; Janice McClean; Elizabeth Brannon; Jennifer Laird
Cc: Jon Waldrop
Subject: "GOLF CARTS" ON PUBLIC STREETS

Mayor Barley,

Yesterday, I saw a copy of last week's Defuniak Herald. I noticed that the City Planner gave out copies of a draft proposal for operation of golf carts on designated roadways in the City of Freeport. I can only assume this draft proposal will be discussed at some future public hearings. I would like to get a copy, if possible.

Mayor, I am including a copy of a document we drafted a couple of years ago when another local Panhandle city was contemplating a similar proposal. Please understand the proposed City's action is not anything new. You may already know that over 15 years ago, the Federal Department of Transportation, National Highway Traffic Safety Administration dealt with same issue found in the Federal Register on June 17, 1998 (<http://www.nhtsa.gov/cars/rules/rulings/lsv/lsv.html>). Today, this regulation has been adopted by over 40 states, including Florida.

Based on the above referenced documents, a few questions immediately come to mind with regard to the efficacy of allowing "golf carts" on public streets:

1. Does the City's leadership and/or management team really understand there is no reason for all of this special effort on the City's part, unless the City specifically wants standard "golf carts" on the Public's streets and roadways (see definition), instead of "street legal" low speed vehicles (LSVs)?
2. It appears the City leadership may prescribe special safety features to be added to standard "golf carts" in order to be eligible to operate on the Public's streets? If so, why not just abide by the equipment already identified and required in existing State statues and the Federal legislation of 1998?
3. Does the City leadership understand the liability issues it may be opening the City to if they choose to create special ordinances specific to the City of Freeport allowing "golf carts" to use the Public streets and roadways, instead of just doing nothing or, at most, endorsing and enforcing the use of "street legal" LSVs already established under current Florida law?
4. Does the City have a plan to enforce this new ordinance, or will it have to add this responsibility to the Walton County Sheriff?

For the record, I have been directly involved in this industry since 2008. So, I may be a little prejudice. Please know that I totally endorse the use of plug-in electric vehicles for neighborhood use. But, after reading the above attachments, I hope you may see why I would hesitate to suggest intentionally opening up the City to any unnecessary legal exposure just to allow "golf carts", instead of electric vehicles that are already approved by State law (low speed vehicles) to use Public streets. These vehicles are commonly referred to as "street legal" vehicles.

If the City of Freeport did nothing, the use of "street legal" low speed vehicles on any Public street with a posted speed limit of 35 MPH or less is currently LEGAL, i.e., nothing else has to be done on the part of the City for the LSVs to operate on Public streets.

I do think it would be positive for the City, from a public relations as well as a public information initiative, to consider adding street signage at strategic locations to support the legal use of electric carts. This signage would also serve to remind the general motoring public in the area that they are sharing the roadways with a smaller, lighter, legal vehicle.

Please understand, I do have a vested interest in the use and endorsement of "street legal" low speed vehicles. Our business sells and services both "street legal" *and* standard "golf carts". Moreover, we sell and install all of the components mentioned in the proposal (lights, windshield, seat belts, etc). So, if you have any questions regarding this subject that I may be able to help with, please do not hesitate to give me a call.

Tom Waldrop

CC: City Commissioners, City Clerk, City Planner, and City Administrative Assistant

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NEIGHBORHOOD ELECTRIC VEHICLES (NEVs), LOW SPEED VEHICLES (LSVs), AND GOLF CARTS IN THE STATE OF FLORIDA

An NEV (Neighborhood Electric Vehicle) is a federally-approved street-legal vehicle classification which came into existence in 1998 under Federal Motor Vehicle Safety Standard 500 (FMVSS 500). The vehicle classification is referred to as "low-speed vehicle" or "LSV" within Federal regulations.

In Federal regulations, LSVs are defined as a four-wheeled motor vehicle that has a gross vehicle weight rating of less than 3,000 pounds and a top speed of between 20 mph to 25 mph. In Florida, LSVs are restricted to public streets with a maximum speed limit of 35 mph. Because of federal law, dealers cannot legally sell the vehicles to go faster than 25 mph. Any vehicle modified to exceed 25 mph becomes subject to safety requirements of passenger cars.

Therefore, the operation of an LSV or NEV necessarily follows the same laws, requirements and conditions of a standard automobile.

In Florida and other states, there are specific LSV, NEV and golf cart laws and regulations governing the usage and construction of "street legal" golf carts, or low speed vehicles (LSV). Defined by Florida Statute 320.01(42) as "any four-wheeled electric vehicles whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour," low speed vehicles include NEV or neighborhood electric vehicles. Golf carts that are not considered LSVs are prohibited from operation on roads with a few exceptions detailed in s. 316.212. As with motor vehicles, low speed vehicles are subject to a license tax, which is the same as that prescribed in Florida Statute s. 320.08- for non-electrically powered vehicles.

There are several features required for LSV and NEV electric vehicles or street legal golf carts in Florida, including:

- Stop lamps, turn signal lamps, headlamps, taillamps, parking brakes
- Rearview mirrors, reflex reflectors, windshields, seat belts, and VIN's
- Must be registered and insured in accordance with current regulations (s. 320.02)
- The drivers of low speed vehicles must have valid driver's licenses

Although Florida NEV and LSV electric vehicles are prohibited from operation on roads with posted speed limits above 35mph, they are allowed to cross roads that have higher speed limits.

In understanding the implications for a municipality considering the use of golf carts or low speed vehicles (LSV) on the city streets or county roads, one should consider that in Florida there are already State Statutes that allow the use of electric low speed vehicles or "street legal" golf carts. Therefore, the local unit of government is not required to pass any extraordinary or enabling ordinances provisioning the use of an LSV. The local unit of government may, however, wish to consider reducing the speed on certain streets to better facilitate the use of LSVs within the community. Signage would be another issue the local unit of government may wish to employ to promote the safety and use of this low cost form of transportation within the municipality. In addition to operation and use, the State Statues even address the registration, licensing, and insurance requirements that are already in place. See the below summary:

316.2122 Operation of a low-speed vehicle on certain roadways.--The operation of a low-speed vehicle, as defined in s. 320.01(42), on any road as defined in s. 334.03(15) or (33), is authorized with the following restrictions:

(1) A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle must be registered and insured in accordance with s. 320.02.

(4) Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(5) A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

History.--s. 1, ch. 99-163.

320.01 Definitions, general.--As used in the Florida Statutes, except as otherwise provided, the term:

(22) "Golf cart" 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.

(42) "Low-speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

320.02 Registration required; application for registration; forms.--

1(1) Except as otherwise provided in this chapter, every owner or person in charge of a motor vehicle which is operated or driven on the roads of this state shall register the vehicle in this state. The owner or person in charge shall apply to the department or to its authorized agent for registration of each such vehicle on a form prescribed by the department. No registration is required for any motor vehicle which is not operated on the roads of this state during the registration period.

320.08001 Electric vehicles; license tax.--The license tax for an electric vehicle or low-speed vehicle is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered.

History.--s. 11, ch. 95-333; s. 3, ch. 99-163.

Please note that the operation of a (standard) "golf cart" upon public roads is illegal in the State of Florida. However, if a local unit of government should chose to lower the National and State standards established for the manufacture, performance, and safety and allow "golf carts" access to publicly-owned roadways, then specific issues would necessarily have to be addressed and local ordinances would have to be implemented by the local unit of government to provision the use of "golf carts" on its streets. See the summary below regarding this option:

316.212 Operation of golf carts on certain roadways.--The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, or a municipal street that has been designated by a municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(6) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(7) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of any such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents

that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(8) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsection (1), subsection (2), subsection (3), subsection (4), or a local ordinance corresponding thereto and enacted pursuant to subsection (7), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (5), subsection (6), or a local ordinance corresponding thereto and enacted pursuant to subsection (7).

History.--s. 2, ch. 83-188; s. 1, ch. 84-111; s. 2, ch. 88-253; s. 322, ch. 95-148; s. 4, ch. 96-413; s. 168, ch. 99-248; s. 7, ch. 2000-313; s. 6, ch. 2005-164.

There continues to be much misunderstanding of the legal use of standard "golf carts" as a means of personal transportation on public roadways in the State of Florida. This commentary addresses some of the Florida statutes governing the use of "street legal" golf carts (low speed vehicles) and "regular" golf carts on public roads. Although this discussion is by no means comprehensive, these Florida Statutes are applicable to the vehicles we sell at the Electric Cart Company (ECC).

The Electric Cart Company is a licensed franchise motor vehicle dealer of new and used motor vehicles, as required by the State to be able to sell NEVs and LSVs to the Public. ECC also sells standard golf carts, as well.

Please note that ECC is not engaged in the practice of law and is not responsible for the accuracy or completeness of the interpretation of these statutes. If you have questions, we will try our best to answer them if you wish to stop by the dealership.



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