

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, AMENDING CHAPTER 54 (TRAFFIC AND VEHICLES), ARTICLE III (GOLF CARTS), TO CORRECT THE ORIGINAL PLACEMENT FROM SECTIONS 54-31 THROUGH 54-36 TO THE CURRENT MUNICODE SECTIONS 54-61 THROUGH 54-66, AND FURTHER AMENDING SECTION 54-63 (LIMITATIONS ON OPERATING GOLF CARTS) OF THE CODE OF ORDINANCES TO COMPLY WITH RECENTLY ENACTED AMENDMENTS TO STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the Town; and

WHEREAS, the original Ordinance 2021-10 intended to address Sections 54-31 through 54-36, but due to the editor's discretion in Municode, it was placed under Sections 54-61 through 54-66 in Municode; and

WHEREAS, the Town recognizes the need to correct this discrepancy and amend the ordinance in accordance with its current placement in Municode; and

WHEREAS, HB 949 was signed by Governor DeSantis on May 11, 2023 which requires Florida residents who are 18 or younger obtain a learner's permit or driver's license before they may legally drive a golf cart; and

WHEREAS, HB 949 became effective on October 1, 2023; and

WHEREAS, the amendment of the Town Code will bring the Town's regulations into compliance with HB 949; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ORDAINED this 16<sup>th</sup> day of November, 2023, by the Town Council of the Town of Hilliard, Florida, that Ordinance No. 2023-15 be enacted as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the Town Council of the Town of Hilliard.

**Section 2. Amendment.** The Town Council of the Town of Hilliard hereby amends Section 54-63 of the Town of Hilliard Code of Ordinances to read as follows:

**Sec. 54-~~31~~ 61. - Intent.**

Pursuant to F.S. § 316.212, it is the intent of the town council to allow and authorize operation of golf carts under the conditions specified herein and set forth in the above-referenced statute on the municipal roads in the Town of Hilliard.

**Sec. 54-~~32~~ 62. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Golf cart.* Pursuant to F.S. § 320.01(22), a golf cart is a motor vehicle designed for operation on a golf course for sporting or recreational purposes, and that is not capable of exceeding speeds of 20 miles per hour.

*Municipal roads.* For the purposes of this section only, Town of Hilliard roads mean any road open for use to the public whether or not it has been dedicated to public use by plat or other means, and regardless of whether it is maintained by the town.

**Sec. 54-~~33~~ 63. - Limitations on operating golf carts.**

- (a) Golf carts may be operated on Town of Hilliard roads only.
- (b) Golf carts operated on designated municipal roads between sunrise and sunset 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. However, golf carts operated on designated municipal roads between sunset and sunrise must be equipped with headlights, brake lights, turn signals, and a windshield.
- (c) Golf carts may not be operated on any municipal roads by ~~anyone under the age of 15 years.~~ a person:
  - (1) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license;
  - (2) Who is 18 years of age or older unless he or she possesses a valid form government-issued photographic identification.
- (d) Golf carts may be operated on designated municipal roads between sunrise and sunset or between sunset and sunrise subject to the golf cart having equipment and features as stated in subsection (b).

(e) Golf carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as a motor vehicle operator under Florida Law.

(f) Golf carts shall be registered by the town as provided in section 54-64 below.

**Sec. 54-~~34~~ 64. - Operator assumes risk, indemnifies and holds harmless.**

Any person operating a golf cart on any municipal road does so at the person's own risk and must operate such a vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The town, in extending operating privileges to golf carts, does so on the express condition that the operator undertakes such operation at the operator's own risk and assumes sole responsibility for operating said vehicle, and shall be deemed to defend, release, indemnify and hold harmless the Town of Hilliard, its officials and employees from any and all claims, demands, damages, or causes of action, known or unknown, of any nature arising from such operation by any person against the Town of Hilliard, its officials and employees. As a condition precedent to the exercise of this privilege, a golf cart owner shall register the golf cart with the Town of Hilliard and shall pay a \$20.00 registration fee. By registering the golf cart, the owner shall confirm compliance with this section; assume the risk of operating golf carts on public roads; and shall hold the town harmless for any loss suffered as a result of operating the golf cart on a public road.

**Sec. 54-~~35~~ 65. - Penalties.**

Violation of this section is a noncriminal traffic infraction punishable as provided in F.S. § 316.212, pursuant to F.S. ch. 318.

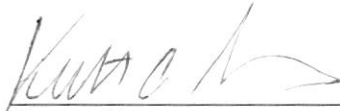
**Sec. 54-~~36~~ 66. - Designated areas.**

- (a) To alert motorists to the presence of golf carts on roads in Hilliard, the Town of Hilliard shall post signs in all designated areas approved for golf cart traffic.
- (b) Golf cart traffic shall be permitted on all roads within the town limits except for the following roads: U.S. Highway 1, U.S. Highway 301, U.S. Highway 23, County Road 108—East of U.S. Highway 1, Kings Ferry Road, Eastwood Road, Henry Smith Road, County Road 108—West of Pond Drive, and Bay Road.
- (c) The town may revoke any and all designations and may close a road to golf cart traffic by resolution of the town council.

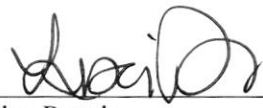
**Section 3. Effective Date.** This ordinance shall become effective upon its passage.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall not affect the validity of the remaining portion of this Ordinance.

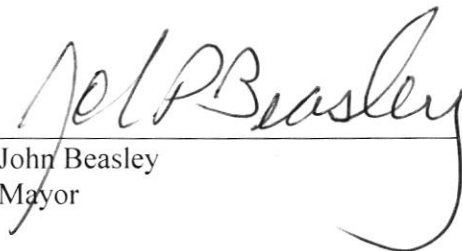
ADOPTED this 16<sup>th</sup> day of November, 2023, by the Hilliard Town Council.

  
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Kenny Sims  
Council President

ATTEST:

  
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Lisa Purvis  
Town Clerk

APPROVED:

  
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John Beasley  
Mayor

First Reading:	October 19, 2023
Publication:	November 1, 2023
Public Hearing:	November 16, 2023
Second/Final Reading:	November 16, 2023