

ORDINANCE 2023- 14

AN ORDINANCE PROVIDING FOR THE USE OF GOLF CARTS IN PART OF LANARK VILLAGE, FLORIDA, UNDER CERTAIN CONDITIONS AND RESTRICTIONS, PURSUANT TO FLORIDA STATUTE 316.212; PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF CERTAIN COUNTY ROADS AT LANARK VILLAGE, FLORIDA, FOR THE USE OF GOLF CARTS; PROVISION OF PENALTIES FOR VIOLATORS; PROVIDING FOR INDEMNIFICATION OF FRANKLIN COUNTY AS CONDITION OF USE OF GOLF CART; PROVIDE FOR SURVIVABILITY AND PROVISION OF AN EFFECTIVE DATE

WHEREAS, the Franklin County Board of County Commissioners (Sometimes hereinafter referred to as "Commission") has been requested by many residents to adopt an ordinance to allow the use of golf carts under certain conditions and restrictions on and over part of the county roads at Lanark Village, Florida; and,

WHEREAS, Florida Statute 316.212 allows golf carts to be driven on county roads designated by the Commission for use by golf carts under specific conditions and restrictions; and,

WHEREAS, the Commission has made a determination, within the requirements of Florida Statute 316.212, that golf carts may safely travel and be operated on part of the county roads at Lanark Village, Florida, now existing and designated by the Commission,

NOW THEREFORE BE IT ORDAINED THAT:

1. The preamble to this ordinance is incorporated herein by this reference.
2. *Intent*: Pursuant to F.S. § 316.212 (2015), it is the intent of the commission to allow and authorize golf carts on certain county roads of Lanark Village, Florida with a posted speed limit not exceeding thirty (30) mph, under all of the conditions and restrictions set forth herein. Golf carts are not allowed on any area of Lanark Village except for the area North of Highway 98, beginning at Alabama Street, where the Ho Hum RV Park is located, to Putnal Street, where the old Putnal Station is located and bounded on the North by Kentucky Street and Oak Street, and all county roads connecting to Kentucky Street and Oak Street.
3. *Lanark Village County Roads Authorized for Golf Carts*: golf carts are allowed on that part of Lanark Village, Florida, defined as follows: the area North of Highway 98, beginning at Alabama Street, where the Ho Hum RV Park is located, to Putnal Street, where the old Putnal Station is located and bounded on the North by Kentucky Street and Oak Street, to include all county roads which connect to either Kentucky Street or Oak Street. This authorization to allow golf carts in Lanark Village shall exclude all of Highway 98 and all areas South of Highway 98. Further, this authorization shall include all county roads located North of Highway 98, bounded on the East by Putnal Street and on the West by Alabama Street and on the North by Kentucky Street and Oak Street and, without limitation of the foregoing, all county roads which connect to either Kentucky Street or Oak Street. Furthermore, this authorization includes the use of the full width of all public roads located within the described area. All areas described are located in Franklin County, Florida.

4. Authorization: Golf carts meeting the minimum standards established by F.S. § 316.212(5), i.e., efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and the rear, are authorized by this ordinance for the area of Lanark Village, Florida, described herein.
5. Compliance with traffic laws: Golf carts shall comply with all applicable local and state traffic laws and an operator may be charged or ticketed in the same manner as a motor vehicle operator under Florida law and the golf cart shall be occupied by no more passengers than there are seats on the golf car with space for each person to sit down on the seat. Sitting on each other's laps is prohibited.
6. Golf Cart: Pursuant to F.S. § 320.01(22), a "golf cart" is defined as a motor vehicle for sporting or recreational purposes that is not capable of speeds of more than twenty (20) miles per hour.
7. Hours and location of operation: A golf cart, except as set forth herein, may only be operated during the hours of one-half hour after sunrise to one-half hour before sunset. However, a golf cart equipped with headlights, brake lights, turn signals and a windshield may, in accordance with F.S. § 316.212(4), be operated between sunset and sunrise on the county roads authorized herein.
8. No rental: The rental of golf carts is prohibited. In the area governed by this ordinance, there shall be no operators of golf carts on the various county roads, rights-of-way, or alleys that are rented or provided for persons for or in connections with commercial or business purposes who are not the owners of the golf carts being operated.
9. Operator to assume risk and indemnify and hold Franklin County harmless: Any person owning and/or operating a golf cart on any county road does so at their own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The county, in extending operating privileges to golf carts, does so on the express condition that the owner and the operator undertakes such operation at their own risk and assumes sole responsibility for operating said vehicle, and shall be deemed to defend, release, indemnify and hold harmless Franklin County, its officials and employees from and regarding any and all claims, demands, damages or causes or actions, known or unknown, of any nature arising from such operation by any person against said county.
10. Operator qualification: No golf cart shall be operated upon the county roads of Lanark Village, Florida, except by a person aged at least 16 years of age who has been issued and possessing a valid drivers' license.
11. Penalties: Violations of this ordinance is a non-criminal traffic infraction punishable as provided in Florida Statutes 316.212 pursuant to Chapter 318 Florida Statutes.
12. Survivability: If any portion of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. Rather, the portion stricken by the court shall become unenforceable and the remainder of this ordinance shall remain in full force and effect.
13. Effective Date: This ordinance shall take effect as provided by law.

Passed and duly adopted by the Board of County Commissioners of Franklin County, Florida, on this the 17th day of October, 2023.

FRANKLIN COUNTY, a political subdivision
of the State of Florida.

By: Ricky D. Jones
Ricky D. Jones, Its Chairman



ATTEST:

By: Michele Maxwell
Michele Maxwell, Clerk of Court



Approved as to form and content

By: Thomas M. Shuler
Thomas M. Shuler, County Attorney