

ATTACHMENT 1

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, FLORIDA, CREATING ARTICLE III (GOLF CARTS) OF CHAPTER 20 (TRAFFIC), IN THE TOWN CODE OF ORDINANCES, RELATING TO THE OPERATION OF GOLF CARTS ON DESIGNATED TOWN ROADS; PROVIDING FOR LEGISLATIVE INTENT AND FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING OPERATIONAL STANDARDS AND REQUIREMENTS; PROVIDING FOR SIGNAGE; PROVIDING FOR LIMITATIONS AND OTHER PROHIBITED CONDUCT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH, AND INCORPORATION INTO THE TOWN CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, section 316.212, Florida Statutes, prohibits the operation of golf carts upon the public roads of Florida except as provided therein; and

WHEREAS, section 316.212(1), Florida Statutes, allows a municipality to designate municipal roads for use by golf carts; and

WHEREAS, prior to designating a municipal road for use by golf carts, a municipality must first determine that golf carts may safely travel on or cross such road, considering factors including the speed, volume, and character of motor vehicle traffic using the road; and

WHEREAS, having considered the speed, volume, and character of motor vehicle traffic using the municipal roads of the Town, the Town finds that golf carts may safely travel on all such roads;

WHEREAS, section 316.212(5), Florida Statutes, restricts the operation of golf carts to 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

In interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken~~ words indicate deletions from existing text. Asterisks (* * *) indicate a deletion from the ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield; and

WHEREAS, the Town finds that golf carts provide an environmentally friendly mode of transportation, and are commonly used in small communities for transportation and utility purposes; and

WHEREAS, golf carts operate at low speeds and may be operated safely when properly driven and equipped; and

WHEREAS, the Town wishes to allow citizens greater flexibility in transit within the Town, conserve fossil fuels, and reduce pollution and ambient noise; and

WHEREAS, the Town Commission believes that the regulations in this ordinance will promote and enhance the health, safety, and welfare of the Town's citizens.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Melbourne Village, Brevard County, Florida, that:

Section 1. Recitals and Findings. The foregoing Recitals are hereby ratified and incorporated as findings of the City Council and as the legislative intent of this ordinance.

Section 2. Creating a new Article III. Golf Carts of Chapter 20 – Traffic of the Town Code of Ordinances. The Melbourne Village Code is hereby amended by adding a new article to be numbered Article III., Chapter 20, which said Article shall read as follows:

CHAPTER 20

TRAFFIC

* * *

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ARTICLE III. GOLF CARTS

SECTION 20-13. 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:

(1) 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.

SECTION 20-14. DESIGNATION OF PUBLIC ROADS FOR USE BY GOLF CARTS; SIGNAGE.

(a) The Town Commission hereby designates and approves all of the Town's municipal public roads for use by golf carts. This designation does not include West New Haven Avenue (State Road 500/US 192).

(b) The Town shall post appropriate signs to indicate that the operation of golf carts is allowed on the roads designated for golf cart use.

SECTION 20-15. OPERATION OF GOLF CARTS ON DESIGNATED ROADS.

(a) The following conditions apply to the operation of golf carts on roads designated pursuant to this article:

(1) A golf cart may be operated only during the hours between sunrise and sunset, unless the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(2) No golf cart may be operated on bicycle paths, ped-ways, sidewalks, or roads which have not been designated for use by golf carts.

(3) 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.

(4) A golf cart may not be operated by any person under the age of 14.

(b) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318, Florida Statutes, as a moving violation for infractions of subsection (a)(1) or (a)(2), or as a nonmoving violation for infractions of subsections (a)(3) through (a)(4).

SECTION 20-16 – 20-20. RESERVED.

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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 by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections 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. Conflict. The provisions of this ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

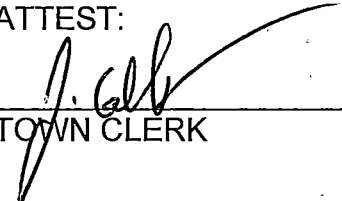
Section 4. Inclusion in Code. It is the intention of the Town Commission of the Town of Melbourne Village that the provisions of this ordinance shall be made a part of the Melbourne Village Code.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption in accordance with the Charter of the Town of Melbourne Village.

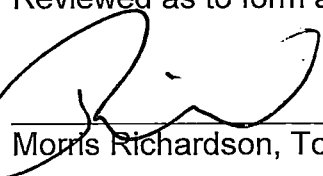
PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Village, Brevard County, Florida, this 26th day of January, 2021.



WILLOW MARTIN, MAYOR

ATTEST:


TOWN CLERK

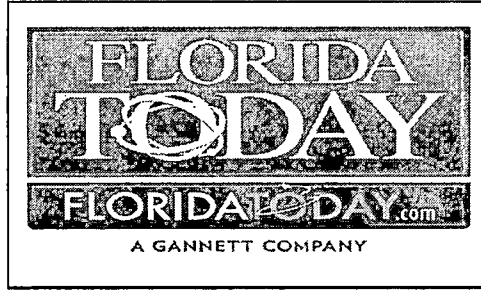
Reviewed as to form and legal sufficiency:


Morris Richardson, Town Attorney

1st READING: December 15, 2020
2nd READING: January 26, 2021

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A Daily Publication By:



TOWN OF MELBOURNE VILLAGE (TE)
555 HAMMOCK RD

MELBOURNE, FL, 32904

ORD 2020-05
Golf Carts

Ad#4543522 01/13/2021
TOWN OF MELBOURNE VILLAGE
Notice of Public Hearing

On January 26, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard, the Town of Melbourne Village Town Commission will hold a Public Hearing in the Town Office, 555 Hammock Road, Melbourne Village, FL 32904 on the following:

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AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, FLORIDA, CREATING ARTICLE III (GOLF CARTS) OF CHAPTER 20 (TRAFFIC), IN THE TOWN CODE OF ORDINANCES, RELATING TO THE OPERATION OF GOLF CARTS ON DESIGNATED TOWN ROADS; PROVIDING FOR LEGISLATIVE INTENT AND FINDINGS; PROVIDING FOR DEFINITIONS; DESIGNATING CERTAIN TOWN ROADS FOR USE BY GOLF CARTS; PROVIDING FOR SIGNAGE; ESTABLISHING OPERATIONAL STANDARDS AND REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND INCORPORATION INTO THE TOWN CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

A copy of the proposed ordinance is available for public inspection at the Town Office, 555 Hammock Road, Melbourne Village, FL 32904. All persons wishing to be heard should appear in person or by electronic communications technology (Zoom) at this hearing or send written comments to the Town Clerk. The public hearing may be continued to a time and date certain by announcement at this scheduled hearing without any further published notice. All persons and parties are hereby advised that if they should decide to appeal any decision made by the Town with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 321-723-8300 at least 48 hours in advance of this meeting.

Jimmy Collen
Town Clerk/Treasurer

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

as published in **FLORIDA TODAY** in the issue(s) of:

01/13/2021

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 13th of January 2021, by legal clerk who is personally known to me

Affiant

Nancy Heyrman
Notary State of Wisconsin County of Brown
5.15.23

My commission expires

Publication Cost: \$159.99
Ad No: 0004543522
Customer No: BRE-6TO201
This is not an invoice
of Affidavits 1

NANCY HEYRMAN
Notary Public
State of Wisconsin