

ORDINANCE NO. 22 - 293

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 39 “TRAFFIC AND VEHICLES”, CREATING ARTICLE III “GOLFCARTS”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rodriguez)

WHEREAS, the State of Florida has given municipalities the right to designate streets within their boundaries for Golf Cart Use; and

WHEREAS, the Town of Miami Lakes (the “Town”) has adopted a Strategic Plan which includes the enhancement of vehicular and non-vehicular mobility; and

WHEREAS, mobility and transportation efficiencies are an integral part of the Town’s overall strategic plan; and

WHEREAS, golfcarts and slow moving vehicles (SVM) constitute a mobility alternative to automobiles for short trips; and

WHEREAS, during the November 2020 Town Council meeting, the Town Council expressed their desire to incorporate additional enforcement mechanisms, such as the use of Town Police and Civil citations; and

WHEREAS, on March 1, 2022, the Planning and Zoning Board met in their capacity as the Town’s Local Planning Agency to consider the proposed Ordinance; and

WHEREAS, on March 8, 2022, the Town Council passed the proposed Ordinance in First Reading; and

WHEREAS, on April 12, 2022, the Town Council passed the proposed Ordinance in Second Reading.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. Adoption of Amendments to Chapter 39, Titled “Traffic and Vehicles”, creating Article III “Golfcarts” The Town Council approves the adopts the Amendments to Chapter 39 of the Town Code as provided herein.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. 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 to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases 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 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article,” “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was moved by Councilmember Alvarez who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	No

Passed and adopted on first reading this 8th day of March 2022.

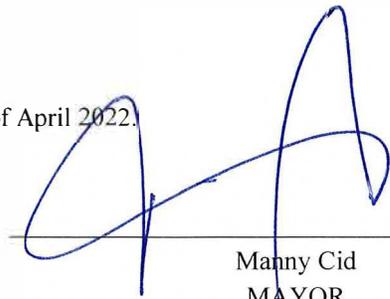
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SECOND READING

The foregoing ordinance was moved by Vice Mayor Rodriguez who moved its adoption on second reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	No

Passed and adopted on second reading this 12th day of April 2022.



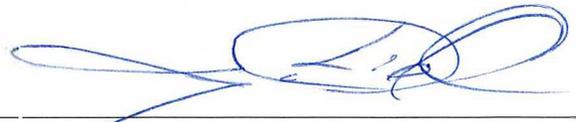
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

Chapter 39 – TRAFFIC AND VEHICLES

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ARTICLE III. GOLF CARTS

Sec. 39-50. Legislative intent.

It is the intent of this article to permit and regulate the use of Golf Carts within the Designated Streets of the Town, during non-restricted hours by licensed drivers operating Golf Carts which have passed a safety inspection.

Sec. 39-51. Definitions.

Designated Streets. All streets within the Town except NW 67th Avenue and NW 87th Avenue.

Golf Cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. ch. 316.003(29).

Permit. An official authorization designating that the Golf Cart to which the authorization is affixed meets the requirements of state law and the Town Code.

Slow Moving Vehicles. Any vehicle designed for use and speeds less than 25 miles per hour.

Sec. 39-52. Authorized use.

- (a) Licensed drivers may operate Golf Carts which have been inspected and issued Permits by the Town on all Designated Streets within the Town.
- (b) A Permit to use a Golf Cart on a Designated Street does not permit entry onto private property or semi-private property, including retail parking lots, private roads or common areas in condominiums. Access to these areas may be regulated by the property owners and/or property managers.

Sec. 39-53. Prohibited use.

The operation in the Town of any Golf Cart in the following manner or under the following conditions is prohibited:

- (1) Without a valid, current driver's license;
- (2) During hours between sunset and sunrise without being equipped with headlights and a windshield;
- (3) Without a valid, current Permit issued by the Town Police Department and affixed to the Golf Cart in a conspicuous location;
- (4) In violation of State or County traffic regulations;
- (5) Anywhere on the roadway surface of NW 67th Avenue or NW 87th Avenue, except to cross those thoroughfares at marked intersections or intersections regulated by a traffic signal.
- (6) On the parks, bicycle paths, sidewalks, or swales of the Town;
- (7) Parking in violation of posted regulations;
- (8) Obstructing or interfering with normal traffic flow; and
- (9) Carrying more passengers than those for which the Golf Cart was designed.

Sec. 39-54. Inspection.

- (a) Each Golf Cart shall be inspected by the Town annually.
- (b) Upon submitting a completed Permit application, proof of insurance and the payment of a \$50.00 application fee, the Town Police Department will schedule an inspection to ensure that the required equipment is installed and operating properly.
- (c) The application fees will be deposited into the General Operating Funds of the Town.
- (d) The Town shall issue a Permit to a Golf Cart which passes the inspection. The Permit shall include a registration number and be displayed in a conspicuous location on the Golf Cart.

Sec. 39-55. Required equipment.

A Golf Cart must be equipped with:

- (1) Efficient brakes;
- (2) Reliable steering apparatus;
- (3) Safe tires;
- (4) Rear view mirrors;
- (5) Red reflectorized warning devices, both in the front and the rear;
- (6) Rear stop lamps meeting the minimum standards of F.S. § 316.234(1);
- (7) Turn signals meeting the minimum standards of F.S. § 316.234(2); and
- (8) Safety belts.

Sec. 39-56. Slow Moving Vehicles.

Golf Carts meeting the definition of Slow Moving Vehicle must also have a "SMV" triangular emblem attached to the Golf Cart pursuant to Metro-Dade Ordinance No. 71-94.

Sec. 39-57. Operators.

Drivers must hold a current, valid driver's license in order to operate a Golf Cart upon the streets of the Town.

Sec. 39-58. Traffic laws.

- (a) Operators of Golf Carts using Designated Streets within the Town are required to observe all traffic laws as if they were operating any other motor vehicle.
- (b) While traveling on Designated Streets, operators and passengers of Golf Carts must comply with applicable State law as to the requirements and usage of safety belts and child restraint equipment.
- (c) Owners and operators of Golf Carts shall comply with applicable State law pertaining to insurance requirements.

Sec. 39-59. Enforcement.

The Town Police Department shall be responsible for enforcing this article.