

ORDINANCE NO. 2022-403

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES RELATED TO OPERATION OF GOLF CARTS ON CITY STREETS INCLUDING BUT NOT LIMITED TO PROCEDURES; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 78-31 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 78-31. Definitions.

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

Alley means a public space or thoroughfare less than 20 feet in width that has been dedicated or deeded for public use.

Authorized emergency vehicles means vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, and the state department of transportation as are designated or authorized by the department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Court means the court and/or the designated bureau, department or division having jurisdiction over traffic offenses committed in the county.

Crosswalk means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway.

- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Department of transportation is as defined in F.S. § 20.23.

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, which is generally not capable of exceeding speeds in excess of 20 m.p.h.

Motor vehicle is defined in F.S. §316,003, as may be amended or superseded.

Official traffic control devices means all signs, signals, markings, and devices, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Operator means any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds the legal title of a vehicle, or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purposes of this article.

Park, parked or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Private road or driveway means any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction,

speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in receiving or discharging passengers, as may be permitted by law or under this article.

Stop or stopping means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

Traffic means pedestrians, ridden or herded animals, and vehicles, streetcars and other conveyances, either singly or together while using any street or highway for purposes of travel.

Vehicle means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 2. The Index for Chapter 78 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Article I. In General

Sec. 78-1. Adoption by reference of Florida Uniform Traffic Control Law.
Secs. 78-2--78-30. Reserved.

Article II. Traffic Regulations

Sec. 78-31. Definitions.
Sec. 78-32. Prohibited acts.
Sec. 78-33. Parking along roadway right-of-way curblines behind entrance drives to residences.

Sec. 78-34. Notice to owner.
Sec. 78-35. Presumptions.
Sec. 78-36. Issuance of complaint and warrant.
Sec. 78-37. Authority to impound vehicles; notice required.
Sec. 78-38. Penalties.
Sec. 78-39. Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts.
Secs. 78-40--78-100. Reserved.

Article III. Golf Cart Specific Regulations

Sec. 78-101. Application.
Sec. 78-102. Golf Cart Operations.
Sec. 78-103. Signage.
Sec. 78-104. Penalties.

Section 2. The Code of Ordinances, City of Parker, Florida, is hereby amended by adding a section to be numbered 78-101, which said section reads as follows:

Sec. 78-101. Application.

This article shall have application upon all streets lying within the limits of the city.

Section 3. The Code of Ordinances, City of Parker, Florida, is hereby amended by adding a section to be numbered 78-102, which said section reads as follows:

Sec. 78-102. Golf cart operations.

(a) *Use permitted.* Golf carts are permitted to operate within and upon city streets with a posted speed limit of 30 m.p.h. or less.

(b) *Prohibited Use.* Golf carts may not be operated on or cross any state highway within the city, currently Tyndall Parkway (portion of State Road 30A), U.S. Business Highway 98, South Highway 22A, Boatrace Road or Hickory Street.

(1) No golf carts are permitted to operate on any sidewalks or bicycle paths in the city.

(c) *Operational requirements.* It shall be unlawful to operate a golf cart on any street within the city unless:

- (1) The operator holds a valid, current driver's license. Under no circumstances may any person under the age of 16 who does not hold a valid, current driver's license operate a golf cart on any public road in the city.
- (2) The golf cart is operated between the hours of sunrise and sunset.
- (3) The golf cart is operated in accordance with state or city traffic regulations.
- (4) Such operation does not obstruct or interfere with normal traffic flow.
- (5) The golf cart carries no more passengers than the number for which the golf cart was designed to carry.
- (6) The golf cart is installed with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear.
- (7) The operator and the golf cart have liability insurance in an amount at least equal to that required of motor vehicles to operate in the state.
- (8) The owner of the golf cart shall have registered for a permit with the city, paying the applicable fee established from time to time, to operate on city streets and shall display the city permit at all times in operation in clear view on the golf cart.

Section 4. The Code of Ordinances, City of Parker, Florida, is hereby amended by adding a section to be numbered 78-103, which said section reads as follows:

Sec. 78-103. Signage.

The chief of police or designee shall post appropriate signs to alert the public of golf cart usage on the designated roadways.

Section 5. The Code of Ordinances, City of Parker,

Florida, is hereby amended by adding a section to be numbered 78-104, which said section reads as follows:

Sec. 78-104. Penalties.

A violation of section 78-102 above, is a noncriminal traffic infraction, punishable pursuant to F.S. ch. 318, or the general penalty provided by the city Code.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. If any penalty of this section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

Section 7. Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 8. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 9. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. Repeal of Conflicting Codes, Ordinances, and Resolutions.

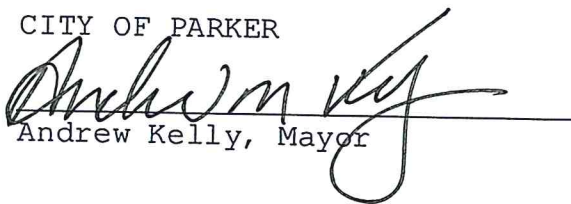
All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 11. Effective Date.

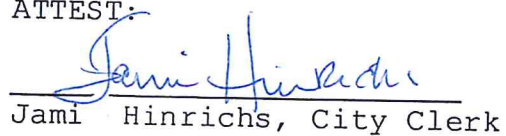
This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 21st day of June, 2022.

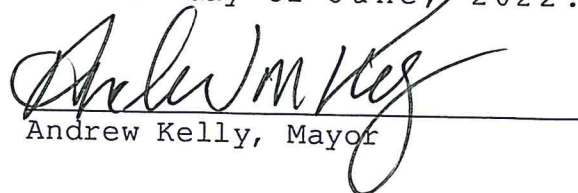
CITY OF PARKER


Andrew Kelly, Mayor

ATTEST:


Jami Hinrichs, City Clerk

Examined and approved by me, this 21st day of June, 2022.


Andrew Kelly, Mayor