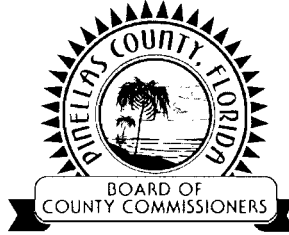


No. 7  
BCC 02-07-06  
9:36 A.M. PENHALE/Kennare/Smitke

- # 4 Ordinance No. 06-12 adopted providing for authority for the use of golf carts, with conditions, west of Alternate U.S. Highway 19 for the areas of Ozona and Crystal Beach. Staff recommended approval of the proposed ordinance. No correspondence has been received. Director of Transportation Peter Yauch presented a brief summary of the provisions of the proposed ordinance. Comments by JoAn Totty, Palm Harbor, in objection to the proposed ordinance were noted.

Alluding to the concerns of the objector, Commissioner Latvala and Planning Director Brian K. Smith indicated that homeowners' insurance policies would provide coverage regarding the golf carts. Responding to query by the Chairman, Mr. Yauch confirmed that golf cart usage will be permissible 24 hours a day; and that the Sheriff's Department has not changed its position in opposition to the ordinance. In reply to query by Commissioner Stewart, Attorney Churuti stated that the ordinance would allow the Sheriff's Office to write tickets; and Mr. Spratt indicated that the issue of seat belts had been changed upon determination that the seat belts were not as safe as the use of hip restraints.

Motion	-	Commissioner Latvala
Second	-	Commissioner Morrioni
Vote	-	4 – 2 (Commissioners Welch and Stewart dissenting)



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** February 7, 2006

**AGENDA ITEM NO.** 4

**Consent Agenda**

**Regular Agenda**

**Public Hearing**

**County Administrator's Signature:** 

**Subject:**

Public Hearing and Adoption of a Proposed Ordinance for the Use of Golf Carts, with Conditions, in the Areas of Ozona and Crystal Beach

**Department:**

Public Works

**Staff Member Responsible:**

Jan R. Herbst, P.E., Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BCC), AFTER TAKING PUBLIC COMMENT, ADOPT THE ATTACHED PROPOSED ORDINANCE FOR THE USE OF GOLF CARTS, WITH CONDITIONS, IN THE AREAS OF OZONA AND CRYSTAL BEACH.

**Summary Explanation/Background:**

On October 18, 2005, the BCC adopted Resolution No. 05-245 permitting the use of golf carts, with conditions, west of Alternate U.S. Highway 19 within the areas of Ozona and Crystal Beach.

On January 24, 2006, the BCC gave approval to advertise the proposed Ordinance for a public hearing to be held on February 7, 2006. The proposed Ordinance will give residents of Ozona and Crystal Beach, who are licensed to drive motor vehicles, permission to use golf carts with identified limitations, required standard safety devices, and in accordance with other State law provisions.

**Fiscal Impact/Cost/Revenue Summary:**

No fiscal impacts are anticipated.

**Exhibits/Attachments Attached:**

Proposed Draft Ordinance

Proposed Clean Ordinance

Resolution No. 05-245

Board Order and Agenda Memo Dated January 24, 2006

Board Order and Agenda Memo Dated October 18, 2005

ORDINANCE NO. 06-12

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING FOR AUTHORITY FOR THE USE OF GOLF CARTS, WITH CONDITIONS, WEST OF ALTERNATE US HIGHWAY 19 FOR THE AREAS OF OZONA AND CRYSTAL BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

2006 FEB 15 AM 9:50  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

WHEREAS, the Board has received requests from representatives of the communities of Ozona and Crystal Beach to permit the use of golf carts on community streets in those areas; and

WHEREAS, golf carts provide an alternative for in-neighborhood local trips that is quieter and less intrusive than passenger vehicles, as well as if electric, the carts are emissions free; and

WHEREAS, Fla. Stats. sec. 316.212 authorizes the Board of County Commissioners to permit the use of golf carts with conditions and for designated areas in any unincorporated area; and

WHEREAS, golf carts by Fla. Stats. definition are vehicles that are incapable of exceeding speeds of 20 miles per hour; and

WHEREAS, golf carts are not permitted unless authorized by the Board of County Commissioners; and

WHEREAS, the Ozona and Crystal Beach communities have established a community use for golf carts within their community street system; and

WHEREAS, for the purpose of this Ordinance the southern boundary of Ozona is the intersection of Orange Street and U.S. Alternate 19 and the northern boundary of Crystal Beach is Ulelah Avenue and U.S. Alternate 19; and

WHEREAS, there are no posted speed limits in this designated area higher than 30 miles per hour; and

WHEREAS, the communities have identified a reasonable proposal to permit the use of golf carts on the community street system; and

WHEREAS, this proposal includes the provisions as noted to require the standard safety devices, to be operated by licensed drivers only, use limited to authorized area and limited to vehicles that are incapable of exceeding 20 miles per hour; and

WHEREAS, it is the Board's intent by action of this ordinance to authorize the use of golf carts in these communities with the identified limitations, and in accordance with other State law provisions; and

WHEREAS, the policy for the Pinellas Trail will continue to be a non-motorized facility to preserve this corridor as a safe environment for pedestrians and cyclists; and

WHEREAS, the Board having passed Resolution No. 05-245 finding that golf carts may safely be operated under conditions specified therein; and

WHEREAS, the Board finds that a golf cart may be operated during the hours between sunset and sunrise when equipped as provided herein, in the designated areas only.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that in meeting duly assembled this 7th day of Feb. 2006, as follows:

Section 1.

That the Pinellas County Code is hereby amended by adding to Chapter 122 Traffic and Vehicles an Article IV. GOLF CARTS and Section numbered 122-67, which section reads as follows:

ARTICLE IV. GOLF CARTS.

Section 122-67. Golf carts equipped in the manner prescribed by this Ordinance may travel on or cross the public roads or streets within the geographic boundaries described in this Ordinance, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts is hereby permitted in the Ozona and Crystal Beach Communities with the stipulations to include the following provisions:

(a) Required equipment for a golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield and a standard hip restraint or hand hold.

(b) The golf cart operators must possess a valid driver's license pursuant to Fla. Stats. sec. 322.03.

(c) The areas encompassed by this authorization are the community areas of Ozona and Crystal Beach located west of U.S. Alternate 19, north of Orange Street and south of Ulelah Avenue. For the purpose of this Ordinance the southern boundary of Ozona is the intersection of Orange Street and U.S. Alternate 19, and the northern boundary of Crystal Beach is Ulelah Avenue and U.S. Alternate 19. ~~Golf carts shall not be operated within the right-of-way of U.S. Alternate 19.~~

(d) The golf carts authorized for use are incapable of exceeding 20 miles per hour.

(e) Golf carts may be operated during the hours between sunset and sunrise as well as during daylight hours in the designated areas only.

Section 2. Penalties.

A violation of subsection (a) of this ordinance is a noncriminal violation pursuant to Fla. Stats. sec. 316.212(7) punishable as a nonmoving violation.

A violation of subsection (c) of this ordinance is a noncriminal violation pursuant to Fla. Stats. sec. 316.212(7) punishable as a moving violation.

Section 3. Territory Embraced.

This Ordinance shall apply only to the designated unincorporated area of the County.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance, or the particular application thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 5. Codification.

This ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Pinellas County Code.

Section 6. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66 Fla. Stats. (2004), a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By Gerald Meadows  
Attorney



STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on February 7, 2006 relative to:


**ORDINANCE NO. 06-12**

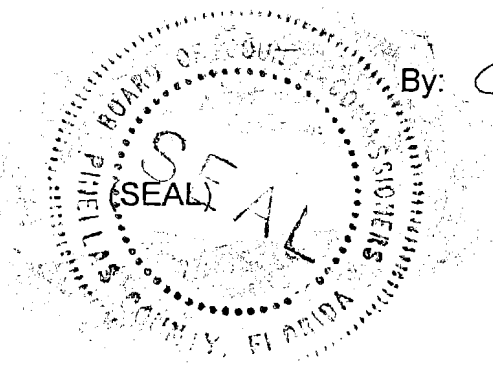
**AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING FOR AUTHORITY FOR THE USE OF GOLF CARTS, WITH CONDITIONS, WEST OF ALTERNATE US HIGHWAY 19 FOR THE AREAS OF OZONA AND CRYSTAL BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

IN WITNESS WHEREOF, I hereunto set my hand and official seal this February 14, 2006.

KEN BURKE  
Clerk of the Circuit Court  
and Ex-officio Clerk to the  
Board of County Commissioners

By:

  
Linda R. Reed, Deputy Clerk





FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

February 17, 2006

Honorable Ken Burke  
Clerk of Board of County Commissioners  
Pinellas County  
315 Court Street  
Clearwater, Florida 33756

Attention: Linda R. Reed, Deputy Clerk

Dear Mr. Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 14, 2006 and certified copies of Pinellas County Ordinance Nos. 06-12 through 06-17, which were filed in this office on February 16, 2006.

As requested, the date stamped copies are being returned for your records and a copy of this letter has been faxed to (727)464-4716.

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

Enclosures

STATE LIBRARY OF FLORIDA  
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600  
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>  
 LEGISLATIVE LIBRARY SERVICE     RECORDS MANAGEMENT SERVICES     FLORIDA STATE ARCHIVES  
(850) 488-2812 • FAX: (850) 488-9879    (850) 487-2180 • FAX: (850) 413-7224    (850) 245-6700 • FAX: (850) 488-4894  
 ADMINISTRATIVE CODE AND WEEKLY  
(850) 245-6270 • FAX: (850) 245-6282

RECEIVED  
BOARD OF  
COUNTY  
COMMISSIONERS  
PINELLAS COUNTY  
FEB 21 10 14 AM '06

ORDINANCE NO.

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING FOR AUTHORITY FOR THE USE OF GOLF CARTS, WITH CONDITIONS, WEST OF ALTERNATE US HIGHWAY 19 FOR THE AREAS OF OZONA AND CRYSTAL BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE AS A RESULT OF MATTERS RAISED AT THE PUBLIC HEARING OR IN CONSULTATION WITH OR FROM REVIEW OF THE ORDINANCE WITH THE RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board has received requests from representatives of the communities of Ozona and Crystal Beach to permit the use of golf carts on community streets in those areas; and

WHEREAS, golf carts provide an alternative for in-neighborhood local trips that is quieter and less intrusive than passenger vehicles, as well as if electric, the carts are emissions free; and

WHEREAS, ~~Fla.State Stats. sec.utes~~ 316.212 authorizes the Board of County Commissioners to permit the use of golf carts with conditions and for designated areas in any unincorporated area; and

WHEREAS, ~~golf carts by Fla. Stats.State Statute~~ definition are vehicles that are incapable of exceeding speeds of 20 miles per hour; and

WHEREAS, golf carts are not permitted unless authorized by the Board of County Commissioners; and

WHEREAS, the Ozona and Crystal Beach communities have established a community use for golf carts within their community street system; and

WHEREAS, for the purpose of this Ordinance the southern boundary of Ozona is the intersection of Orange Street and U.S. Alternate 19 and the northern boundary of Crystal Beach is Ulelah Avenue and U.S. Alternate 19; and

WHEREAS, there are no posted speed limits in this designated area higher than 30 miles per hour; and

WHEREAS, the communities have identified a reasonable proposal to permit the use of golf carts on the community street system; and

WHEREAS, this proposal includes the provisions as noted to require the standard safety devices, to be operated by licensed drivers only, use limited to authorized area and limited to vehicles that are incapable of exceeding 20 miles per hour; and

WHEREAS, it is the Board's intent by action of this ordinance to authorize the use of golf carts in these communities with the identified limitations, and in accordance with other State law provisions; and

WHEREAS, the policy for the Pinellas Trail will continue to be a non-motorized facility to preserve this corridor as a safe environment for pedestrians and cyclists; and

WHEREAS, the Board having passed Resolution No. 05-245 - finding that golf carts may

safely be operated under conditions specified therein; and

WHEREAS, the Board finds that a golf cart may be operated during the hours between sunset and sunrise when equipped as provided herein, in the designated areas only.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that in meeting duly assembled this

\_\_\_\_\_ day of \_\_\_\_\_, as follows:

Section 1.

That the Pinellas County Code is hereby amended by adding to Chapter 122 Traffic and Vehicles an Article IV. GOLF CARTS and ~~Section~~section to be numbered 122-67\_\_\_\_\_, which section reads as follows:

ARTICLE IV. GOLF CARTS.

Section 122-67\_\_\_\_\_. Golf carts equipped in the manner prescribed by this Ordinance may travel on or cross the public roads or streets within the geographic boundaries described in this Ordinance, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts is hereby permitted in the Ozona and Crystal Beach Communities with the stipulations to include the following provisions:

(a) Required equipment for ~~the a golf carts cart are~~ shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirrors, a windshields and seatbelts a standard hip restraint or hand hold.

(b) The golf cart operators must possess a valid driver's license pursuant to Fla. Stats. sec. 322.03.

(c) The areas encompassed by this authorization are the community areas of Ozona and Crystal Beach located west of U.S. Alternate 19, north of Orange Street and south of Ulelah Avenue. For the purpose of this Ordinance the southern boundary of Ozona is the intersection of Orange Street and U.S. Alternate 19, and the northern boundary of Crystal Beach is Ulelah

Avenue and U.S. Alternate 19. Golf carts shall not be operated within the right-of-way of U.S.

Alternate 19.

(d) The golf carts authorized for use are incapable of exceeding 20 miles per hour.

(e) Golf carts may be operated during the hours between sunset and sunrise as well as during daylight hours in the designated areas only.

Section 2. Penalties.

A violation of subsection (a) of this ordinance is a noncriminal violation pursuant to Fla. Stats. sec. 316.212(7) punishable as a nonmoving violation.

A violation of subsection (c) of this ordinance is a noncriminal violation pursuant to Fla. Stats. sec. 316.212(7) punishable as a moving violation.

Section 32. Territory Embraced.

This Ordinance shall apply only to the designated unincorporated area of the County.

Section 43. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance, or the particular application thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 54. Codification.

This ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Pinellas County Code.:

Section 65. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66 Fla. Stats. (2004), a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Department of State.

~~HAUSERSVATYKB08\WPDOCS\Ordinances\Golf\Cart Ozone Crystal Beach.doc~~  
~~HAUSERSVATYKB08\WPDOCS\Ordinances\ORDINANCE DRAFT2\Golf\Cart Ozone Crystal Beach.doc~~

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By *Cornel Medley*  
Attorney



# PUBLIC HEARING COMMENT CARD

Agenda Date 1/7  
Agenda Item (NOT Case) No. 4  
I Agree \_\_\_\_\_ Disagree   
With Staff's Recommendation.\*

The Board of County Commissioners values your participation.



On the regular Board agenda, there are "Scheduled Public Hearings." If you want to speak about a Public Hearing item, please fill out this blue card at the beginning of the meeting, and give it to the Board Secretary at the Staff Table. **NOTE:** In the upper right hand corner, complete the agenda's date, agenda's item number (**NOT** the case number), your position on the item, and towards the bottom of the card, your contact information, and some key words to help identify the Public Hearing item. Copies of the agenda are available in the shelf at the front of the podiums on the 1st and 5th Floors, near the elevators. \*In order to determine your position and understand staff's recommendation to the Board, copies of the Public Hearing items are numerically filed by agenda item number (**NOT** by case number) in the black binders on top of the podiums, and available for public review. Please adhere to the guidelines noted in the Public Participation and Decorum Rules and those noted on the reverse side of this card.

NAME Joan Kelly  
ADDRESS 1010 Comanche Dr / 1021 Hwy CITY V-FL ZIP 34683  
CHECK INCORPORATED \_\_\_\_\_ OR UNINCORPORATED  TOPIC \_\_\_\_\_

BCC Meeting Date 2/7/06

Item # 4

Please see BCC Meeting Date 1/24/06, item #

17 for advertising information.

Time	Speaker	Note
<u>9:55:50 AM</u>	No. 4	Ord re golf carts w conditions in Ozona and Crystal Beach, ph prop adv, aff of publication recd no correspondence recd
<u>9:56:09 AM</u>	Spratt	rec after public comment adopt proposed ord
<u>9:56:21 AM</u>	Welch	one card in opposition - brief staff summary
<u>9:56:25 AM</u>	Pete Yauch PW	Director of Transportation On Oct 18 05 Bd passed res to permit golf cart use in area of Ozona and Crystal Beach in accordance w FI Stat 316.212. This prop ord codifies that res, makes it basically law and provides penalties if terms violated, There were no. of constraints incl in ord, lmt use licensed drivers, safety devices-lights, brakes, windshiel, hip constraint, seat belts no appropriate - safer just to have hip restraint limit speed to 20 mph Ozona and Crystal Beach not permitted in Alt 19 row not permitted on Trail and day and nite op is permitted any viols wd be considered either a moving or nonmoving non crim violation as appro
<u>9:58:01 AM</u>	JoAn Totty	in opposition - dont care Ozona and Crystal Beach think Pete did very nice job Sheriff Dept did very nice job only think now I checked board out there You dont have it insured. these need to be insured - golf cart hit my car once - want to make sure they are insured
<u>9:58:49 AM</u>	Welch	will get answer to that?
<u>9:58:54 AM</u>	Latvala	recall from pres from cits when we first discussed this, that homeowners policy covers golf carts
<u>9:59:09 AM</u>	Welch	we are able to confirm that?
<u>9:59:14 AM</u>	B Smith	was at same mtg - several attys in community indicated they confirmed that ho policy covers
<u>9:59:32 AM</u>	Welch	ques re pg 4 of doc on our cd paragraph E says golf carts may be operated during hrs between sunset and sunrise and daylite - that basically 24 hrs a day?
<u>9:59:48 AM</u>	Yauch	that is 24 hr operation. reads a little backwards than normal - believe ca staff rec because of was state FI law is written this providing for opposite operatin
<u>10:00:07 AM</u>	Welch	24 a day
<u>10:00:11 AM</u>	Yauch	yes correct - vehicles req to have lites brake lites and so forth so they shd be equipped to op at nite as well
<u>10:00:17 AM</u>	Welch	and has sheriffs office changed their position in opposition?
<u>10:00:21 AM</u>	Yauch	no
<u>10:00:24 AM</u>	Stewart	what is main change or addition that is being requested here?
<u>10:00:32 AM</u>	Yauch	there is no signif change or addition, this is just going from res to ord
<u>10:00:39 AM</u>	SChuruti	this will allow sheriff office to write tickets which they could not do with the resolution

Time	Speaker	Note
10:00:46 AM	SS	and there was also disc re seat belts in orig res that had to be corrected because it was deemed to be less safe
10:00:56 AM	SL JM	vote 4-2 RS KW no