

ORDINANCE 2009-08

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA CREATING ARTICLE VI, GOLF CARTS OF CHAPTER, TRAFFIC AND VEHICLES IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS, RESTRICTIONS, AUTHORIZATION, HOURS OF OPERATION, COMPLIANCE WITH TRAFFIC LAWS, AND REGISTRATION; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Flagler Beach City Commission, City employees and Flagler Beach citizens wish to contribute to a sound ecological environment, "Green environment"; and

WHEREAS, the City of Flagler Beach wishes to conserve fossil fuels, reduce pollution and ambient noise; and

WHEREAS, the geographic configuration of Flagler Beach lends itself to the use of vehicles addressed by this ordinance; and

WHEREAS, the City of Flagler Beach wishes to alleviate parking congestion; and

WHEREAS, the City of Flagler Beach wishes to allow citizens greater flexibility in transit, making otherwise housebound individuals more mobile; and

WHEREAS, The City Commission finds that the unregulated use of golf carts can be a threat to the health and safety of its citizens; and

WHEREAS, The Florida Department of Transportation has approved a golf cart crossing at Moody Blvd (State Road 100) and Flagler Avenue; and

WHEREAS, the City recognizes that the City will incur certain costs such as placing street designation signage and registration stickers; and

WHEREAS, to offset such costs the City finds it in the best interest to charge registration and renewal fees to those choosing to operate Golf Carts on designated City streets as authorized herein; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the health, safety and welfare of the City of Flagler Beach.

THEREFORE, BE IT ENACTED BY THE CITY OF FLAGLER BEACH, FLORIDA:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. There is hereby created Article IV "OPERATION OF GOLF CARTS ON DESIGNATED CITY STREETS" within Chapter 19 of the City of Flagler Beach Code of Ordinances, which shall read as follows:

Article IV. OPERATION OF GOLF CARTS ON DESIGNATED CITY STREETS.

Section 19-57. Definitions.

As used in this article, the following words and terms shall have the meaning ascribed thereto:

(a) A "Golf Cart" shall mean a motor vehicle using only electric motive power 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 twenty (20) miles per hour.

(b) A "hybrid golf cart" is a golf cart, which shares its electric motive power with another source, such as a gasoline engine.

(c) A "speed modified golf cart" is a golf cart originally manufactured for at speeds up to 20 miles per hour that has been modified after initial manufacture to travel at speeds over 20 miles per hour.

(d) A "Low Speed Vehicle" is any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles

(e) A "neighborhood electric vehicle" (NEV) is an electrically driven vehicle designed for speeds of 20 to 25 miles per hour. A NEV is considered a low speed vehicle.

Section 19-58. Authorization to operate golf carts on designated City streets.

(a) The City Commission may, by Resolution designate and approve certain City streets as streets authorized for Golf Cart use. The City Commission may at any time revoke the designation and approval for Golf Cart use of any designated City street. Upon designating any City streets as authorized for use by Golf Carts, the City shall install proper signage to identify the designated City streets.

(b) Subject to the restrictions and limitations provided herein, Golf Carts, as defined in Section 19-57(a) shall be authorized for use upon City streets designated and approved pursuant to Section 19-58(a).

Section 19-59. Restrictions on Golf Cart Modifications.

(a) No Golf Carts used on designated City streets pursuant to this Article shall have any power, wheelbase, tire size or other tire modifications to the original manufactured specifications of the Golf Cart.

(b) Only electric motive power Golf Carts are authorized by this Article for use upon designated City streets.

(c) "Speed-modified golf carts", "hybrid golf carts", and neighborhood electric vehicles' (NEV) or other "Low Speed Vehicles" are not authorized by this Article for use upon designated City streets.

Section 19-60. Golf Carts not to be authorized for use upon SR 100 or SR A1A.

(a) Except as otherwise provided below, no Golf Cart shall be authorized to be driven on SR100 (Moody blvd) or SR A1A.

(b) Golf Carts shall be permitted to cross State Road 100 at the controlled intersection of Flagler Avenue while obeying traffic laws and yielding the right of way to other vehicular traffic. No golf carts are permitted to cross State Road 100 or State Road A1A (Oceanshore Blvd) in any other areas.

Section 19-61. Minimum required equipment.

(a) All Golf Carts operated on designated City streets pursuant to this Article shall at a minimum be equipped with the following:

- 1) properly functioning brakes,
- 2) two properly functioning brake lights,
- 3) properly functioning steering apparatus,
- 4) safe tires,
- 5) a rearview mirror,
- 6) Florida Department of Transportation approved lap safety belts for the driver and all passengers, and
- 7) Reflectorized warning devices in the rear of the Golf Cart.

(b) All Golf Carts operated on designated City streets in fog, smoke and rain and/or operated earlier than thirty minutes after sunrise or later than thirty minutes before sunset shall at a minimum be equipped with the following:

- 1) two properly functioning headlights,
- 2) a properly functioning horn,
- 3) two properly functioning brake lights,
- 4) properly functioning left and right turn signals,
- 5) an approved windshield, and
- 6) reflective devices or reflective tape on both sides of the of the Golf Cart.

Section 19-62. Additional Restrictions on use of Golf Carts on designated City Streets.

(a) No person shall drive a Golf Cart on a City street as authorized in this Article unless such person possesses a valid driver's license.

(b) In no event shall a Golf Cart be driven on public sidewalks.

(c) All Golf Carts operated on a City street as authorized in this Article shall be properly insured for liability on account of accidents arising out of the use of the Golf Cart on designated City streets. The required limits of liability shall be as follows:

- (1) In the amount of \$10,000 because of bodily injury to, or death of, one person in any one crash;
- (2) Subject to such limits for one person, in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one crash;
- (3) In the amount of \$10,000 because of injury to, or destruction of, property of others in any one crash

(d) While operating a Golf Cart on a City street as authorized by this Section, the operator shall comply with and obey all applicable state and local traffic laws. A Golf Cart operator who violates any traffic law may be ticketed in the same manner as the operator of a motor vehicle.

Section 19-63. Golf Cart Registration.

(a) The owner of any Golf Cart to be operated on designated City streets pursuant to this Section shall first register said Golf Cart with the City of Flagler Beach. The owner registering the Golf Cart must be at least eighteen years of age. The City shall charge an initial registration as set by Resolution of the City Commission. Regardless of the date of registration, all Golf Cart registrations shall be valid from January 1 until December 31.

(b) The owner of a Golf Cart to be operated on designated City Streets pursuant to this Section shall be required to renew the Golf Cart registration prior to January 1 of the year following initial registration. The City shall charge a renewal fee as set by Resolution of the City Commission for each registration renewal. An owner who fails to renew the registration of a Golf Cart prior to January 1, shall be required to obtain a new registration and pay the initial registration fee of \$20.00.

(c) All owners of properly registered Golf Cart shall be issued a registration sticker which sticker shall be placed and maintained on the driver's side rear fender of the Golf Cart. The City of Flagler Beach shall maintain a list of all Golf Cart registrations.

Section 19-64. Enforcement.

(a) The City of Flagler Beach may enforce the provisions of this Article through any legal means including prosecuting violations of this Article pursuant to Chapter 162, Florida Statutes or the procedures for civil citations contained in this Code in Sections 2-60.1 through 2-60.5.

(b) The operation of an unregistered Golf Cart, the operation of a Golf Cart which has been modified so as to no longer comply with the provisions of this Article, the operation of a Golf Cart without minimum required equipment for the conditions, and the operation of any Golf Cart on non-designated City Streets presents an immediate threat to the health, safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a code enforcement board, a code enforcement special magistrate or the City Commission, sitting in a quasi-judicial capacity, shall be subject to revocation of Golf Cart registration.

SECTION 3. Codification. It is the intent of the City Commissioners of the City of Flagler Beach, Florida, and it is hereby ordained the provisions of this Ordinance become and be made a part of the City of Flagler Beach Code of Ordinances; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section", "Article" or other appropriate wording.

SECTION 4. Conflict. All ordinances or regulations in conflict with the provisions herein are herewith are hereby repealed.

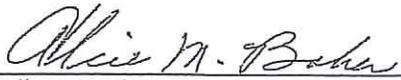
SECTION 5. Severability. It is the intent of the City Commission that, if any court of competent jurisdiction shall for any reason hold any section, subsection, sentence, clause, phrase, or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, part of portions hereof.

SECTION 6. Effective Date. This Ordinance shall become effective upon final approval by the City Commission.

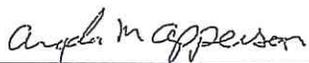
PASSED ON FIRST READING THIS 26TH DAY OF FEBRUARY, 2009.
PASSED AND ADOPTED THIS 30TH DAY OF APRIL, 2009.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:



Alice M. Baker, Mayor



Angela M. Apperson, City Clerk

RESOLUTION 2009-25

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH DESIGNATING CERTAIN CITY STREETS AS APPROVED FOR USE BY "GOLF CARTS" AS PROVIDED IN ORDINANCE 2009-08; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City of Flagler Beach Ordinance 2009-08 provides that the City Commission may authorize the operation of certain "Golf Carts," as defined in Ordinance 2009-08, on designated City streets; and

WHEREAS, Ordinance 2009-08 provides that the City Council shall designate, by resolution, the City streets upon which approved and registered "Golf Cart" operation shall be authorized; and

WHEREAS, the City Commission has considered which City streets would be appropriate for use of approved and registered "Golf Carts;" and

WHEREAS, the City Commission has determined that the list of City streets, or portions thereof, included in this Resolution are appropriate for use of "Golf Carts" as provided in Ordinance 2009-08.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLAGLER BEACH, FLORIDA, as follows:

Section 1. The operation of "Golf Carts," as defined in Ordinance 2009-08 is authorized upon the City streets, or portions of City streets described in Attachment "A," attached hereto. Such operation shall be subject to all restrictions, regulations and requirements contained in Ordinance 2009-08 and any other applicable provisions of State or local law.

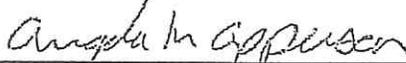
Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 3. This resolution shall become effective on June 1, 2009.

PASSED this 30th day of April, 2009, by the City Commission of the City of Flagler Beach, Florida.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:



Angela M. Apperson, City Clerk



Alice M. Baker, Mayor

RESOLUTION 2011-33

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, ADOPTING FEES AND CHARGES RELATING TO ACTIVITIES FOR WHICH THE CITY SHALL LEVY A FEE AS OUTLINED IN EXHIBIT "A", PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT REOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH AS FOLLOWS:

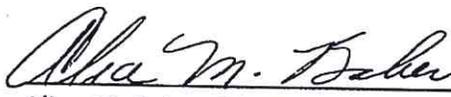
SECTION 1. The City Commission of the City of Flagler Beach, Florida hereby established by resolution as list of activities for which the city shall levy a fee or charge as outlined in Exhibit "A". It is the intent of these regulations that the City of Flagler Beach shall not be required to bear any part of the cost of applications or petitions made under the specified activities listed and that the fees and costs involved in the processing of applications and petitions shall be borne by the applicant. Each applicant shall submit a deposit based on an estimate of fees and charges for review and evaluation of subject materials upon application submittal. Should, at any time during the review process, the deposit rendered be insufficient, additional monies shall be collected prior to completing the review process. The City of Flagler Beach Finance Department shall issue refunds for all unused monies that remain.

SECTION 2. All Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 28th DAY OF July, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION



Alice M. Baker, Mayor

ATTEST:



Penny Overstreet, City Clerk

Activities	Fee
1. Rezone Petition	
a. Rezone Petition up to 9.99 acres	\$ 600.00
b. Rezone Petition 10.00 acres or more	\$ 800.00
c. Rezone Petition Planned Unit Development	\$ 1,100.00
d. Rezone Petition from PUD to PUD	\$ 1,100.00
2. Development of Regional Impact (DRI)	\$ 2,220.00
3. DRI Amendments/NOPC/Substantial Deviations	\$ 2,220.00
4. Future Land Use Map Amendment	
a. FLUM up to 9.99 acres	\$ 2,220.00
b. FLUM 10.00 acres or more	\$ 3,000.00
5. Variance	\$ 600.00
6. Special Exception	\$ 600.00
7. Site Development Plan	\$ 1,000.00
8. Concurrency Determination	\$ 150.00
9. Zoning Review	
a. Zoning Review- minor structures-permitting	\$ 35.00
b. Zoning Review- major structures-permitting	\$ 55.00
c. Zoning Review- verification letter	\$ 55.00
d. Zoning Review- business tax receipts	\$ 60.00
e. Zoning Review- Home based business	\$60.00
f. Zoning Review Adult Arcade Amusement Center	\$500.00
10. Public Works Review/hourly rate	\$ 55.00
11. Binding Lot	\$ 100.00
12. Plats	
a. Preliminary Plat	\$ 1,275.00
b. Final Plat	\$ 1,275.00
c. Replat	\$ 850.00
d. Minor Plat	\$850.00
13. Petition for Voluntary Annexation	\$1,000.00
14. Driveway	
a. Driveway-Residential	\$ 55.00
b. Driveway-Commercial	\$ 100.00
15. Portable Storage Company	\$ 1,000.00
16. Telecommunication Tower	\$ 525.00
17. Fire Inspection	\$ 50.00
18. Signs	
a. Temporary Sign	\$30.00
b. Permanent Sign City Permit	\$ 50.00
c. Master Sign Plan review	\$125.00
d. Sign Appeals	\$125.00

19. Golf Cart Initial registration		
a. Initial Registration		\$40.00
b. Annual renewal		\$30.00
20. Door To Door Solicitation Permit		\$52.50
21. Outdoor Entertainment License		\$150.00
22. Special Event's		
a. Personnel Cost	1 1/2 times the payroll rate	
b. Administrative Cost	additional 30% of total cost of personnel & equipment	
c. Fire & Emergency Equipment	Current Industry Norms	
d. Fire Inspection		\$50.00
e. Event Application Fee and Deposit	Minor: \$50.00 application fee and \$200.0 deposit Intermediate: \$100. application fee \$500. deposit Major: \$200. application fee and \$500. deposit	
f. Itinerant Merchant License Fee		\$35.00
23. Estoppel Research Fee		\$20.00

STREETS DESIGNATED FOR GOLF CART USE

Ocean Palm Drive
S. Central
Windsong Cove
Sunset Cove
Pebble Beach Circle
Beachwood Drive
28th St S
27th St S
26th St S
Coventry
Sarah St.
S. Daytona
River View Rd
Lakeshore
Irma
Pal St.
Sienna Cove
25th St S
24th St S
Palm Ave
John Bull St
~~Annette St~~
Springdale Dr
Shearwood Dr
Yorkshire Dr
Cumberland Dr
Alley between Cumberland and 23rd St S., from Palm Ave W to City Limits
23rd St S.
22nd St S.
Alley between A1A and Central, from 22nd St S. to 19th St S.
Alley between Central and Daytona, from 22nd St S. to 9th St S.
Alley between Daytona and Flagler, from 22nd St S. to 9th St S.
S. Flagler
21st St S.
River Rd
Pelman Dr
Oak Place
Palmetto Ave
20th St S.
19th St S.
18th St S. from Palmetto to A1A
Alley between A1A and Central, from 18th St S. to 13th St S.
17th St S.

Attachment "A" to Resolution 2009-25

16th St S.
15th St S.
14th St S.
13th St S.
Alley North of Flagler S., between 13th St S. and 12th St S.
12th St S.
11th St. S.
10th St. S.
9th St S.
8th St S.
7th St S.
Alley between Daytona and Flagler, from 7th St S. to 3rd St S.
6th St S.
5th St S.
4th St S.
3rd St S.
2nd St S.
N. Daytona
N. Central
N. Flagler
2nd St N.
3rd St N.
Lehigh Ave.
Lantana Ave.
Avalon Ave.
Palmetto Ave.
4th St N.
5th St N.
Palm Circle
Moody Lane
6th St N.
7th St N.
8th St N.
9th St N.
10 St N.
11th St N.
12th St N.
13th St N.
Cypress St.
Pine St.
14th St N.
15th St N.
16th St N.
17th St N.

Attachment "A" to Resolution 2009-25

Windsong Circle
18th St N.
19th St N.
20th St N.
21st St N.
22nd St N.
23rd St N.
Ocean Marina Dr.
Lambert Cove
Lambert Ave. from Palm Dr. North to County Line
Lambert Ave. from County Line North
Roberts Rd.
Avenue A
Marlin Ln.
Joyce St.
Leslie St.
Knox St.
Connecticut Ave.
Bryan St.
Cedar Ave.
Stonebridge Way
Jasper Dr.
Emerald Dr.
New Hampshire Ave.
Oak Lane
Forest Rd.
Crest Rd.
Pine Tree St.
Oak St.
Palm Dr.
Magnolia Terrace