

RESOLUTION NO. R-14-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING PROCEDURES AND CRITERIA RELATING TO DESIGNATION OF PUBLIC RIGHTS-OF-WAY FOR OPERATION OF GOLF CARTS; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212, Florida Statutes, provides for the operation of golf carts upon public roads and streets; and

WHEREAS, Subsection 316.212(1), Florida Statutes, provides that golf carts may be operated upon county roads and streets that have been designated by a county for use by golf carts; and

WHEREAS, Subsection 316.212(1), Florida Statutes, provides that prior to designating a county road or street for use by golf carts, the county must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street; and

WHEREAS, Subsection 316.212(1), Florida Statutes, provides that upon a determination that golf carts may be safely operated on a designated road or street, the county must post appropriate signs to indicate that such operation is allowed; and

WHEREAS, Paragraph 316.212(8)(b), Florida Statutes, authorizes a county to enact an ordinance relating to golf cart operation on sidewalks adjacent to specific segments of county roads or state highways within the jurisdictional territory of the county, subject to requirements set forth in said paragraph; and

WHEREAS, Subparagraph 316.212(8)(b)1., Florida Statutes, requires the county to determine, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk; and

WHEREAS, Subparagraph 316.212(8)(b)2., Florida Statutes, requires the county to consult with the State of Florida Department of Transportation before adopting an ordinance relating to golf cart operation on sidewalks; and

WHEREAS, Subparagraph 316.212(8)(b)3., Florida Statutes, authorizes a county ordinance permitting the use of golf carts on sidewalks adjacent to state highways only if the sidewalks are at least eight (8) feet wide; and

WHEREAS, Subparagraph 316.212(8)(b)5., Florida Statutes, requires the county to post appropriate signs informing residents that the ordinance exists and applies to the designated sidewalks; and

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WHEREAS, the Board of County Commissioners of Manatee County has enacted ordinances designating roads and streets and crossings in certain unincorporated areas of the county for use by golf carts; and

WHEREAS, said ordinances enacted by the Board of County Commissioners are codified as Section 2-22-9 of the Manatee County Code of Ordinances; and

WHEREAS, Manatee County receives requests from residents to operate golf carts on roads and streets, at crossings, and on sidewalks in unincorporated areas of the county; and

WHEREAS, county staff is responsible for reviewing requests and making recommendations to the Board of County Commissioners regarding the operation of golf carts on roads and streets, at crossings, and on sidewalks in accordance with the requirements and factors set forth in Section 316.212, Florida Statutes; and

WHEREAS, county staff has prepared procedures and criteria relating to the designation of public rights-of-way for the operation of golf carts; and

WHEREAS, county staff has recommended adoption of a resolution by the Board of County Commissioners establishing procedures and criteria relating to the designation of public rights-of-way for the operation of golf carts; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the county and the residents of Manatee County to establish procedures and criteria relating to the designation of public rights-of-way for the operation of golf carts as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. The Procedures and Criteria Relating to Designation of Public Rights-of-Way for Operation of Golf Carts, attached hereto as Exhibit A and incorporated herein by reference, are hereby established to provide general procedures, criteria for county roadways and crossings, and criteria for county sidewalks.

Section 2. This resolution shall not be codified in the Manatee County Code of Resolutions.

Section 3. All prior and conflicting resolutions or parts of resolutions providing procedures and criteria relating to the designation of public rights-of-way for the operation of golf carts are hereby repealed, rescinded, superseded and replaced by this resolution.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 23rd day of September, 2014.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Larry Bustle
Chairman

ATTEST: R.B. Shore
Clerk of the Circuit Court

By: R. B. Shore OC

Exhibit A
Resolution No. R-14-52

MANATEE COUNTY, FLORIDA
PROCEDURES AND CRITERIA
RELATING TO DESIGNATION OF PUBLIC RIGHTS-OF-WAY
FOR OPERATION OF GOLF CARTS

SECTION I: GENERAL PROCEDURES

1. The local community shall contact the Public Works Department (Department) and request the operation of golf carts on County maintained roadways or sidewalks or at designated crossings.
2. The local community may be a property owners association (POA) or a local residents group (LRG). The local residents group shall consist of the owners of at least five (5) separate parcels of property located in the study area.
3. The local community shall provide a letter to the Department documenting support for the operation of golf carts from the owners of at least 67% of the properties located in the study area. The letter shall specify the type of golf cart operation (i.e., roadways, sidewalks, or crossings) and the specific locations. If a letter is not sent by the POA or LRG and/or no documentation of support is provided from the owners of at least 67% of the properties in the study area, no further action will be taken by the Department.
4. Once a completed community support letter is received from the POA or LRG, the Department will conduct a field review of the area to determine if the operation of golf carts is warranted on the roadway or sidewalk or at the crossing.
5. The evaluation of golf cart operation on County rights-of-way will be based on Section 316.212, Florida Statutes, Section 2-22-9 of the Manatee County Code of Ordinances, Manatee County Public Works Standards, Florida Department of Transportation (FDOT) Traffic Engineering Manual, Florida Greenbook, and Manual on Uniform Traffic Control Devices (MUTCD), as amended from time to time.
6. Any request for the operation of golf carts on or along a state road will be forwarded to the Florida Department of Transportation (FDOT) for a determination based on Section 316.212, Florida Statutes, and the FDOT Traffic Engineering Manual. Operation of golf carts on a sidewalk along a state road will require an exception if federal transportation funds have been expended on the road as provided by federal laws or regulations.
7. If the Department determines that the operation of golf carts is not appropriate on the requested County roadway or sidewalk or at the requested crossing, the Department will inform the POA or LRG in writing and no further action will be taken by the Department.
8. If the Department determines that the operation of golf carts may be appropriate on the requested County roadway or sidewalk or at the requested crossing, the Department will inform the POA or LRG in writing and will provide a written report to the Board of County Commissioners (Board). The report will be scheduled for consideration by the Board at a public meeting.

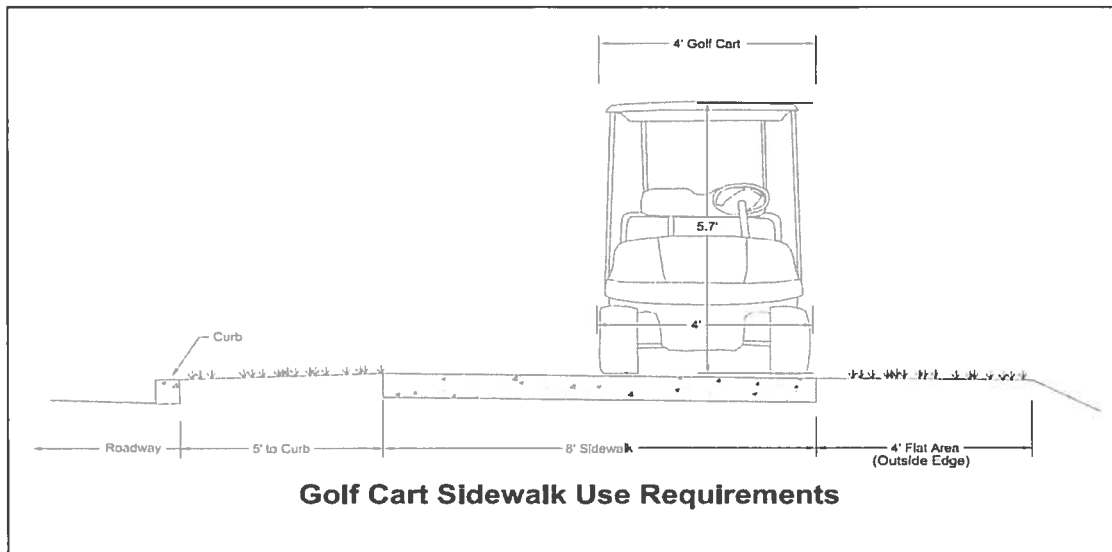
9. Upon approval of the report by motion of the Board, the County Attorney's Office will prepare an ordinance designating the roadway, sidewalk, or crossing for golf carts. The ordinance will be scheduled for consideration by the Board at a public hearing and notice of the hearing will be provided in compliance with Florida Statutes.
10. Following approval of the ordinance by the Board, the Department will post appropriate signs to designate the County roadway, sidewalk, or crossing for golf carts in accordance with the standards set forth in Section I Paragraph 5. The signs will contain the information required by the applicable provision of Section 316.212, Florida Statutes.
11. The Board may require the local community to participate in a Municipal Service Benefit Unit (MSBU) program to fund any necessary improvements and construction and maintenance costs for the operation of golf carts on County roadways, sidewalks, and/or crossings.

SECTION II: CRITERIA FOR COUNTY ROADWAYS AND CROSSINGS

1. Prior to designating a County roadway or crossing for golf carts, the Department will evaluate various operational and safety factors in accordance with Section I Paragraph 5 to determine whether golf carts may travel on or across the roadway.
2. The evaluation factors include, but are not limited to, the speed, volume, and character of motor vehicle traffic using the roadway, geometry, crash history, functional classification of the roadway, and other traffic characteristics.
3. The requested County roadway must not be classified as a thoroughfare in the Manatee County Comprehensive Plan.

SECTION III: CRITERIA FOR COUNTY SIDEWALKS

1. Prior to designating a County sidewalk for golf carts, the Department will evaluate various operational and safety factors in accordance with Section I Paragraph 5 to determine whether golf carts may share the sidewalk with bicycles and pedestrians.
2. The evaluation factors include, but are not limited to, the condition and current use of the sidewalk, the character of the surrounding community, and the locations of authorized golf cart crossings.
3. In addition to the factors specified in Section III Paragraph 2, the operation of golf carts on County sidewalks shall comply with the standards set forth in Section 5.1 of the FDOT Traffic Engineering Manual, as amended from time to time. The drawing below depicts the design requirements for the use of golf carts on sidewalks contained in the FDOT Traffic Engineering Manual.



4. If the requested sidewalk fails to meet the factors or standards specified in Section III Paragraph 3, the Department will further evaluate all available information in accordance with the criteria set forth in Section III on a case-by-case basis to determine whether golf carts, bicycles, and pedestrians may share the sidewalk. As an alternative to the operation of golf carts on a requested sidewalk, the Department will evaluate whether golf carts may be operated along an adjacent County roadway based on the criteria set forth in Section II if sufficient demand is documented.