

LEE COUNTY ORDINANCE NO. 13-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; PROVIDING FOR THE USE OF GOLF CARTS UPON DESIGNATED COUNTY ROADS ON PINE ISLAND.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida, and,

WHEREAS, the Board of County Commissioners of Lee County, Florida is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and,

WHEREAS, citizens of the county have expressed an interest in allowing golf carts to be driven upon public roads and streets located on Pine Island; and,

WHEREAS, pursuant to § 316.212(1), Florida Statutes, the County is permitted to allow golf carts to be operated on public County roads or streets after considering the speed, volume, and character of motor vehicle traffic using those roads and streets; and,

WHEREAS, the Lee County Department of Transportation has determined that golf carts may safely travel on or cross the Pine Island Roads as defined herein; and,

WHEREAS, the Board of County Commissioners hereby authorizes the operation of golf carts in a limited manner on certain designated county roads on Pine Island; and,

WHEREAS, the Board of County Commissioners desires to provide additional regulations for the operation of golf carts on designated county roads on Pine Island; and,

WHEREAS, the Board of County Commissioners believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens.

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

SECTION ONE: DEFINITIONS

- A. The term “**Golf Cart**” is defined as stated in Section 320.01(22), Florida Statutes, as a motor vehicle 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. The term “**Pine Island**” is that area of Pine Island west of the St. James Creek Bridge on Pine Island Road.

- C. The term “**Pine Island Roads**” as used herein refers to the specific public roads, streets, or highways under the jurisdiction of Lee County on Pine Island and is owned, operated, and maintained by Lee County that are specifically designated for use by golf carts under this Ordinance. The term Pine Island Roads does not include Pine Island Road east of Stringfellow Road, or Stringfellow Road between the Jug Creek Bridge in Bokeelia and St. Jude Boulevard in St. James City.

SECTION TWO: USE OF GOLF CARTS UPON DESIGNATED COUNTY ROADS ON PINE ISLAND

- A. Golf carts may be operated on designated public Pine Island Roads or portions thereof as described in Attachment “A” (hereinafter collectively referred to as “Designated roads”). All persons who operate or ride in golf carts on roads do so at their risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The operation of a golf cart on Designated roads is strictly prohibited unless the golf cart is operated and equipped in full compliance with this Ordinance.
- B. In addition to the requirements of § 316.212, Florida Statutes, which are applicable to the operation of golf carts on public roads, the following restrictions will also apply to the operation of golf carts on Designated roads:
- 1) No person may operate or be in control of a golf cart on a Designated road on Pine Island unless such person is in possession of a valid driver’s license issued in his or her home state or country.
 - 2) No person may operate golf carts on any bicycle paths, shared-use paths, or sidewalks on Pine Island.
 - 3) All golf carts operating subject to this Ordinance must be equipped with following safety equipment:
 - efficient brakes,
 - reliable steering apparatus,
 - safe tires,
 - a rearview mirror,
 - red reflectorized warning devices in both the front and rear
 - 4) Golf carts may not be operated on public roads between the hours of sunset and sunrise.
 - 5) The number of occupants in any golf cart being operated on the designated streets will be limited to the number of seats on the golf

cart. No occupant of a golf cart is allowed to stand while the golf cart is in motion.

- 6) Operation of a golf cart in an unsafe manner is prohibited.
- 7) Golf carts may not be operated in a manner that will obstruct or interfere with normal traffic flow.
- 8) Golf carts may not be driven or parked in drainage or landscape areas adjacent to the Designated roads.
- 9) Operators of golf carts are required to observe all applicable state and local traffic laws as if they were operating any other motor vehicle.
- 10) While traveling on Designated roads, operators and passengers of golf carts must comply with all applicable State laws.

C. The Lee County Department of Transportation will post signs along the designated roads where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance. The Lee County Department of Transportation will also designate and post, when appropriate, golf cart crossing paths across Stringfellow and Pine Island Roads, as well as other Designated roads.

D. Nothing in this Ordinance may be construed to restrict the use of golf carts or similar equipment for landscaping, maintenance, trash control, or similar work on private property adjacent to County roads.

SECTION THREE: TEMPORARY RESTRICTION OR TERMINATION OF USE OF GOLF CARTS ON DESIGNATED ROADS

If the Director of the Lee County Department of Transportation finds that operation of golf carts on a Designated road presents a significant threat to public health, safety, or welfare, the Director may temporarily restrict or terminate the use of golf carts on the Designated road (or portion thereof) where the threat exists. The use of golf carts will be restricted or prohibited until such time as the threat is remedied. If the threat is not of a temporary nature or cannot be remedied, this Ordinance must be amended to permanently terminate the authority to operate golf carts on the Designated road (or portion thereof) in question.

SECTION FOUR: PENALTIES AND ENFORCEMENT

Violations of this Section shall constitute a non-criminal infraction enforceable by all duly authorized law enforcement officers pursuant to the provisions of Sections 316.212(9) and 318, Florida Statutes.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section", "Article", or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION SIX: CONFLICT OF LAW

In the event this Ordinance conflicts with any other Ordinance of Lee County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SEVEN: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Hall. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 23rd day of April 2013.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: [Signature]
Cecil L Pendergrass, Chair



Approved as to form by:

[Signature]
County Attorney's Office

ATTACHMENT "A": Designated County-Maintained (CM) Streets for On-Road Operation of Golf Carts
(Pine Island)

The Designated County-Maintained Streets herein described include all County-Maintained Streets EXCEPT for Stringfellow Road, From Jug Creek Bridge to St. Jude Boulevard, AND Pine Island Road east of Stringfellow Road:

<u>STREET</u>	<u>MAINTAIN BY</u>	<u>FROM STREET</u>	<u>TO STREET</u>
ALCORN ST	CM	STRINGFELLOW RD	HARRY ST
ANN ARBOR DR	CM	OAKLAND DR	EOP
ARECA DR	CM	YORK RD	END
ARGENTINE CT	CM	GENESEE PKWY	END
AVENUE A	CM	PINE ISLAND RD NW	STRINGFELLOW RD
AVENUE B	CM	STRINGFELLOW RD	EOP
AVENUE C	CM	STRINGFELLOW RD	EOP
AVENUE D	CM	PHILLIPS ST	EOP
AVENUE D	CM	TIPTON DR	AVE E
AVENUE E	CM	PHILLIPS ST	AVE D
AVOCADO ST	CM	FIFTH AV	FOURTH AV
BANANA ST	CM	FOURTH AV	END
BARRANCAS AVE	CM	STRINGFELLOW RD	BAHAMA WAY
BARRANCAS AVE	CM	STRINGFELLOW RD	END (W. of Judge Bean)
BAYBREEZE ST	CM	EOP (N. of Sixth St)	FIFTH AV
BAYBREEZE ST	CM	FIFTH AV	THIRD AV
BAYVIEW AVE	CM	SANIBEL BLVD	END
BELLFLOWER ST	CM	BARRANCAS AV	TROPICAL LN
BETSY PKWY	CM	DOUG TAYLOR CIR	DOUG TAYLOR CIR
BETSY PKWY	CM	PINE ISLAND RD NW	EOP
BIRDSONG LN	CM	STRINGFELLOW RD	AVE E
BOCILLA LN	CM	STRINGFELLOW RD	END
BOKEELIA RD	CM	STRINGFELLOW RD	CALOOSA DR
BONITA RD	CM	STRINGFELLOW RD	DOLPHIN RD
BOWLINE ST	CM	BARRANCAS AV	END
BOYCE DR	CM	STRINGFELLOW RD	BREAKWATER CT
BRACCI DR	CM	FRANZONE RD	END
BREAKWATER CT	CM	ESTUARY CT	END
BUCCANEER ST	CM	BARRANCAS AV	END
BUZZARD CUT	CM	HELEN RD	CARPENTER RD
CACTUS POINT LN	CM	PALM AV	VACATION LN
CALOOSA DR	CM	CARISSA DR	PACOSIN CT
CARAMBOLA LN	CM	FIFTH AV	END
CARPENTER RD	CM	SUSAN KAY LN	BUZZARD CUT
CHERIMOYA LN	CM	FIFTH AV	END
CHURCH ST	CM	PINE ISLAND RD NW	WOOD SMOKE ST
CITRUS ST	CM	TROPICAL POINT DR	SABAL AV
CLUBHOUSE DR	CM	CALOOSA DR	END
COBB RD	CM	STRINGFELLOW RD	BROMELIAD RD
COCONUT DR	CM	YORK RD	END
COVE ST	CM	TROPICAL POINT DR	EOP
CRUZ DR	CM	YORK RD	END
CUBLES DR	CM	STRINGFELLOW RD	TREND BLVD

EOP=Edge of Pavement; ECM=End County Maintenance

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<u>STREET</u>	<u>MAINTAIN BY</u>	<u>FROM STREET</u>	<u>TO STREET</u>
CURLEW DR	CM	STRINGFELLOW RD	END
CUSSELL DR	CM	BRACCI DR	CUSSELL DR (Circle)
DATE ST	CM	FOURTH AV	END
DATE ST	CM	EIGHTH AV	FOURTH AV
DELLA BITTA LN	CM	QUAIL TRL	ESTUARY CT
DOLPHIN RD	CM	CUBLES DR	MARINA RD
DOUG TAYLOR CIR	CM	STRINGFELLOW RD	STRINGFELLOW RD
EASY ST	CM	WAUSAU AV	ECM (Circle)
EGRET CT	CM	EIGHTH AV	END
EIGHTH AVE	CM	OLEANDER ST	EOP
EMERALD AVE	CM	END	END
ESTUARY CT	CM	DELLA BITTA LN	END
FARRELL RD	CM	BUZZARD CUT	SUSAN KAY LN
FIFTH AVE	CM	OLEANDER ST	MACADAMIA ST
FIRST AVE	CM	OLEANDER ST	END
FLAMINGO DR	CM	MALLARD AV	EOP
FLINT LN	CM	GENESEE PKWY	END
FOURTH AVE	CM	OLEANDER ST	BAYBREEZE ST
FRANKIE LANE DR	CM	PINE ISLAND RD NW	EOP
FRANZONE RD	CM	STABILE RD	BRACCI DR
GABION CT	CM	DELLA BITTA LN	END
GASPARILLA ST	CM	TANGELO DR	SABAL AV
GENESEE PKWY	CM	STRINGFELLOW RD	END
GEORGE SAWYER LN	CM	YORK RD	END
GRANDE PINE RD	CM	RAINTREE DR	TAMARAC DR
GULL CT	CM	EIGHTH AV	END
HABITAT CIR	CM	HABITAT TRL	HABITAT TRL
HABITAT TRL	CM	PINE ISLAND RD NW	HABITAT CIR
HARBOR DR	CM	STRINGFELLOW RD	EOP (N. of Eagles Landing)
HARRY ST	CM	ALCORN ST	EOP
HELEN RD	CM	STRINGFELLOW RD	SUSAN KAY LN
HENLEY ST	CM	BIRDSONG LN	PEATRE RD
HERON CT	CM	EIGHTH AV	END
HOLLY RD	CM	PHILLIPS ST	SESAME DR
HOWARD RD	CM	STRINGFELLOW RD	EOP
JADE AVE	CM	END	END
JUDITH RD	CM	WAUSAU AV	END
KINGFISH RD	CM	STRINGFELLOW RD	DOLPHIN RD
LAKE HEATHER CIR	CM	TURTLE TRAIL LN	TURTLE TRAIL LN
LARATONDA RD	CM	STRINGFELLOW RD	STABILE RD
LEMON ST	CM	FIFTH AV	END
LINDEN LN	CM	STRINGFELLOW RD	OAKLAND DR
MACKEREL RD	CM	STRINGFELLOW RD	DOLPHIN RD
MAIN ST	CM	STRINGFELLOW RD	ECM
MALLARD AVE	CM	SANDPIPER DR	CURLEW DR
MALLORY E PKWY	CM	DOUG TAYLOR CIR	DOUG TAYLOR CIR

EOP=Edge of Pavement; ECM=End County Maintenance

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<u>STREET</u>	<u>MAINTAIN BY</u>	<u>FROM STREET</u>	<u>TO STREET</u>
MANGO ST	CM	TANGELO DR	SABAL AV
MANGROVE ST	CM	EIGHTH AV	EOP
MARIA DR	CM	STRINGFELLOW RD	EOP
MARINA DR	CM	BLUE CRAB CIR	ECM (E. of Martin Cove)
MARINA RD	CM	STRINGFELLOW RD	BLUE CRAB CIR
MARLIN RD	CM	CUBLES DR	SAILFISH RD
MEADOWLARK LN	CM	WAUSAU AV	EOP
MISSOURI ST	CM	BARRANCAS AV	TROPICAL LN
N IBIS CT	CM	EIGHTH AV	END
NIKKIS LN	CM	STRINGFELLOW RD	PINE ISLAND RD NW
NORTH RD	CM	STRINGFELLOW RD	7TH ST
OAKLAND DR	CM	GENESEE PKWY	ANN ARBOR DR
<i>OLEANDER ST</i>	<i>CM</i>	<i>STRINGFELLOW RD</i>	<i>END (S. of First Av)</i>
PACOSIN CT	CM	CALOOSA DR	END
PALM AVE	CM	FIFTH AV	EOP
PAPAYA ST	CM	TROPICAL POINT DR	TROPICAL POINT DR
PATTERSON CT	CM	EIGHTH AV	END
PEATRE RD	CM	BIRDSONG LN	PHILLIPS ST
PHILLIPS ST	CM	STRINGFELLOW RD	RUSSELL RD
PHILLIPS ST	CM	STRINGFELLOW RD	BIRDSONG LN
PHOENIX DR	CM	YORK RD	END
PINE HILL CT	CM	LAKE HEATHER CIR	END
PINE ISLAND RD NW	CM	STRINGFELLOW RD	END (W. of Stringfellow Rd)
PINE VILLAGE CT	CM	LAKE HEATHER CIR	END
PINELAND RD	CM	STRINGFELLOW RD	WATERFRONT DR
PLUMOSA DR	CM	YORK RD	END
POINCIANA AVE	CM	SIXTH AV	FOURTH AV
POMEGRANATE DR	CM	STRINGFELLOW RD	BOKEELIA RD
PORPOISE RD	CM	STRINGFELLOW RD	DOLPHIN RD
PORTO BELLO ST	CM	BARRANCAS AV	EOP
QUAIL TRL	CM	STRINGFELLOW RD	SPEARING LN
RAINBOW DR	CM	WAUSAU AV	EOP
RAINTREE DR	CM	BOKEELIA RD	CLUBHOUSE DR
RIDGEWOOD DR	CM	TIPTON DR	AVE E
RITA LN	CM	WARREN BLVD	END
ROBERT RD	CM	PINELAND RD	CARISSA DR
ROSE AVE	CM	SIXTH AV	FIFTH AV
ROYAL PALM DR	CM	YORK RD	END
RUBY AVE	CM	END	END
RUSSELL RD	CM	STRINGFELLOW RD	SESAME DR
SABAL AVE	CM	TROPICAL POINT DR	TANGERINE DR
SAILFISH RD	CM	STRINGFELLOW RD	DOLPHIN RD
SAN CARLOS DR	CM	END	END
SANDARAC DR	CM	END	END
SANDERLING CT	CM	EIGHTH AV	END

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<u>STREET</u>	<u>MAINTAIN BY</u>	<u>FROM STREET</u>	<u>TO STREET</u>
SANDPIPER DR	CM	STRINGFELLOW RD	END
SANIBEL BLVD	CM	STRINGFELLOW RD	END
SAPODILLA LN	CM	FIFTH AV	END
SEA BASS RD	CM	STRINGFELLOW RD	DOLPHIN RD
SEA HOLLY LN	CM	STRINGFELLOW RD	END
SESAME DR	CM	STRINGFELLOW RD	HOLLY RD
SEVENTH AVE	CM	OLEANDER ST	MANGROVE ST
SEVENTH AVE	CM	OLEANDER ST	BAMBOO ST
SHOAL CT	CM	BREAKWATER CT	END
SHORT ST	CM	WOOD SMOKE ST	SUNSET LN
SIXTH AVE	CM	OLEANDER ST	BAMBOO ST
SIXTH AVE	CM	OLEANDER ST	BAYBREEZE ST
ST JUDE BLVD	CM	STRINGFELLOW RD	END
ST MARIE LN	CM	OAKLAND DR	FLINT LN
STABILE RD	CM	STABILE RD	END
STRINGFELLOW RD	CM	JUG CREEK BRIDGE	MAIN ST
STRINGFELLOW RD	CM	ST JUDE BLVD	OLEANDER ST
SUNSET LN	CM	STRINGFELLOW RD	TROTWOOD AV
SUSAN KAY LN	CM	HELEN RD	CARPENTER RD
SYCAMORE ST	CM	FIFTH AV	END
TAMARAC DR	CM	END	END
TAMARIND ST	CM	SIXTH AV	FIFTH AV
TANGELO DR	CM	STRINGFELLOW RD	SABAL AV
TANGERINE DR	CM	STRINGFELLOW RD	SABAL AV
TARPON RD	CM	STRINGFELLOW RD	DOLPHIN RD
TEAL CT	CM	EIGHTH AV	END
TERN CT	CM	EIGHTH AV	END
THIRD AVE	CM	PALM AV	BAYBREEZE ST
THOMAS ST	CM	BIRDSONG LN	PEATRE RD
TIPTON DR	CM	PINE ISLAND RD NW	EOP
TORTUGA ST	CM	TROPICAL LN	EOP
TROPICAL LN	CM	STRINGFELLOW RD	BAHAMA WAY
TROPICAL POINT DR	CM	STRINGFELLOW RD	EOP (E. of Cove St)
TROTWOOD AVE	CM	SUNSET LN	CHURCH ST
TROUT RD	CM	STRINGFELLOW RD	DOLPHIN RD
TURTLE TRAIL LN	CM	STRINGFELLOW RD	EOP
VACATION LN	CM	PALM AV	END
VALERIA RD	CM	STRINGFELLOW RD	Circle
VILLAS WAY	CM	STRINGFELLOW RD	WAUSAU AV
WARREN BLVD	CM	BAYVIEW AV	SAN CARLOS DR
WATERFRONT DR	CM	PINELAND RD	CALOOSA DR
WAUSAU AVE	CM	JUDITH RD	MEADOWLARK LN
WOOD SMOKE ST	CM	CHURCH ST	SUNSET LN
YORK RD	CM	STRINGFELLOW RD	END

EOP=Edge of Pavement; ECM=End County Maintenance



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 29, 2013

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 25, 2013 and certified copy of Lee County Ordinance No. 13-08, which was filed in this office on April 26, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

