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ORDINANCE
Number 2015-011

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING SECTION 2-4-10 OPERATION OF GOLF CARTS OF ARTICLE 1, CHAPTER 2-4 OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR THE USE OF GOLF CARTS ON COUNTY ROADS WITHIN PIRATE HARBOR SUBDIVISION; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 316.212, F.S., provides that golf carts may only be operated upon a county road that has been designated by a county for use by golf carts; and

WHEREAS, residents of Pirate Harbor Subdivision have submitted petitions requesting that the Board of County Commissioners designate county roads within Pirate Harbor Subdivision for use by golf carts; and

WHEREAS, prior to making such a designation, Section 316.212, F.S. requires counties to first determine that golf carts may safely travel on or cross the designated county road(s), considering such factors including the speed, volume, and character of motor vehicle traffic using the road or street; and

WHEREAS, county staff, after considering the factors in Section 316.212, F.S., has concluded that golf carts may safely travel on or across the designated county road(s) within Pirate Harbor Subdivision; and

WHEREAS, the Board now desires to amend the language of Section 2-4-10 of the Code of Laws and Ordinances, Charlotte County, Florida (the "Code") to designate and permit the use of golf carts on those county roads located within Pirate Harbor

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33 Subdivision, and to provide for the minimum age to operate a golf cart pursuant to
34 Section 316.212, Florida Statutes; and

35 WHEREAS, the Board has noticed, advertised, scheduled and held a public
36 hearing in compliance with Florida Statutes on this proposed Ordinance; and

37 WHEREAS, the Board finds it to be in the public interest to amend Section 2-4-
38 10 of Article 1, Chapter 2-4 of the Code for the purposes expressed herein.

39 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
40 of Charlotte County, Florida:

41 Section 1. The above Recitals and Attachment 1 are hereby incorporated into
42 and made a part of this Ordinance.

43 Section 2. Section 2-4-10 of Article 1, Chapter 2-4 of the Code of Laws and
44 Ordinances, Charlotte County, Florida, is hereby amended as follows (underlined
45 sections are additions):

46 "Sec. 2-4-10. Operation of golf carts.

47
48 (d) (1) Golf carts, as defined in F.S. section 320.01, may be operated upon
49 those county roads located entirely within the Pirate Harbor Subdivision,
50 as depicted on the map attached to Ordinance No. 2015- as
51 Attachment 1.

52 (2) A golf cart may be operated within the Pirate Harbor Subdivision only
53 during the hours between sunrise and sunset and must be equipped with
54 efficient brakes, reliable steering apparatus, safe tires, a rearview mirror,
55 and red reflectorized warning devices in both front and rear.

56 (3) The driver of any golf cart on such county roads shall obey the
57 instructions of all applicable traffic control devices.

58 (4) Pursuant to Section 316.212, F.S., a golf cart may not be operated on
59 public roads or streets by any person under the age of 14."

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61 Section 3. Violations. Violations of this Ordinance, and the penalties
62 therefor, shall be as provided by general law.

63 Section 4. Severability. If any provision of this Ordinance or the application
64 thereof to any person or circumstance is held invalid, the invalidity shall not affect other

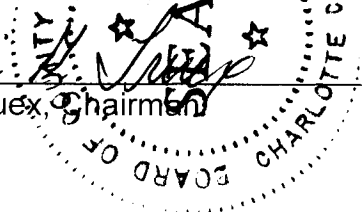
65 provisions or applications of this Ordinance which can be given effect without the invalid
66 provision or applications. To this end, the provisions of this Ordinance are declared
67 severable.

68 Section 5. Effective Date. A certified copy of this Ordinance shall be filed with
69 the Department of State of the State of Florida within 10 days of enactment and shall
70 take effect upon filing with said department.

71 PASSED AND DULY ADOPTED this 10th day of March, 2015.

72 BOARD OF COUNTY COMMISSIONERS
73 OF CHARLOTTE COUNTY, FLORIDA

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78 By: William G. Truex
79 William G. Truex, Chairman
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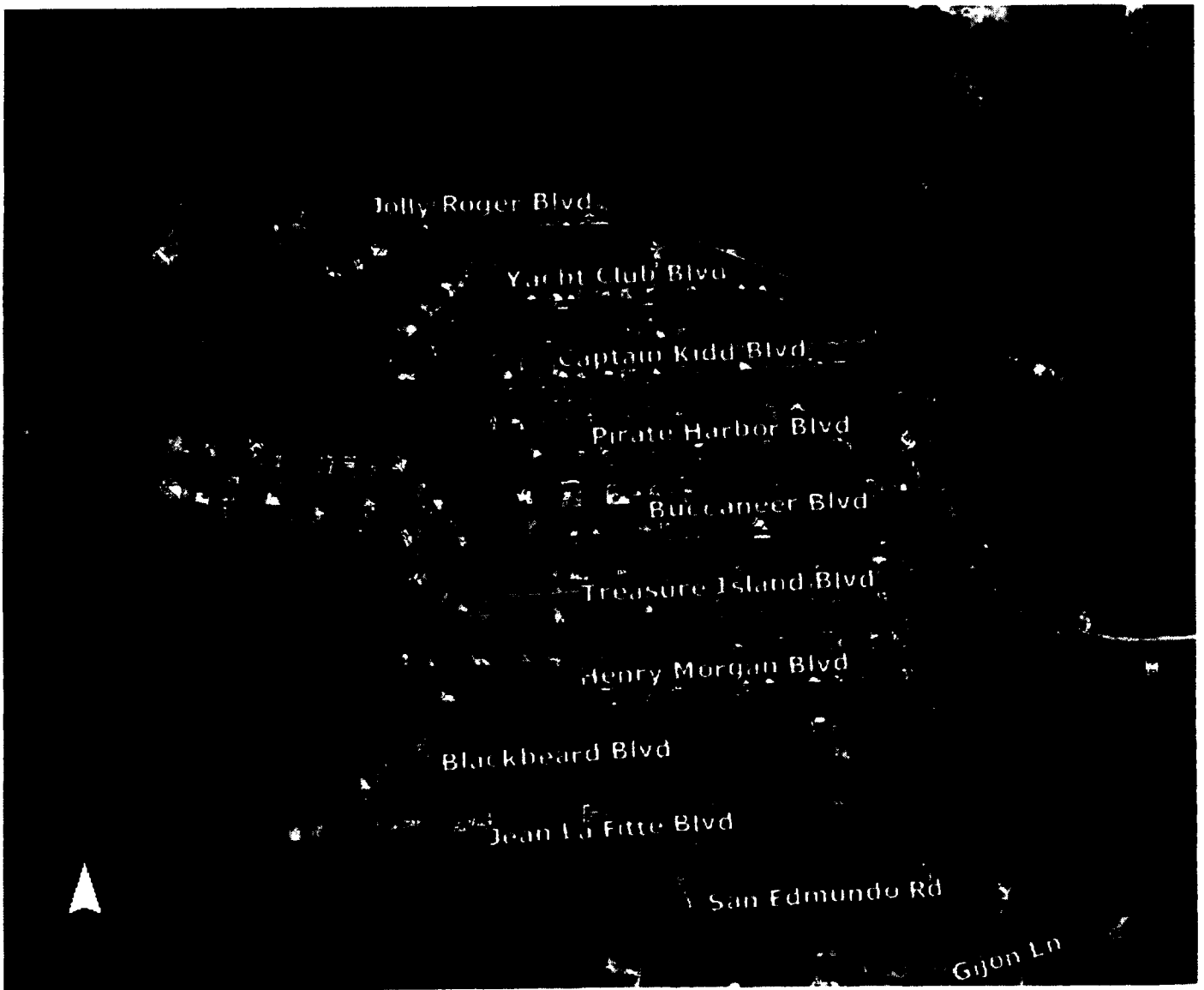
81 ATTEST:
82 Barbara T. Scott, Clerk of
83 Circuit Court and Ex-officio
84 Clerk to the Board of County
85 Commissioners

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89 By: Michelle DiBerardino
90 Deputy Clerk

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92 APPROVED AS TO FORM
93 AND LEGAL SUFFICIENCY:

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97 By: Janette S. Knowlton
98 Janette S. Knowlton, County Attorney
99 LR15-3281 MWM

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 11, 2015

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-011, which was filed in this office on March 11, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

SUN NEWSPAPERS

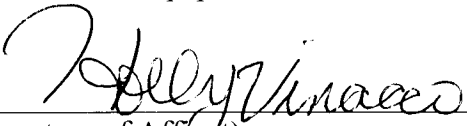
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

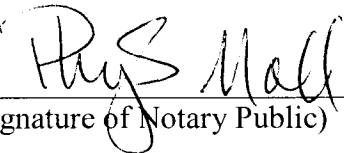
February 27, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

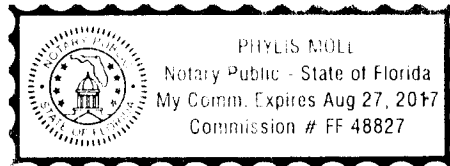


(Signature of Affiant)

Sworn and subscribed before me this 27th day of February, 2015



(Signature of Notary Public)



Personally Known OR Produced Identification _____

Type of Identification Produced _____

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING SECTION 2-4-10 OPERATION OF GOLF CARTS OF ARTICLE 1, CHAPTER 2-4 OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR THE USE OF GOLF CARTS ON COUNTY ROADS WITHIN PIRATE HARBOR SUBDIVISION; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 10th day of March, 2015, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at

941.764.4191, TDD/TTY 941.743.1234, or by email to Terri.Hendriks@CharlotteCountyFL.gov.

Publish: February 27, 2015
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