

Meeting Date
October 21, 2014



14-33

AGENDA	
Section	Public Hearing
Item No.	III. 4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Amendment to Chapter 106 Traffic and Vehicles, Article III – Golf Carts (District 4)
DEPT/OFFICE:	Public Works Department/Planning & Development Department

Requested Action:

It is requested that the Board consider a code amendment of the Code of Ordinances addressing Golf Carts within the boundaries of the Viera Development of Regional Impact.

Summary Explanation & Background:

At the August 5, 2014 regular meeting, a Citizen Request submitted by The Viera Company to amend the golf cart ordinance was heard by the Board of County Commissioners. The Board directed staff to evaluate the proposal.

At the September 16, 2014 Commission meeting, the Board granted legislative intent and directed staff to advertise a code amendment addressing Golf Carts in the Viera Development of Regional Impact boundaries. The Local Planning Agency held a public hearing on October 6, 2014 and unanimously recommended the amendment to the Commission for approval.

The proposed ordinance, which is largely the product of The Viera Company, provides for:

- Golf cart usage on multi-use sidewalks at least 8' in width.
- Golf cart usage on local subdivision roadways with a posted speed of less than 30 mph.
- Crossing requirements for golf carts at signalized, non-signalized, and designated pedestrian crossings.
- Limitations on use of golf carts at Viera Regional Park consistent with existing County traffic Code in public parks.
- Golf carts to yield to all pedestrians and handicapped/disabled mobility aid devices

Please find attached the existing Code regarding golf cart usage in the County and The Viera Company's proposed Code amendment language in ordinance format.

Staff Contact: Stuart Buchanan, Planner III/Grants Administrator
 Telephone: 633-2069 e-mail: Stuart.buchanan@brevardcounty.us

Clerk to the Board instruction: Please return one executed original to George Ritchie, Planning & Development Department

Exhibits Attached: Proposed Ordinance, Existing Code

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Stockton Whitten	Assistant County Manager Mel Scott	Department Director / Extension Robin M. Sobrino, Director of Planning & Development Ext. 5-2069
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Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

October 22, 2014

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Stuart Buchanan

RE: Item III.H., Ordinance Amendment to Chapter 106, Traffic and Vehicles, Article III – Golf Carts

The Board of County Commissioners, in regular session on October 21, 2014, adopted Ordinance No. 14-33, amending Chapter 106, Traffic and Vehicles, Article III – Golf Carts within the boundaries of the Viera Development of Regional Impact. Enclosed is a certified copy of the Ordinance for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 27, 2014

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Donna Scott

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2014-33, which was filed in this office on October 27, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2014- 33

AN ORDINANCE AMENDING CHAPTER 106, "TRAFFIC AND VEHICLES", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III, "GOLF CARTS"; SPECIFICALLY AMENDING SECTIONS 106-71 – 106.73, ESTABLISHING REQUIREMENTS FOR THE OPERATION OF GOLF CARTS WITHIN THE BOUNDARIES OF THE VIERA DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, On August 5, 2014, The Viera Company submitted a Citizen's Request concerning the regulation of golf carts within the boundaries of the Viera Development of Regional; and

WHEREAS, the Board of County Commissioners, on September 16, 2014, directed review of the draft Code prepared by The Viera Company to amend the Code of Ordinances as it relates to golf carts within the Viera DRI boundaries; and

WHEREAS, the Local Planning Agency, on October 6, 2014, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions. ~~Strike-through indicates deletions.~~

SECTION 1. Section 106-71, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 106-71. Legislative intent.

It is the intent of this article to permit and regulate the use of golf carts upon the roads, designated multi-use sidewalks and designated trails of the unincorporated areas of the county.

Sec. 106-72. Definitions.

All -terrain vehicles/off-road vehicles (ATVs) shall mean those vehicles defined by F.S. § 316.2074 (1997), as may be amended from time to time.

Bicycle path shall mean any road, path, or way that is open to bicycle travel, which road, path or way is physically separated from motorized vehicular traffic (excluding golf carts) by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

County manager shall mean the individual appointed by the board of county commissioners pursuant to section 2.9 of the Home Rule Charter for Brevard County to serve as county manager.

Designated pedestrian crossing shall mean that portion of a roadway at an intersection distinctly indicated as a crosswalk for pedestrian crossing by striping or signage or other markings on the road surface or along the roadway.

Designated multi-use sidewalks shall mean all sidewalks approved for use by pedestrians, bicycles and golf carts and designated as such by appropriate signs. The required signage shall be provided and maintained by the private entity, homeowners association, community development district or special district seeking to designate multi-use sidewalks. Multi-use sidewalks shall have a minimum un-obstructed width of eight feet, be located not less than five feet from the outside edge of the nearest traffic lane of any adjacent road or street, and have one adjoining grassed shoulder which is relatively flat and not less than four feet wide.

Designated streets or designated roads shall mean all streets or roads or portions of roads or streets upon which golf carts shall be allowed to operate, under the conditions as provided for herein, ~~which are listed in Attachment A, attached and incorporated herein by reference.~~

Golf cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes (reference F.S. § 316.003(68) (~~1997~~2012)). "Golf cart" shall not be construed to mean neighborhood electric vehicle.

Neighborhood electric vehicle (NEV) shall mean a self-propelled electrically powered motor vehicle which is emission free, designed to be operated at a maximum speed of 25 miles per hour, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, is equipped with efficient brakes, headlights, brake lights, turn signals, windshield, rearview mirrors, and three-point safety belts.

Trail(s) shall mean a paved path, at least ten feet in width, which is constructed for the purpose of operation of golf carts and NEVs (as well as bicycle and pedestrian use)), approved for use by golf carts and NEVs by the county manager and designated for golf cart use by appropriate signage signs, which signs shall be provided and maintained by the private entity, homeowners association, community development district or special district seeking additional designated trails, located at each intersection of such trail and any street, road, sidewalk or other trail.

Sec. 106-73. Operation of golf carts.

(a) The operation of any golf cart on county roads/streets/sidewalks/trail in the unincorporated area of the county is prohibited under the following conditions ~~is prohibited~~:

(1) Operation between the hours of sunset and sunrise except as otherwise provided for herein.

(2) Failure to equip a golf cart with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear of the golf cart when operated on designated roads/streets, multi-use sidewalks and trails designated for golf cart use in accordance with this ordinance. Failure to equip a golf cart operated by an unlicensed driver with an efficient horn.

(3) Operation between the hours of sunset and sunrise unless ~~it~~ the golf cart is equipped with functional headlights, brake lights, turn signals, and a windshield pursuant to F.S. § 316.212(45)(2012) as well as the equipment specified in subsection (2).) above.

(4) Failure to, in accordance with F.S. § 316.217,(2012), operate a golf cart with lighted headlights when operated between the time of sunset to sunrise and/or during conditions of rain, smoke, or fog.

(5) Operation of a golf cart by a person or operator who has not attained the age as stipulated in F.S. § 316.212.

(6) In violation of state or county traffic regulations.

(7) On bicycle paths, ped-ways, or sidewalks; however, golf carts may be operated up to a maximum speed of 15 miles per hour on multi-use sidewalks and trails, as defined in section 106-72 section 106-72 herein, designated within the Viera North PUD or for use by golf carts as designated and approved by the county traffic engineer. provided for herein.

(8) ~~Carrying~~ Transporting more passengers than the number of passengers which the golf cart was designed to carry; or transporting any passenger who is not seated in a position intended by the golf cart manufacturer to carry a passenger.

~~(9)~~ (9) Operation of a golf cart on any county road/street, sidewalk or trail in the unincorporated area which the county has not designated for the use or operation of golf carts, as provided for herein, is prohibited.

(b) Golf carts operated in compliance with subsection (a) above, shall be allowed to operate upon the streets, roads ~~or~~, multi-use sidewalks and trails designated for operation as follows:

(1) All roads/streets within the Sherwood Estates Subdivision.

a. North Carpenter Road shall not be a designated road/street except that North Carpenter Road may be crossed at designated crossings.

(2) There are no designated roads/streets in the Savannahs at Sykes Creek Subdivision, except that Savannahs Trail may be crossed at the designated crossing for golf carts located approximately 100 feet south of the entrance to the subdivision.

(3) All roads/streets, multi-use sidewalks and paved trails permitting golf cart use as indicated by appropriate signage within the boundaries of the Viera Development of Regional Impact Viera North Planned Unit Development (PUD), east of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida except in the drive lanes of the following roadways as set out in subsections a. ~~and b.~~ through k. below:

a. Murrell Road shall not be a designated road/street, except that Murrell Road may be crossed only at any signalized intersection and at designated pedestrian crossings.

~~b. Viera Boulevard shall not be a designated road/street, except Viera Boulevard may be crossed only at designated pedestrian crossings.~~

~~(4) All roads/streets and paved trails permitting golf cart use as indicated by appropriate signage within the Central Viera PUD, west of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida except as set out in subsections a. through e. below:~~

~~a. b. Stadium Parkway shall not be a designated road/street, except that Stadium Parkway may be crossed at the designated pedestrian crossings at Viera Boulevard, at the driveway entrance of the Duran Country Club and the Duran practice range/short course; at the designated pedestrian crossings between the Harry T. and Harriet V. Moore Justice Center and the Brevard County Central Government Services Complex, and at the designated pedestrian crossing at its intersection with Wickham Road. any signalized intersection and at designated pedestrian crossings.~~

~~b c. Tavistock Drive shall not be a designated road/street, except that Tavistock Drive may be crossed at designated pedestrian crossings located at Viera Boulevard.~~

~~e d. Judge Fran Jamieson Way shall not be a designated road/street, except that Judge Fran Jamieson Way may be crossed at any signalized intersection and at designated pedestrian crossings.~~

~~e. Lake Andrew Drive shall not be a designated road/street, except that Lake Andrew Drive may be crossed at the any signalized intersection and at designated location at Ivanhoe Drive. pedestrian crossings.~~

~~d f. Viera Boulevard shall not be a designated road/street, except that Viera Boulevard may be crossed at the designated pedestrian crossings at Stadium Parkway and at Tavistock Drive any signalized intersection and at designated pedestrian crossings. Notwithstanding any other definitions of this ordinance; no portion of a street, road, multi-use sidewalk or trail within the I-95/Viera Boulevard interchange shall be designated for golf cart usage.~~

~~e g. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the any signalized intersection and at designated location immediately west pedestrian crossings.~~

~~h. Pineda Causeway Extension shall not be a designated road/street, except that Pineda Causeway Extension may be crossed at any signalized intersection and at designated pedestrian crossings.~~

~~i. Notwithstanding any other provision of this Section, a golf cart shall not be operated upon any road/street within the Viera Development of Regional Impact (1) having a posted speed limit in excess of 30 miles per hour; or (2) identified by the intersection of Wickham Road and Stadium Parkway. County as an arterial or collector roadway unless otherwise authorized by the county manager.~~

(5 j. A golf cart operated within the Viera Development of Regional Impact upon a road/street with a posted speed limit of 30 miles per hour or less may, for the sole purpose of continuing travel along such road/street, be operated across an intersecting roadway with a posted speed limit in excess of 30 miles per hour but not exceeding 35 miles per hour, provided that such intersection is signalized. For crossing all other non-signalized intersections or at designated pedestrian crossings, the golf cart must utilize the designated crosswalk yielding to pedestrians and all handicapped/disabled mobility aids.

k. Golf Carts shall remain on designated interior park road ways unless otherwise authorized by the Parks and Recreation Department pursuant to Sec.78-123.

(4) All roads/streets and trails located within the individual residential subdivisions of the Suntree Planned Unit Development (PUD) including Inverness Avenue and within the Vizcaya, Sawgrass and St. Andrews Isles residential subdivisions adjacent to the Suntree PUD.

a. Jordan Blass Boulevard between St. Andrews Boulevard to the pedestrian crossing located on Jordan Blass Boulevard adjacent to the northwest corner of the Suntree Elementary school property shall be a designated road. Jordan Blass Boulevard east of the pedestrian crossing, located as described, to Wickham Road shall not be a designated road.

b. Interlachen Road, Jordan Blass Boulevard (as above), and North and South Pinehurst shall be designated roads except that operation of golf carts upon Interlachen Road, Jordan Blass Drive, and North and South Pinehurst Drive for any other purpose than to drive the most direct route between the operator's home and the golf course/clubhouse both of which shall be located within the Suntree PUD, or between the operator's home and Suntree Elementary School both of which shall be located within the Suntree PUD, is prohibited.

c. St. Andrews Boulevard shall be a designated road except that operation of golf carts for any other purpose than to drive the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and the golf course/clubhouse, or the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and Suntree Elementary School, is prohibited.

d. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the designated pedestrian crossing located at Wickham Road and North Pinehurst Avenue.

(6 5) All roads and streets within the Barefoot Bay subdivision, except as set out in subsection a. below:

a. Micco Road shall not be a designated road/street, except that Micco Road may be crossed at designated pedestrian crossings located at the Micco Road and Sebastian Road and at Micco Road and East Drive.

b. That part of Barefoot Boulevard located east of the Barefoot Bay subdivision to the intersection of Barefoot Boulevard and the driveway entrance to the shopping area at 7960 U.S. Highway 1, Sebastian, Florida, shall be a designated road/street.

(7 6) Ron Beatty Boulevard, extending from Barefoot Boulevard south to Micco Road, shall be a designated road/street.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 21th day of October, 2014.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Mary Bolin Lewis, Chairman
(as approved by the Board on October 21, 2014)

(S E A L)

Reviewed for legal form and content by: _____

CURRENT ADOPTED CODE

ARTICLE III. GOLF CARTS ^[3]

Sec. 106-71. Legislative intent.

Sec. 106-72. Definitions.

Sec. 106-73. Operation.

Sec. 106-74. Other prohibited conduct.

Sec. 106-75. Signage.

Sec. 106-76. Inapplicable to NEVs.

Sec. 106-77. Area encompassed.

Sec. 106-78. Penalty and enforcement.

Secs. 106-79—106-95. Reserved.

Sec. 106-71. Legislative intent.

It is the intent of this article to permit and regulate the use of golf carts upon the roads of the unincorporated areas of the county.

(Ord. No. 98-23, § 1, 4-21-98)

Sec. 106-72. Definitions.

All terrain vehicles/off-road vehicles (ATVs) shall mean those vehicles defined by F.S. § 316.2074 (1997), as may be amended from time to time.

Bicycle path shall mean any road, path, or way that is open to bicycle travel, which road, path or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

County manager shall mean the individual appointed by the board of county commissioners pursuant to section 2.9 of the Home Rule Charter for Brevard County to serve as county manager.

Designated streets or designated roads shall mean all streets or roads or portions of roads or streets upon which golf carts shall be allowed to operate, under the conditions as provided for herein, which are listed in Attachment A, attached and incorporated herein by reference.

Golf cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes (reference F.S. § 316.003(68) (1997)). "Golf cart" shall not be construed to mean neighborhood electric vehicle.

Neighborhood electric vehicle (NEV) shall mean a self-propelled electrically powered motor vehicle which is emission free, designed to be operated at a maximum speed of 25 miles per hour, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, is equipped with efficient brakes, headlights, brake lights, turn signals, windshield, rearview mirrors, and three-point safety belts.

Trail(s) shall mean a paved path, at least ten feet in width, which is constructed for the purpose of operation of golf carts and NEVs (as well as bicycle and pedestrian use) and designated for golf cart use by appropriate signage.

(Ord. No. 98-23, § 2, 4-21-98)

Sec. 106-73. Operation.

(a) The operation of any golf cart on county roads/streets in the unincorporated area of the county under the following conditions is prohibited:

(1) Operation between the hours of sunset and sunrise except as otherwise provided for herein.

(2) Failure to equip a golf cart with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear of the golf cart when operated on designated roads/streets.

(3) Operation between the hours of sunset and sunrise unless it is equipped with headlights, brake lights, turn signals, and a windshield pursuant to F.S. § 316.212(4) as well as the equipment specified in subsection (2).

(4) Failure to, in accordance with F.S. § 316.217, operate a golf cart with lighted headlights when operated between the time of sunset to sunrise and/or during conditions of rain, smoke, or fog.

(5) Operation of a golf cart by a person or operator who has not attained the age as stipulated in F.S. § 316.212.

(6) In violation of state or county traffic regulations.

(7) On bicycle paths, ped-ways, or sidewalks; however, golf carts may be operated on trails, as defined in section 106-72 herein, designated within the Viera North PUD or as designated and approved by the county traffic engineer.

(8) Carrying more passengers than the number of passengers which the golf cart was designed to carry.

(b) Operation of a golf cart on any county road/street in the unincorporated area which the county has not designated for the use or operation of golf carts, as provided for herein, is prohibited.

Golf carts operated in compliance with subsection (a) above, shall be allowed to operate upon the streets, roads or trails designated for operation as follows:

(1) All roads/streets within the Sherwood Estates Subdivision.

a. North Carpenter Road shall not be a designated road/street except that North Carpenter Road may be crossed at designated crossings.

(2) There are no designated roads/streets in the Savannahs at Sykes Creek Subdivision, except that Savannahs Trail may be crossed at the designated crossing for golf carts located approximately 100 feet south of the entrance to the subdivision.

(3) All roads/streets and paved trails permitting golf cart use as indicated by appropriate signage within the Viera North Planned Unit Development (PUD), east of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida except as set out in subsections a. and b. below:

a. Murrell Road shall not be a designated road/street, except that Murrell Road may be crossed only at designated pedestrian crossings.

b. Viera Boulevard shall not be a designated road/street, except Viera Boulevard may be crossed only at designated pedestrian crossings.

(4) All roads/streets and paved trails permitting golf cart use as indicated by appropriate signage within the Central Viera PUD, west of I-95, and abutting subdivisions, south of the city limits of Rockledge, Florida except as set out in subsections a. through e. below:

a. Stadium Parkway shall not be a designated road/street, except that Stadium Parkway may be crossed at the designated pedestrian crossings at Viera Boulevard, at the driveway entrance of the Duran Country Club and the Duran practice range/short course; at the designated pedestrian crossings between the Harry T. and Harriet V. Moore Justice Center and the Brevard County Central Government Services Complex, and at the designated pedestrian crossing at its intersection with Wickham Road.

b. Tavistock Drive shall not be a designated road/street, except that Tavistock Drive may be crossed at designated pedestrian crossings located at Viera Boulevard.

c. Lake Andrew Drive shall not be a designated road/street, except that Lake Andrew Drive may be crossed at the designated location at Ivanhoe Drive.

d. Viera Boulevard shall not be a designated road/street, except that Viera Boulevard may be crossed at the designated pedestrian crossings at Stadium Parkway and at Tavistock Drive.

e. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the designated location immediately west of the intersection of Wickham Road and Stadium Parkway.

(5) All roads/streets and trails located within the individual residential subdivisions of the Suntree Planned Unit Development (PUD) including Inverness Avenue and within the Vizcaya, Sawgrass and St. Andrews Isles residential subdivisions adjacent to the Suntree PUD.

a. Jordan Blass Boulevard between St. Andrews Boulevard to the pedestrian crossing located on Jordan Blass Boulevard adjacent to the northwest corner of the Suntree Elementary school property shall be a designated road. Jordan Blass Boulevard east of the pedestrian crossing, located as described, to Wickham Road shall not be a designated road.

b. Interlachen Road, Jordan Blass Boulevard (as above), and North and South Pinehurst shall be designated roads except that operation of golf carts upon Interlachen Road, Jordan Blass Drive, and North and South Pinehurst Drive for any other purpose than to drive the most direct route between the operator's home and the golf course/clubhouse both of which shall be located within the Suntree PUD, or between the operator's home and Suntree Elementary School both of which shall be located within the Suntree PUD, is prohibited.

c. St. Andrews Boulevard shall be a designated road except that operation of golf carts for any other purpose than to drive the most direct route between the operator's home located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and the golf course/clubhouse, or the most direct route between the operator's home

located in the Suntree PUD or the Sawgrass, St. Andrews Isle, or Vizcaya subdivisions and Suntree Elementary School, is prohibited.

d. Wickham Road shall not be a designated road/street, except that Wickham Road may be crossed at the designated pedestrian crossing located at Wickham Road and North Pinehurst Avenue.

(6) All roads and streets within the Barefoot Bay subdivision, except as set out in subsection a. below:

a. Micco Road shall not be a designated road/street, except that Micco Road may be crossed at designated pedestrian crossings located at the Micco Road and Sebastian Road and at Micco Road and East Drive.

b. That part of Barefoot Boulevard located east of the Barefoot Bay subdivision to the intersection of Barefoot Boulevard and the driveway entrance to the shopping area at 7960 U.S. Highway 1, Sebastian, Florida, shall be a designated road/street.

(7) Ron Beatty Boulevard, extending from Barefoot Boulevard south to Micco Road, shall be a designated road/street.

(Ord. No. 98-23, § 3, 4-21-98; Ord. No. 02-24, § 1, 5-21-02; Ord. No. 2009-13, § 1, 4-14-09; Ord. No. 09-38, § 1, 12-15-09)

Sec. 106-74. Other prohibited conduct.

ATVs may not be operated on designated roads/streets or on trails.

(Ord. No. 98-23, § 4, 4-21-98)

Sec. 106-75. Signage.

The county manager shall designate the department which shall post appropriate signs to indicate that operation of golf carts is allowed.

(Ord. No. 98-23, § 5, 4-21-98)

Sec. 106-76. Inapplicable to NEVs.

This article shall not apply to neighborhood electric vehicles (NEVs) which have been sanctioned for on the road use by any state or federal law or rule which may be effective in the future. This article shall not prohibit use of NEVs as golf carts.

(Ord. No. 98-23, § 6, 4-21-98)

Sec. 106-77. Area encompassed.

This article shall only be effective in the unincorporated area of Brevard County, Florida.

(Ord. No. 98-23, § 7, 4-21-98)

Sec. 106-78. Penalty and enforcement.

Any person who violates any provision of this article shall, upon conviction, be guilty of an infraction pursuant to F.S. §§ 316.655, 318.13 and 318.14 (1997), all as may be amended from time to time. Enforcement of this article shall be pursuant to F.S. § 316.640 (1997), as may be amended from time to time. Enforcement may also be by suit for injunctive or other appropriate relief in a court of competent jurisdiction.

(Ord. No. 98-23, § 8, 4-21-98)

Secs. 106-79—106-95. Reserved.