FOR ATTORNEY ONLY, FIRST READING!

ORDINANCE 2024-12

AN ORDINANCE REVISING REQUIREMENTS OF INDIVIDUALS OPERATING GOLF CARTS ON CITY STREETS WITHIN THE CITY OF NEWBERRY; REVISING SECTION 94-38 OF THE CITY OF NEWBERRY CODE OF ORDINANCES AMENDING THE DEFINITION OF OPERATOR; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Newberry passed Ordinance 2017-01 on February 27, 2017, providing authority for golf cart operation on City streets within the City of Newberry and creating Section 94-38 of the City of Newberry Code of Ordinances; and

WHEREAS, House Bill No. 949 amended Florida Statute 316.212 prohibiting a person under 18 years of age from operating a golf cart on certain roadways unless he or she possesses a valid learner’s driver license or valid driver’s license; and

WHEREAS, it is in the best interest of the City of Newberry to revise its Code to comply with State Statute; and

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA as the following:

Section 1. Section 94-38(a) of the City of Newberry Code of Ordinances is hereby amended to be read as follows (additions are underlined and deletions of ~~struck through~~):

(a) *Definitions*. For purposes of this section, and unless the context clearly requires otherwise, the following terms and phrases shall have meanings herein ascribed:

*City* means the City of Newberry.

*City commission* means the City Commission of the City of Newberry.

*County* means Alachua County.

*Golf cart* means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per hour.

*Operator* means a person ~~who is 15 years of age or older while operating a golf cart within the city.~~ who is under 18 years of age and possesses a valid learner’s driver license or valid driver license or someone who is 18 years of age or older and possesses a valid form of government-issued photographic identification, while operating a golf cart within the City.

*Street* means all of those city streets as determined by the city commission to meet the criteria of this section and applicable Florida Statutes for the use of golf carts thereon.

Section 2. The remainder of Section 94-38 and its subjections of the Newberry Code of Ordinances shall remain in full force and effect.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Inclusion in the Code, Scrivener’s Error. It is the intention of the City Commission of the City of Newberry, Florida, and it is hereby provided that the provisions of this Ordinance shall become and made part of the Code of Ordinances of the City of Newberry, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section,” “article,” or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Manager or designee without public hearing, by filing a corrected or re-codified copy of the same with the City.

Section 5. Effective Date. This Ordinance shall take effect upon its passage at second and final reading.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this \_25th\_\_\_\_ day of \_\_March\_\_\_, 2024.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the \_\_14th\_\_ day of \_March\_\_\_\_\_, 2024.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORIDA:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judy Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S. Scott Walker, City Attorney