

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF PORT ST. JOE AMENDING PARAGRAPH 8 OF ORDINANCE NO. 361 CONCERNING OWNER DUTIES AND REGISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

I. Section 8, 8a of Ordinance #361 currently reads as follows:

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS is amended to read as follows:

(a) Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

II. Section 8, 8a is hereby amended to read as follows:

Section 8: REGISTERED OWNER TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS:

(a) Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes total liability for operating the vehicle on City streets. The registered owner of the golf cart agrees to defend, release, indemnify and hold harmless The City of Port St. Joe, its officials and employees for any and all claims, demand, damages or losses, including reasonable attorney's fees and all costs of defending any claims, demand, or

damages arising from the operation of said golf cart. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay a one-time registration fee in the amount of \$35.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement.

III. SECTION 12. SEVERABILITY: If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable such declaration shall not be deemed to affect the remaining portions of this Ordinance.

IV. SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective 10 days after adoption.

PASSED FIRST READING ON: June 2, 2009

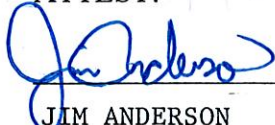
PASSED SECOND READING ON: June 16, 2009

CITY OF PORT ST. JOE

BY: _____


MEL C. MAGIDSON, JR.
MAYOR

ATTEST:



JIM ANDERSON
INTERIM CITY CLERK