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Breakers West Association, Inc.
Golf Cart Regulations- Amended on 1.21.2021

These regulations (“the Golf Cart Regulations”) governing the registration and operation of golf carts and similar vehicles (collectively “Golf Carts” as defined in Section 3) are adopted by the Board of Directors of the Breakers West Association, Inc. (“BWA”) pursuant to its authority under Sections 6.6 and 6.7 of the Restated Breakers West Declaration of Covenants and Restrictions.

1. Applicability

These Golf Cart Regulations shall apply to the operation of any Golf Cart or similar vehicle, as defined in Section 3, within any of the Common Property of Breakers West or any of its sub-associations, provided however that these Golf Cart Regulations shall not apply to Golf Carts while they are being operated on the Flagler Parcel or the Mayacoo Parcel and shall not apply to golf carts and maintenance vehicles owned and operated (including renting to golfers) by the owners of the Flagler Parcel or the Mayacoo Parcel or maintenance vehicles operated by BWA

2. Effective Date

- (a) These Golf Cart Regulations shall become effective November 1, 2020.
- (b) Any Resident (as defined in Section 3) of Breakers West shall be required to register any Golf Cart he, she or they own that is to be operated on the Common Property (as defined in Section 3) on or before:
 - (i) Golf Carts that are owned as of November 1, 2020, or which are acquired between November 1, 2020 and December 31, 2020, shall be registered by the later of December 31, 2020 or thirty (30) days after it is acquired.
 - (ii) A Golf Cart which is acquired on or after December 31, 2020 shall be registered within thirty (30) days of its acquisition.

3. Definitions

- (a) Breakers West shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.
- (b) Common Property shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

(c) Flagler Parcel shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

(d) Golf Cart shall mean a vehicle which is not required to be registered as a motor vehicle with the Florida Department of Highway Safety and Motor Vehicles, is designed to be used both off-road and on-road, and is designed and manufactured to be operated at speeds not exceeding 20 miles an hour. Golf Carts shall include both those vehicles equipped for use on a golf course, and those vehicles of a similar nature which have been equipped for non-golf course related use (such as carrying more than two passengers, having more than one row of passenger seating, or carrying items other than golf equipment). Both electric powered and gas-powered vehicles meeting this definition are classified as Golf Carts. Although a Golf Cart or other vehicle may be capable of operating at speeds in excess of 20 miles per hour, it shall nonetheless be classified as a Golf Cart if the manufacturer's original design was for a vehicle that would meet the definition of a "golf cart" or a "low-speed vehicle" contained in Section 320.01(22) or Section 320.01(41) of the Florida Statutes.

(e) Golf Cart Roads shall mean those roads within Breakers West which have been designated by the Board of Directors as Golf Cart paths (see Section 4).

(f) Mayacoo Parcel shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

(g) Owner shall mean the owner(s) of a Golf Cart to be operated within the Common Property of Breakers West.

(h) Resident shall mean the person or persons occupying a Residential Property in Breakers West.

(i) Residential Property shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

(j) Sub-Associations shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

(k) Traffic Regulations shall have the same meaning as contained in the Restated Breakers West Declaration of Covenants and Restrictions.

4. Permitted Areas of Operation.

(a) Golf Carts maybe operated on any of the roads and streets within the Common Property of BWA or any of the Sub-Associations, subject to these Golf Cart Regulations and any restrictions contained in the Declaration of Covenants and Restrictions.

(b) The Board of Directors hereby designated the roads and streets within the Common Property of BWA as "golf cart paths."

(c) Golf Carts **may be operated on the sidewalks within the Common Property of BWA providing they are driven no faster than a brisk walker and must yield to all pedestrians and bicycle riders**, except that Golf Carts may cross or be operated on sidewalks as is necessary get to or from a residence, to get to or from parts of the Flagler Parcel or the Mayacoo Parcel, to get from one part of the Flagler Parcel or Mayacoo

Parcel to another part of such parcel, or to get to or from one street to another. When crossing a sidewalk Golf Carts shall yield the right of way to pedestrians and bicycles.

5. Registration.

- (a) All Golf Carts to be operated within Breakers West shall be registered as set forth in on or before the dates set forth in Section 2(b) above.
- (b) At the time of registration, the Owner of the Golf Cart shall complete and sign a form which:
- (i) Indicates the name and address of the Owner, the make, model, year and color of the Golf Cart.
 - (ii) Indicates whether or not the Owner has insurance which covers any liability which might arise from the operation of the Golf Cart, and if the Owner has such insurance lists the name of the insurance company or companies and the name and policy number of the insurance policy or policies under which any liability which might arise from the operation of the Golf Cart is covered.
 - (iii) Acknowledges that the Owner has been advised that the following equipment, in good working order, is required under the Florida Statutes for the operation of a Golf Cart on roads, and that the Owner accepts any risk associated with the lack of any of the listed equipment:
 - (A) reliable steering
 - (B) efficient brakes
 - (C) safe tires
 - (D) a rear view mirror
 - (E) a red reflector on the back of the cart
 - (iv) Acknowledges that the Owner has been advised that the following equipment, in good working order, is required under the Florida Statutes for the operation of Golf Carts on roads between the hours of sundown and sun up, and that the Owner accepts any risk associated with the lack of any of the listed equipment:
 - (F) headlights
 - (G) tail lights
 - (H) brake lights
 - (I) a windshield
 - (v) Acknowledges that the Owner of the golf cart has received and read a copy of these Golf Cart Regulations, and that the Owner of the Golf Cart is responsible for informing anyone he or she authorizes to operate their Golf Cart of the existence and contents of these Golf Cart Regulations.
- (c) Upon the completion of the registration of a Golf Cart, the Owner shall be provided with a sticker or decal to affix to the Golf Cart evidencing its registration.

6. Operation

(a) Golf Carts are to be operated in a safe manner and in accordance with all Traffic Regulations. All passengers are to be safely seated within the Golf Cart while the Golf Cart is in motion.

(b) When operated during the hours between sundown and sun up Golf Carts shall use their headlights and tail lights.

(c) Golf Carts shall be operated only by persons who are at least 16 years old and who possess a valid driver's license.

7. Issuance of Citations.

(a) In addition for citations for the violation of any Traffic Regulations, citations may be issued for the following:

(i) Operation of an unregistered Golf Cart

(ii) Operation of a Golf Cart between sundown and sunup without the use of headlights and tail lights.

(iii) Operation of a Golf Cart by persons not meeting the requirements of paragraph 6(c) above.

(iv) Operation of a Golf Cart in a manner which in the opinion of Breakers West Security is unsafe to either the passengers or other persons and vehicles.

(b) Persons receiving citations issued for the violation of Traffic Regulations or any other violation shall have the same rights to request a hearing before the Hearing Committee as apply to any other citations.

8. Amendments.

These Golf Cart Regulations may be amended, revised, or supplemented from time to time by the Board of Directors.