

**AN ORDINANCE**

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 90, TRAFFIC & VEHICLES, BY DELETING ARTICLE XI, MOTORIZED CARTS IN ITS ENTIRETY AND ENACTING A REVISED ARTICLE XI, PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLES ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF OTHER SIMILAR VEHICLES ON DESIGNATED PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR REGISTRATION REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HERewith; TO RESTATE THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREIN; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:**

Section 1. The Code of Griffin, Georgia is amended at Chapter 90, TRAFFIC & VEHICLES, by deleting Article XI, MOTORIZED CARTS, in its entirety and enacting in lieu thereof new Article XI, PERSONAL TRANSPORTATION VEHICLES, as follows:

**“ARTICLE XI. PERSONAL TRANSPORTATION VEHICLES.**

**Sec. 90-210. Findings and Intent.**

This Article is adopted to address the interest of public safety. Personal transportation vehicles (“PTV”) and other similar vehicles are not generally designed or manufactured to be used on public highways, streets and roads, (hereafter “public roads”) and the City of Griffin in no way advocates their operation on the public roads within its jurisdiction. Adoption of this Article is not to be relied upon as a determination by the City that operation of personal transportation vehicles and other similar vehicles on public roads is safe or advisable, even if done in accordance with this Article. By regulating such operation the City is merely addressing safety issues. All persons who operate or ride in personal transportation vehicles and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the City accepts no liability in negligence, nuisance or under any other cause of action for losses resulting from the use

of personal transportation vehicles and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Article. Any person who operates personal transportation vehicles and other similar vehicles is responsible for procuring appropriate insurance as may be required by State law or this Article as a condition of operating personal transportation vehicles and other similar vehicles on the public roads of the City.

## **Sec. 90-211. Definitions.**

The following words and phrases when used in this Article shall have the definitions respectively ascribed to them in this Article.

*All-Terrain Vehicle (ATV)* means any motorized recreational vehicle designed for “off-road” use, which is equipped with three or more non-highway tires, a seat for the operator, and a steering wheel or handlebars for guiding the vehicle. For purposes of this Article, the term “All-Terrain Vehicle” shall include a Class I, Class II, and Class III all-terrain vehicle as defined at O.C.G.A. §40-1-1 (8.01), (8.1) & (8.2).

*Electric personal assistive mobility device (EPAMD)* means a self-balancing, two non-tandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (1 horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system and ridden by an operator who weighs 170 pounds.

*Golf car or Golf cart* means a motorized vehicle designed or intended for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf on a land area designated as a golf course, or sport of sporting clays on a land area designated as a sporting clays course, and not designed or intended for use on public roads or recreational paths. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5% grade comprising a straight course composed of a concrete or asphalt road surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

*Gross Weight* means the unladen weight of the vehicle plus the weight of any load thereon.

*Low-Speed Vehicle (LSV)* means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface, displays a current motor vehicle tag, and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001.

*Motor Vehicle* means every vehicle which is self-propelled other than an electric personal assistive mobility device (EPAMD).

*Multipurpose off-highway vehicle* means any motorized vehicle having features specifically intended for utility use and having the following characteristics:

- (a) Has the capability to transport persons, cargo, or both;
- (b) Operates between 25 miles per hour (40.2 kilometers per hour) and 50 miles per hour (80.4 kilometers per hour);
- (c) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments;
- (d) Is designed to travel on four or more wheels;
- (e) Uses a steering wheel for steering control;
- (f) Contains a nonstraddle seat;
- (g) Has a gross vehicle weight rating of 4,000 pounds (1,814 kilograms); and
- (h) Has a minimum cargo capacity of 350 pounds (159 kilograms).

*Pedestrian* means any person afoot.

*Personal Transportation Vehicle (PTV)* means:

- (a) any motor vehicle having no fewer than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour; if such vehicle was authorized to operate on public streets of the City prior to January 1, 2012, it may also be referred to in prior Codes and ordinances as a “motorized cart”; and
- (b) any motor vehicle with a minimum of four wheels, capable of a maximum level ground speed of less than 20 miles per hour with a maximum gross vehicle unladen or empty weight of 1,375 pounds and capable of transporting not more than eight persons.

The term does not include mobility aids, including power wheelchairs and scooters, which can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

*Public Road* means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City, including streets and alleys.

*Sidewalk* means the improved surface or path within the public right-of-way, outside of the roadway intended primarily for the movement of vehicular traffic, that is intended primarily for the movement of pedestrian traffic and other permitted uses.

*Unladen Weight* means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

*Valid Driver's License* means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

#### **Sec. 90-212. Nomenclature; Exemptions; Exceptions.**

- (a) Any "motorized cart", as defined under prior Code provisions or ordinances, shall be subject to the requirements, including minimum equipment, for personal transportation vehicles under general state law and this Article in order to operate upon public streets of the City. A "motorized cart", when equipped as set forth in O.C.G.A. §40-6-330.1, shall be considered a "personal transportation vehicle", or "PTV", for purposes of this Article.
- (b) This Article shall not apply to any motor vehicle, regardless of how classified, owned or leased by a government entity and used for governmental purposes.
- (c) This Article shall not apply to any golf cars, golf carts, or personal transportation vehicles owned by golf courses, country clubs, shooting clubs, or other such organized entities which own or lease such vehicles and make them available to or for use by members and/or the public on a short-term rental basis, provided the vehicles are used only on the premises of the entity and not operated on public streets except at designated street crossings.
- (d) This Article shall not apply to any PTV's used by a private business or entity only on the premises of the entity to transport officers, employees and business guests about the premises.
- (e) Any contractor or construction firm, upon a showing of necessity, may seek an exception from the City Manager for the limited use of motorized vehicles otherwise subject to this Article.

#### **Sec. 90-213. Registration of PTV's.**

- (a) It shall be the duty of every owner of a PTV that is operated on public roads, recreation paths, rights-of-way, or other public property in the jurisdiction of the City to register the PTV with the City at its Police Department. There is hereby imposed an annual fee of \$15.00 to register a PTV for use on public roads to cover the costs of implementing and maintaining this Article. Purchasers of new

carts or owners bringing carts into the City for the first time after the effective date of this Article shall register within ten (10) business days of the date of purchase and before first use on a public road within the City. If initially registering after July 1 of the year, the fee will be \$7.50.

- (b) Registration with the City shall include a record of the make, model, any vehicle identification number or serial number on such PTV, the name and address of the owner, a contact phone number, driver's license number, and any other such information as the city shall require, all of which shall be maintained by the Police Department of the City.
- (c) Upon registration with the City each PTV shall be issued a license decal evidencing such registration. The decal must be affixed to the driver's side of the PTV in such a manner as to be visible at all times. Annual renewal registration shall occur between January 1 and April 1 of each year.
- (d) The failure to have a current registration decal affixed to a PTV used on public roads, recreation paths, rights-of-way or other public property in the City shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Sec. 90-221(b).
- (e) If the PTV is not registered with the city within ten (10) business days of purchase or first use on a public road within the City, it shall be considered an unregistered PTV and subject the owner of such PTV to penalties set forth in Sec. 90-221(b). Furthermore, any PTV operated on public roads not registered within ten (10) business days of purchase or first use, or whose registration is not timely renewed, shall be assessed a late registration penalty of an additional \$15.00.
- (f) The decal issued by the city shall be non-transferrable from the personal transportation vehicle for which it was obtained.
- (g) Personal transportation vehicle dealers and distributors, along with other commercial establishments, may rent PTV's to the public for use on public roads, rights-of-way or other public property. Each such establishment renting PTV's shall be required to register each such PTV in accordance with this section and shall maintain a written record of each person who rents each PTV. Renters shall be required to furnish positive identification, shall be provided a copy of this Article to read, must be at least sixteen (16) years of age, and possess a valid driver's license. All licensing and operating regulations shall be consistent with the provisions of this Article as pertains to PTV's.
- (i) Only those persons sixteen (16) years of age and older, possessing a valid driver's license, may register a PTV. PTV registration shall be in one person's name only, and the registration form must be signed by that person, as witnessed by a Notary Public.

- (j) Any owner registering a PTV with the city agrees to abide by all of the requirements of state law and this code. By registering a PTV with the city the owner verifies that the vehicle meets all minimum equipment requirements of O.C.G.A. §40-6-330.1 and qualifies to be classified as a PTV under state law and this code.
- (k) The City Manager may, at his discretion, waive registration requirements for special events of a limited duration to which out-of-city residents may bring motorized carts as participants. Such special events shall last no longer than seven calendar days.

#### **Sec. 90-214. Personal Transportation Regulations.**

- (a) Only low-speed vehicles, bearing a current State license tag, and registered personal transportation vehicles may be operated on public roads within the jurisdictional limits of the city, subject to the limitations provided in O.C.G.A. Title 40, Part 5.
- (b) A PTV or LSV may be operated only on public roads within the City having a posted speed limit of 35 mph or less. This does not prohibit crossing a street or highway where the road being crossed has a posted speed limit in excess of 35 mph, provided the crossing has been properly designated as a “cart crossing”, proper signage and signalization erected in accordance with the MUTCD, and the road being crossed into has a posted speed limit of 35 mph or less.
- (c) PTV’s and LSV’s shall not be operated on sidewalks at any time.
- (d) Subject to the limitations imposed by subparagraph (b), PTV’s may be driven on all public roads within the jurisdiction of the City which have a speed limit of thirty-five (35) miles per hour or less. No PTV shall be driven on public roads having a posted speed limit in excess of thirty-five (35) miles per hour or on highways classified on the Federal or State Highway System, regardless of posted speed limit, unless such route is designated for cart use by the Georgia Department of Transportation.
- (e) Public roads on which the operation of PTV’s is authorized shall be clearly marked by proper signage for PTV use. Rights of way on the State Highway System and public property owned or managed by other government entities are under the control of the State or respective entity, and cannot be designated for authorized use by PTV’s, unless written consent has been given to the City by the State or other public entity to designate the property for use by PTV’s.
- (f) The operator of a PTV and LSV shall possess and have on his or her person during all periods of operation a valid driver’s license.

- (g) No PTV may cross any public street, road, or highway on which the use of PTV's is prohibited, except at a crossing or intersection designated by the City and signalized in accordance with the Manual on Uniform Traffic Control Devices, as adopted by the State of Georgia. Crossings at intersections on the State Highway System shall be designated for that purpose by the Georgia Department of Transportation. All intersections where PTV's may cross shall be controlled by a signalized traffic control device and posted with signage designating their use by PTV's.
- (h) PTV's shall have their head lamps and tail lamps on at all times while operating on public roads. Unless equipped with turn signals and brake lights, the operator shall give hand and arm signals, as provided by O.C.G.A. §40-6-125, when turning or braking.
- (i) PTV owners shall maintain their PTV in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the PTV is in operation on public roads.
- (j) The maximum occupancy of a PTV while traveling on public roads, shall be one person per designated seat.
- (k) All operators of PTV's shall abide by all traffic regulations applicable to vehicular traffic when using the public roads of the city. Where dedicated PTV paths exist for PTV usage in lieu of public roads, they shall be used exclusively in preference to public roads, with the exclusion of privately-held paths.

**Sec. 90-215. All-Terrain Vehicle Operation Regulations.**

- (a) No all-terrain vehicle or multipurpose off-highway vehicle shall be authorized for operation on public roads of the City at any time. Further, it shall be a violation of this Article to operate an all-terrain vehicle or multipurpose off-highway vehicle on any private property without the express written permission of the owner of the property or his agent.
- (b) Violators may be prosecuted under O.C.G.A. Title 40, Chapter 7, pertaining to "off-road vehicles".

**Sec. 90-216. Gasoline-Powered Personal Transportation Vehicles.**

- (a) Every gasoline-powered personal transportation vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:

- (1) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and tail pipe, and shall include any and all parts or components specified by the manufacturer.
  - (2) The exhaust system shall be securely fastened, including the consideration of missing or broken brackets or hangers.
  - (3) The engine and power mechanism of every gasoline-powered personal transportation vehicle shall be so equipped, adjusted, and tuned, as to prevent the discharge of exhaust emissions in excess of those allowed under the Federal Clean Air Act.
- (b) It shall be unlawful for the owner of any gasoline-powered personal transportation vehicle to operate or permit the operation of a gasoline-powered personal transportation vehicle on which any device controlling or abating exhaust emissions, which is placed on the gasoline-powered personal transportation vehicle by the manufacturer, to render the device unserviceable by removal, alteration, or other interference with its operation.
- (c) All gasoline-powered personal transportation vehicles shall be maintained in such condition so that they are incapable of "backfiring", or otherwise operating so as to make loud noises; or create excessive noise as a result of an operators equipping the gasoline-powered personal transportation vehicle with a certain device.

**Sec. 90-217. Personal Transportation Vehicles – Minimum Equipment Required.**

- (a) To be operated on public roads within the City, all personal transportation vehicles shall be equipped with:
- (1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
  - (2) A reverse warning device functional at all times when the directional control is in the reverse position;
  - (3) A main power switch. When the switch is in the 'off' position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the 'off' position;
  - (4) Head lamps;
  - (5) Reflex reflectors, on front, rear and sides of vehicle;
  - (6) Tail lamps;
  - (7) A horn;
  - (8) A rearview mirror;
  - (9) Safety warning labels, installed by manufacturer or required by law; and
  - (10) Hip restraints and hand holds or a combination thereof.



- (b) It shall be the duty of the owner of the PTV to properly maintain all minimum required equipment at all times and to keep the same in proper working condition.

**Sec. 90-218. Personal Transportation Vehicle and Low-Speed Vehicle Operator Licensing Regulations.**

Only those persons possessing a valid driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the public roads of the state may operate a personal transportation vehicle or a low-speed vehicle on the public roads within the city.

**Sec. 90-219. Insurance.**

- (a) The owner and operator of a PTV can be sued civilly for negligent operation of a PTV on public roads and recreation paths, which could result in a money judgment against the owner and/or operator. For this reason, the City encourages owners of PTV, and their operators, to seek legal advice from an attorney and to procure liability coverage from an insurance company licensed to operate in Georgia.
- (b) As required by state law, the owner of a low speed vehicle ("LSV") shall procure motor vehicle liability insurance on the vehicle in the minimum coverages required, and shall keep proof or evidence of required minimum insurance coverage in the low speed vehicle at all times during the operation of the vehicle.

**Sec. 90-220. Hazardous Activities and Special Rules.**

- (a) Blocking of public access to any public roads, sidewalks, recreation paths, rights-of-way or other public property of the city shall be prohibited, except for permitted events.
- (b) Operators of PTV's using recreation paths should always give due consideration and reasonable right of way to pedestrians, bicyclists, and other authorized users of the recreation path to ensure safe passage for all parties.
- (c) A warning or announcement shall be given by PTV using recreation paths when approaching slower moving parties from the rear. The warning or announcement may be verbal, but it is recommended that users operating PTV's utilize the horn or an audible warning device.
- (d) All operators and passengers of personal transportation vehicles and low-speed vehicles shall remain seated at all times during the operation of the vehicle.

- (e) EPAMD. Persons may operate an EPAMD only on a sidewalk, or path within designated rights-of-way, and are prohibited from operating an EPAMD on a public road. The operator of an EPAMD may cross only within signalized pedestrian crosswalks, when using the “WALK” signal. An EPAMD may not be operated by any person under the age of 14 years of age. An EPAMD shall only be permitted to operate between one-half hour before sunrise and one-half hour after sunset. It shall be the responsibility of the operator of an EPAMD to warn or announce to persons using sidewalks or paths when approaching from the rear.

#### **Sec. 90-221. Penalties.**

- (a) Any person who violates the terms of this Article in the operation of a PTV, LSV, or ATV (as defined herein) on the public roads of the City shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in Sec. 1-12 of the Code of Griffin, Georgia.
- (b) In addition to enforcing sanctions against the operator, any violation of this Article may also be charged against the owner of the vehicle, and fines and penalties levied against the owner of the vehicle as follows:
  - (1) For the first offense, a fine of not to exceed \$250.00;
  - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$500.00; and
  - (3) For a third offense committed within one year of conviction for a second offense for a vehicle, a fine of not to exceed \$1,000.00, and if a personal transportation vehicle, the city registration shall be revoked. The registered owner cannot thereafter register a PTV for use in the city for a period of two years following the third conviction. Additionally, such person shall be prohibited from operating a personal transportation vehicle on the public roads, recreation paths, rights-of-way, or other public property within the City for a period of two years.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this

amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective upon second and final reading.

First Reading: September 13, 2016

Second Reading: September 27, 2016