

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 12. MOTOR VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF CARTERSVILLE BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLE USE ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF OTHER VEHICLES ON DESIGNATED PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY TO BE USED BY SUCH MOTOR VEHICLES; TO PROVIDE FOR PLACES OF CROSSING HIGHWAYS AND PUBLIC ROADS; TO PROVIDE FOR REGISTRATION REQUIREMENTS; TO PROVIDE FOR LICENSING REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

SECTION ONE

Chapter 12. Motor Vehicles and Traffic of the Code of Ordinances of the City of Cartersville is amended by deleting Article V--X Reserved in its entirety and replacing it as follows:

1
Article V

Sec. 12-136. Short Title.

This Article shall be known as the “Cartersville Community Transportation Vehicle Ordinance.”

Sec. 12-137. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter “public roads”) and the City of Cartersville in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Cartersville that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads is safe or advisable 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 motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed 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 of Cartersville has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Cartersville.

Sec. 12-138. 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 shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

Bicycle shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

Dealer shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

Electric personal assistive mobility device (EPAMD) shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.6).

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

Low-Speed Vehicle (LSV) shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

Moped shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

Motorized Cart shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

Motor Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

Pedestrian shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

Personal Transportation Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

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 of Cartersville, including streets and alleys.

Sidewalk means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians.

Recreation Path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the later lines of a railway, and the adjacent property lines, or in any other designated public right-of-way or public property designated as a Recreation Path.

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

Valid Motor Vehicle 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.

Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 12-139. Nomenclature.

Any personal transportation vehicle, as defined by this Article, which also qualifies as a motorized cart, as defined by this Article, shall only be considered a motorized cart under this Article and be subject only to the requirements, including registration, equipment, and inspections for motorized carts under this Article.

Sec. 12-140. Motorized Cart Registration.

- (a) A fee of \$15.00 to register each and every motorized cart for use on public roads will be charged by the City of Cartersville to cover the costs of implementing and maintaining this Article. It shall be the duty of every owner of a motorized cart that is operated on public roads, rights-of-way or other public property in the jurisdiction of the City of Cartersville to register the motorized cart with the city within ten (10) business days of the date of purchase. Registration is valid for one (1) year from date of issue and is required to be renewed annually.
- (b) Registration with the City of Cartersville shall include a record of the model, make, any vehicle identification number or serial number on such motorized cart,

the name and address of the owner, a contact phone 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 of Cartersville each motorized cart shall be issued a license decal from the city signifying such registration. The decals must be affixed to the driver's side of the motorized cart in such a manner as to be visible at all times and shall remain permanently with such motorized cart unless the motorized cart is sold or the license is destroyed.
- (d) The failure to have a current registration license decal affixed to a motorized cart for use on public roads, rights-of-way or other public property in the City of Cartersville shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 12-152.
- (e) If the motorized cart for use on public roads, rights-of-way or other public property is not registered with the city within ten (10) business days of purchase it shall be considered and unregistered motorized cart and subject the owner of such motorized cart to penalties set forth in Section 12-152. Furthermore, any motorized cart for use on public roads not registered within ten (10) business days of purchase shall be assessed a late registration fee of \$15.00.
- (f) The decal issued by the city shall be non-transferrable from the motorized cart for which it was obtained.
- (g) Upon transfer of the motorized cart to the ownership of another person, the registration must be transferred to the new owner within ten (10) business days of the change in ownership at a cost of \$15.00. If the registration is not transferred within ten (10) business days it shall be considered and unregistered motorized cart and subject the owner of such motorized cart to penalties set forth in Section 12-152. Furthermore, any motorized cart for use on public roads not registered within ten (10) business days of purchase shall be assessed a late registration fee of \$15.00.
- (h) Motorized cart dealers and distributors, along with other commercial establishments, may rent motorized carts to the public for use on designated public roads, rights-of-way or other public property. Each such establishment renting motorized carts shall be required to register each such motorized cart in accordance with this section and shall maintain a written record of each person who rents each cart. Renters shall be required to furnish positive identification, shall be provided a copy of this Article to read, and must be at least sixteen (16) years of age. The registration fee and transfer fees and regulations, along with all licensing and operation regulations shall be consistent with the provisions of this Article as pertains to motorized carts.

- (i) Only those persons sixteen (16) years of age and older may register a motorized cart. Motorized cart registration may be in one person's name only, and the registration form must be signed by that person.
- (j) Any owner or operator registering a motorized cart with the city agrees to abide by all of the requirements of state law and this code. By registering a motorized cart with the city, the owner or operator verifies that the vehicle qualifies to be classified as such under state law and this code.
- (k) The City Council may, at its discretion, and by resolution, 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. 12-141. Personal Transportation Vehicle Equipment and Inspections.

- (a) All personal transportation vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of 40-6-330.1, specifically and in general Chapter 8, Title 40 of the Official Code of Georgia Annotated.

Sec. 12-142. Personal Transportation and Low-Speed Vehicle Registration.

- (a) Any personal transportation vehicle which does not also qualify as a motorized cart, low-speed vehicle, or other motor vehicle required to be registered by Georgia law shall register such motor vehicle with the State of Georgia, as required by law, before being allowed to operate within the boundaries of the City of Cartersville.
- (b) Only registered personal transportation vehicles and low-speed vehicles may be operated on designated public property within the boundaries of the city, subject to limitations provided in this Article.

Sec. 12-143. Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, rights-of-way or other public property of the city.
 - (1) The designated public roads shall include all public roads within the jurisdiction of the city which have a speed limit of twenty-five (25) miles per hour or less and are designated as a local street by the City of Cartersville Street Classification Map or on other public roads as the Mayor and City Council shall approve.

- (2) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Article, by this subsection, or by state law, and does not include the following: Recreation Paths.
- (b) Motorized carts shall not be operated on sidewalks at any time.
 - (c) No person shall operate a motorized cart on a public road of the City of Cartersville unless that road is designated for motorized cart use by this Article and appropriate signs giving notice are posted along the public road. The city shall post appropriate signs directing motorized carts and other explicitly allowed vehicles to cross only at designated crossings.
 - (d) No motorized cart may cross any street, road or highway which is part of the state highway system unless such crossing is made at a crossing or intersection designated for that purpose by the Department of Transportation.
 - (e) Motorized carts may cross streets, roads and highways which are part of the City of Cartersville street system and used by other types of vehicles only at crossings or intersections designated for that purpose by the city.

The city council may designate such crossings or intersections from time to time by resolution.

- (f) Motorized carts may only be operated on public roads, rights-of-way or other public property which are part of the City of Cartersville street system during daylight hours unless the motorized cart complies with equipment regulations which may be promulgated by the Commissioner of Public Safety of the State of Georgia.
- (g) Motorized cart owners shall maintain their motorized carts in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the motorized cart is in operation on public roads.
- (h) The maximum occupancy of a motorized cart traveling on public roads, sidewalks, paths, rights-of-way or other public property shall be one person per designated seat.
- (i) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, rights-of-way or other public property of the city.

Sec. 12-144. Personal Transportation Vehicle, Low- Speed Vehicle and All-Terrain Vehicle Operation Regulations.

- (a) Personal transportation vehicles which are not also motorized carts may only be driven on designated rights-of-way or other public property of the city.
 - (1) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Article, by this subsection, or by state law, and does not include the following: Recreation Paths.
- (b) Only personal transportation vehicles which also qualify as a motorized cart may be operated on the public roads within the territorial boundaries of the city. Such personal transportation vehicles must comply with all of the requirements for motorized carts under state law and this Article.
- (c) Personal transportation vehicles and low-speed vehicles shall not be operated on sidewalks at any time.
- (d) Personal transportation vehicles which do not also qualify as motorized carts may only be operated on designated rights-of-way within the boundaries of the city and may only cross public roads which are part of the City of Cartersville street system at Department of Transportation designated crossings of the state highway system.
- (e) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, sidewalks, paths, rights-of-way or other property accessible to the public in the city. Where paths exist for personal transportation vehicles they must be used in preference to parallel roads with the exclusion of privately held paths.
- (f) Any low-speed vehicle being operated on the highways of the state, including city roads and rights of way, shall display an amber strobe light which shall be visible under normal atmospheric conditions from a distance of 500 feet from the front and rear of such vehicle
- (g) No low-speed vehicle shall be permitted to operate on any public road within the territorial boundaries of the city where the posted speed limit exceeds 35 miles per hour. Except as prohibited by law, low-speed vehicles shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour as long as the low-speed vehicle is traveling from one street with a posted speed limit of 35 miles per hour or less to another street with a posted speed limit of 35 miles per hour or less.

- (h) No all-terrain vehicle shall be permitted to operate on any public roads, sidewalks, rights-of-way or other public property of the city. Violations will be prosecuted under the Code of Georgia, Title 40, Chapter 7, pertaining to “off-road vehicles”.

Sec. 12-145. Gasoline-Powered Motorized Carts and Personal Transportation Vehicles.

- (a) Every gasoline-powered motorized cart and 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 exhaust pipes or include any and all parts specified by the manufacturer.
 - (2) The exhaust system in its own shall be securely fastened, including the consideration of missing or broken brackets or hangers.
 - (3) The engine and power mechanism of every gasoline-powered motorized cart or personal transportation vehicle shall be so equipped, adjusted, and tuned, as to prevent the escape of excessive smoke or fumes.
- (b) It shall be unlawful for the owner of any gasoline-powered motorized cart or personal transportation vehicle to operate or permit the operation of such gasoline-powered motorized cart or personal transportation vehicle on which any device controlling or abating atmospheric conditions, which is placed on the gasoline-powered motorized cart or personal transportation vehicle by the manufacturer, to render the device unserviceable by removal, alteration, or other interference with its operation.
- (c) All gasoline-powered motorized carts or personal transportation vehicles shall be maintained in working order and kept in good condition and shall be subject to inspection by city officials at reasonable times and intervals.
- (d) All gasoline-powered motorized carts or 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 noise as a result of an operators equipping the gasoline-powered motorized cart or personal transportation vehicle with a certain device.

Sec. 12-146. Motorized Cart Operator Licensing Regulations.

- (a) Those persons possessing a valid motor vehicle 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 highways of the state may

operate and drive a motorized cart on designated public roads, rights-of-way or other permitted public property of the city.

- (b) Those persons who are sixteen (16) years of age or older but do not hold a valid motor vehicle driver's license may drive a motorized cart on the on designated public roads, rights-of-way or other public property of the city if they are accompanied by a person at least eighteen (18) years of age who holds a valid motor vehicle driver's license.
- (c) No person under the age of sixteen (16) years shall be permitted to operate a motorized cart on designated public roads, rights-of-way or other public property of the city.
- (d) Those persons who are eighteen (18) years of age and older, possessing a valid photo identification card indicating their age may drive a motorized cart on designated public roads, rights-of-way or other public property of the city without possessing a valid motor vehicle driver's license.

Sec. 12-147. Personal Transportation and Low-Speed Vehicle Operator Licensing Regulations.

Only those persons possessing a valid motor vehicle 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 which does not also qualify as a motorized cart or low-speed vehicle on the public roads within the territorial boundaries of the city.

Sec. 12-148. Recreation Path Users – Authorized.

Authorized users of recreation paths are as follows:

- (a) Pedestrians;
- (b) Non-motorized vehicles;
- (c) Roller skates, roller blades, non-powered scooters and skateboarders (daylight only);
- (d) Emergency and authorized maintenance vehicles;
- (e) Bicycles;
- (f) Wheelchairs; and

(g) Any handicapped transportation as authorized by the Parks and Recreation Director.

Sec. 12-149. Recreation Path Users – Prohibited.

- (a) Automobiles and trucks (except authorized emergency and maintenance vehicles);
- (b) Motorcycles;
- (c) Motorized Bicycles;
- (d) Mopeds;
- (e) Horses;
- (f) Go-carts;
- (g) Motorized carts;
- (h) Personal transportation vehicles;
- (i) Motorized scooters;
- (j) Low-speed vehicles; and
- (k) All-terrain vehicles.

Sec. 12-150. Insurance.

- (a) The owner or operator of a motorized cart is liable for his or her own actions. Any person who operates or owns a motorized cart is responsible for procuring liability insurance and verifying coverage in terms enough to cover risk involved in using such motorized cart on designated public roads, rights-of-way or other public property of the city.
- (b) The owner or operator of a personal transportation vehicle which does not also qualify as a motorized cart shall keep proof or evidence of required minimum insurance coverage in the personal transportation vehicle at all times during the operation of the motor vehicle as required by state law.
- (c) The owner or operator of a low speed vehicle shall keep proof or evidence of required minimum insurance coverage in the low speed vehicle at all times during the operation of the motor vehicle as required by state law.

Sec. 12-151. 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) Persons crossing recreation paths should always give due consideration and reasonable right of way to other users of the recreation path to ensure safe passage for all parties.
- (c) A warning or announcement shall be given by persons crossing recreation paths when approaching slower moving parties from the rear. The warning or announcement may be verbal, but it is recommended that users operating vehicles utilize an audible warning device, such as a horn or bell.
- (d) All operators and passengers of motorized carts, low-speed vehicles, personal transportation vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.

Sec. 12-152. Penalties.

- (a) Any person who violates the terms of this Article shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in the Code of Ordinance of the City of Cartersville, Georgia.
- (b) In addition to enforcing sanctions against the operator, any violation of this Article shall be charged against the registered owner of the vehicle, and all fines and penalties shall be levied against the registered owner of the vehicle as follows:
 - (1) For the first offense, a fine of not to exceed \$100.00;
 - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$250.00; 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 motorized cart the registered owner's motorized cart city registration shall be revoked. The registered owner cannot thereafter register a motorized cart for use in the city for a period of two years following the third conviction. Additionally, such person shall be prohibited from operating a motorized

cart or personal transportation vehicle on the public roads, rights-of-way, or other public property for a period of two years.

- (c) Any violation by an operator of a low-speed vehicle shall be charged against the operator according to the provisions of Title 40 of the Official Code of Georgia and this Code. Any violation by an owner of a low-speed vehicle shall be charged against the owner according to the provisions of Title 40 of the Official Code of Georgia and this Code.
- (d) Any violation by and operator of a personal transportation vehicle, EPAMD, or other motor vehicle may be charged against the operator according to this Code or according to the provisions of Title 40 of the Official Code of Georgia.

2.

Article VI---X. Reserved

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

First Reading:_____

Second Reading:_____

BE IT AND IT IS HEREBY ORDAINED

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK