

ORDINANCE NO. 12-10

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF AVONDALE ESTATES RELATING TO TRAFFIC AND VEHICLES; TO PROVIDE FOR THE USE OF MOTORIZED CARTS, PERSONAL TRANSPORTATION AND LOW SPEED VEHICLES ON CERTAIN DESIGNATED PUBLIC ROADS, TO DESIGNATE PUBLIC ROADS TO BE USED BY SUCH MOTOR VEHICLES; 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.

**WHEREAS**, the City of Avondale Estates is charged with ensuring the safety, health and welfare of the citizens of the City; and

**WHEREAS**, the City of Avondale Estates has heretofore adopted an ordinance for Traffic and Vehicles, as set forth in Chapter 18 of the Code of the City of Avondale Estates (the "Code"); and

**WHEREAS**, the Board of Mayor and Commissioners of the City of Avondale Estates, in an effort to improve the air quality in the City as well as conserve energy and enhance the sustainability and safety of the citizens of the City desire to authorize the use of motorized carts, personal transportation, low speed and other vehicles for use on City streets; and

**WHEREAS**, the Board of Mayor and Commissioners also desire to amend Chapter 18 of the City Code in order to regulate the use of such motorized carts, personal transportation, low speed and other vehicles within the limits of the City to ensure safety and proper operation, safe equipment and compliance with all applicable laws of the City and the State as to registration and safe driving.

**WHEREAS**, public safety and State law prohibit the operation of motorized carts, personal transportation, low speed and other vehicles upon U.S. 278.

**NOW THEREFORE,** The Board of Mayor and Commissioners of the City of Avondale Estates hereby ordain as follows:

Chapter 18, Traffic and Vehicles, of the Municipal Code of the City of Avondale Estates is amended by adding a new Article, to be numbered Article VII, to read as follows:

**Article VII: Motorized Carts, Personal Transportation, Low Speed and Other Vehicles**

**Sec. 18-181. Findings and Intent.**

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation, low speed 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 Avondale Estates 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 Avondale Estates that operation of motorized carts, personal transportation, low-speed 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, low speed 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 Avondale Estates has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation, low speed and similar vehicles on roads, sidewalks, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation, low speed 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, low-speed and other similar vehicles on the roads of the City of Avondale Estates.

**Sec. 18-182. 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* means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control. All-Terrain Vehicles are prohibited by Section 18-173.



*Bicycle* means every device propelled by human power upon which any person may ride, having only two wheels which are in tandem and either of which is more than 13 inches in diameter.

*Dealer* means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state.

*Electric personal assistive mobility device (EPAMD)* means a self-balancing, two nontandem 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.



*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 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.



*Moped* means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

*Motorized Cart (MC)* means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour. All-Terrain Vehicles are prohibited by Section 18-173.



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

*Pedestrian* means any person afoot.

*Personal Transportation Vehicle (PTV)* means 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.



*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 Avondale Estates, 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.

*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* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

#### **Sec. 18-183. Nomenclature.**

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

#### **Sec. 18-184. Motorized Cart, Personal Transportation and Low Speed Vehicle Registration.**

- (a) A one-time fee of \$10.00 to register each and every motorized cart, personal transportation and low speed vehicle for use on public roads will be charged by the City of Avondale Estates to cover the costs of implementing and maintaining this Article. It shall be the duty of every owner of a motorized cart, personal transportation and low speed vehicle that is operated on public roads in the jurisdiction of the City of Avondale Estates to register the motorized cart,

personal transportation and low speed vehicle with the City within ten (10) business days of the date of purchase. The registration form shall be supplied by the City.

- (b) Registration with the City of Avondale Estates shall include a record of the model, make, any vehicle identification number or serial number on each motorized cart, personal transportation and low speed vehicle, 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 City Clerk.
- (c) Upon registration with the City of Avondale Estates, a license decal from the City shall be issued signifying such registration. The decals must be affixed to the rear of each motorized cart, personal transportation and low speed vehicle in such a manner as to be visible at all times and shall remain permanently with such motorized cart, personal transportation and low speed vehicle unless it is sold or the license is destroyed.
- (d) The failure to have a current registration license decal affixed to a motorized cart, personal transportation or low speed vehicle for use on a public road in the City of Avondale Estates shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 1-8.
- (e) If the motorized cart, personal transportation or low speed vehicle for use on public roads is not registered with the City within ten (10) business days of purchase it shall be considered unregistered and subject the owner to penalties set forth in Section 1-8. Furthermore, each motorized cart, personal transportation and low speed vehicle for use on public roads not registered within ten (10) business days of purchase shall be assessed a late registration fee of \$5.00.
- (f) The decal issued by the City shall be non-transferrable from the motorized cart, personal transportation or low speed vehicle for which it was obtained.
- (g) Only those persons 18 years of age and older with a valid vehicle driver's license may register a motorized cart, personal transportation or low speed vehicle. Registration may be in one person's name only, and the registration form must be signed by that person.
- (h) Any owner or operator registering a motorized cart, personal transportation or low speed vehicle with the City agrees to abide by all of the requirements of State law and this code. By registering a motorized cart, personal transportation or low speed vehicle with the City, the owner or operator verifies that the vehicle qualifies to be classified as such under State law and this code.
- (i) The City Manager may, at his/her discretion waive registration requirements for special events of a limited duration to which out-of-city residents may bring

motorized carts, personal transportation and low speed vehicles as participants. Such special events shall last no longer than seven calendar days.

**Sec. 18-185. Motorized Cart, Personal Transportation and Low Speed Vehicle Equipment and Inspections.**

- (a) All motorized carts, personal transportation and low speed vehicles shall have a braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake, a reverse warning device functional at all times when the directional control is in the reverse position, a main power switch which shall render the power circuit inoperative when the switch is in the 'off' position or the key or other activating device is removed, such key or other activating device only being removable in the 'off' position, head lamps, reflex reflectors, tail lamps, a horn, a rearview mirror, safety warning labels, and hip restraints and hand holds. Head lights and tail lamps must be on at all times.
- (b) Any low-speed vehicle being operated on the highways of the State, including public City roads, 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.
- (c) All personal transportation and low speed vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of Article 1, Chapter 8, Title 40 of the Official Code of Georgia Annotated.

**Sec. 18-186. Gasoline-Powered Motorized Carts, Personal Transportation and Low Speed Vehicles.**

- (a) All gasoline-powered motorized carts, personal transportation and low speed vehicles 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, personal transportation or low speed 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, personal transportation or low speed vehicle to operate or permit the operation of such gasoline-powered motorized cart, personal transportation or low speed

vehicle on which any device controlling or abating atmospheric conditions, which is placed on the gasoline-powered motorized cart, personal transportation or low speed vehicle by the manufacturer, to render the device unserviceable by removal, alteration, or other interference with its operation.

- (c) All gasoline-powered motorized carts, personal transportation and low speed 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, personal transportation and low speed 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 operator equipping the gasoline-powered motorized cart, personal transportation or low speed vehicle with a certain device.

**Sec. 18-187. 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 Avondale Estates.
- (b) Only registered personal transportation and low speed vehicles may be operated on public roads within the boundaries of the City, subject to limitations provided in this Article.

**Sec. 18-188. Motorized Cart, Personal Transportation and Low Speed Vehicle Operation Regulations.**

- (a) Motorized carts, personal transportation and low speed vehicles may only be driven on designated public roads, in the City.
  - (1) The designated public roads shall include all public roads within the jurisdiction of the City, excluding U.S. 278.
- (b) Motorized carts, personal transportation and low speed vehicles shall not be operated on sidewalks, in parks,, playgrounds, greenspace, City right-of-way (aside from public streets), or front yards.
- (c) Motorized carts, personal transportation or low speed vehicles may not cross U.S. 278 or any other street, road or highway which is part of the state highway system.

- (d) Motorized carts, personal transportation and low speed vehicles may cross streets and roads which are part of the City of Avondale Estates street system and used by other types of vehicles.
- (e) Motorized cart, personal transportation and low speed vehicle owners shall maintain their motorized carts, personal transportation and low speed vehicles 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, personal transportation and low speed vehicle is in operation on public roads.
- (f) The maximum occupancy of motorized carts, personal transportation and low speed vehicles traveling on public roads, shall be one person per designated seat.
- (g) All operators of motorized carts, personal transportation and low speed vehicles shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads.
- (h) Any low-speed vehicle being operated on the highways of the state, including public City roads, 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.
- (i) 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. 18-189. Motorized Cart, Personal Transportation and Low Speed Vehicle Operator Licensing Regulations.**

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 motorized carts, personal transportation and low speed vehicles on designated public roads.

**Sec. 18-190. 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.
- (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. 18-191. Hazardous Activities and Special Rules.**

- (a) Blocking of public access to any public roads, sidewalks,, rights-of-way or other public property of the City shall be prohibited, except for permitted events.
- (b) All operators and passengers of motorized carts, personal transportation and low speed vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.
- (c) Racing in any form shall be prohibited, except for special events approved by the City.
- (d) Reckless or aggressive driving, or loitering shall be prohibited.
- (e) All laws and ordinances relative to alcohol and its use, including open container laws which apply to traffic on the streets in the City, shall also apply to drivers and occupants of motorized carts, personal transportation vehicles and low speed vehicles.
- (f) The number of occupants in a motorized cart, personal transportation or low speed vehicle shall be limited to the number of persons for whom the factory seating is installed and provided.
- (g) All operators and passengers must remain seated at all times during the movement and/or operation of motorized carts, personal transportation and low speed vehicles. No parts of the bodies of any operator or passenger shall extend outside the perimeter of the vehicle while it is being operated.
- (h) No driver shall operate a motorized cart, personal transportation or low speed vehicle between lanes of traffic or between adjacent lines of rows of vehicles.
- (i) No motorized cart, personal transportation or low speed vehicle shall be parked on sidewalks, in parks, in playgrounds, on greenspace, on City right-of-way (except public roads), in front yards or as determined by the City Manager at any time.

**Sec. 18-192. 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, City of Avondale Estates, Georgia.
- (b) Whenever a vehicle is involved in a third violation of this Article within any ten year period, the motorized cart, personal transportation or low speed vehicle City registration shall be revoked. The registered owner cannot thereafter register any motorized cart, personal transportation or low speed vehicle 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, personal transportation or low speed vehicle on the public roads 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.
- (d) Any violation by an operator of a personal transportation vehicle 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.

SECTION TWO

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

SECTION THREE

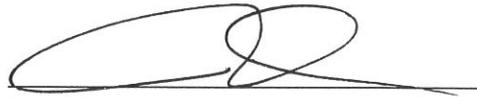
If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

1<sup>ST</sup> READING: 10/22/12  
2<sup>ND</sup> READING: 11/12/12  
3<sup>RD</sup> READING: 12/17/12

SO ORDAINED, this 17<sup>th</sup> day of December, 2012



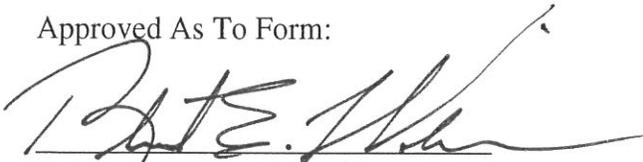
Mayor Ed Rieker  
City of Avondale Estates

ATTEST:



Juliette Sims-Owens  
City Clerk

Approved As To Form:



Robert E. Wilson, City Attorney