

**AN ORDINANCE**

AN ORDINANCE, AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 90, TRAFFIC AND VEHICLES, ARTICLE XI, PERSONAL TRANSPORTATION VEHICLE, TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR REGULATION OF PERSONAL TRANSPORTATION VEHICLES OPERATING WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF GRIFFIN; PROVIDE FOR A SYSTEM OF REGISTRATION OF PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR REGULATION OF ALL-TERRAIN VEHICLE OPERATION REGULATION WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF GRIFFIN; TO PROVIDE FOR INSURANCE REQUIREMENTS FOR PERSONAL TRANSPORTATION VEHICLES AND LOW-SPEED VEHICLES OPERATING ON PUBLIC ROADS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF GRIFFIN; TO PROVIDE FOR PENALTIES FOR VIOLATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 hereby amended at Chapter 90, TRAFFIC AND VEHICLES, by amending Article XI, PERSONAL TRANSPORTATION VEHICLES, which hereafter shall include the following language:

“CODE OF GRIFFIN, GEORGIA

CHAPTER 90 – TRAFFIC AND VEHICLES

ARTICLE XI – PERSONAL TRANSPORTATION VEHICLES

**Sec. 90-210. – Findings and intent.**

This article is adopted to address the interest of public safety. “personal transportation vehicle” or “PTVs” and other similar vehicles are not generally designed or manufactured to be used on public highways, streets and roads (hereinafter, “public roads”). 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 public roads, 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 meanings ascribed to them in this section:

*All-terrain vehicle (ATV)* means any motorized vehicle designed by “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) and (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 (one 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:

- (1) Has the capability to transport persons, cargo, or both;

- (2) Operates between 25 miles per hour (40.2 kilometers per hour) and 50 miles per hour (80.4 kilometers per hour);
- (3) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments;
- (4) Is designed to travel on four or more wheels;
- (5) Uses a steering wheel for steering control;
- (6) Contains a non-straddle seat;
- (7) Has a gross vehicle weight rating of 4,000 pounds (1,814 kilograms); and
- (8) Has a minimum cargo capacity of 350 pounds (159 kilograms).

*Pedestrian* means any person travelling afoot.

*Personal transportation vehicle (PTV)* means:

- (1) 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
- (2) 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.

This term personal transportation vehicle 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. Lastly, this term does not include golf cars or carts which do not meet the equipment specifications set forth in Sec. 90-127 of this article.

*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, and 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. This definition is intended to include instructional permits for the operation of a noncommercial Class C vehicle provided that the person possessing the

instructional permit is, at all times during operation on public roads, accompanied by a person at least twenty-one (21) years of age who is (1) licensed to operate a noncommercial Class C vehicle on public roads; (2) fit and capable of exercising control over the vehicle; and (3) occupying a seat beside the driver possessing the instructional permit.

**Sec. 90-212. – Nomenclature; exemptions; exceptions.**

- (a) Any “motorized cart,” as defined under prior Code provisions or ordinances, and any personal transportation vehicle shall meet the requirements, including minimum equipment, as required by state law and this article, in order to legally 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 (PTV) for purposes of this article.
- (b) This article shall not apply to any motor vehicle, regardless of how classified, that is owned or leased by a government entity and used for government 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, recreational paths or other public property, 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 a PTV.**

- (a) *Annual registration.* 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 of Griffin Police Department within ten business days of purchase or first use on a Public Road, whichever comes first, and annually thereafter.
  - (1) 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, including physical address and mailing address, 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 City of Griffin Police Department.
  - (2) If the PTV is not registered with the city within ten business days of purchase or before first use on a Public Road within the city, whichever comes first, it shall be considered an unregistered PTV and subject the owner and/or operator of such PTV to penalties

set forth in Sec. 90-221. Furthermore, any PTV operated on public roads that is not registered within ten business days or before first use on a Public Road shall be assessed a late registration penalty of an additional \$15.00.

- (3) 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.
- (b) *Renewal.* Annual registration renewal shall occur between January 1 and April 1 of each year. If a PTV's registration is not renewed by April 1, it shall be considered an unregistered PTV, and the owner and/or operator of such PTV shall be subject to penalties as set forth in Sec. 90-221. Furthermore, any PTV operated on public roads that has not had its registration timely renewed shall be assessed a late registration penalty of \$15.00 in addition to the annual registration fee.
- (c) *Registration fee.* 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. The registration fee must be paid for each PTV. If initially registering after July 1 of the year, the fee will be \$7.50.
- (d) *Owner Relocation.* In the event that a registered personal transportation vehicles owner changes his/her address or contact information after the PTV is registered, that owner shall have thirty (30) days to provide their new contact information to the City of Griffin Police Department. If the owner's information is not updated within thirty (30) days of relocation, a \$15.00 penalty will be applied and the PTV shall be considered an unregistered PTV and subject the owner and/or operator to penalties as set forth in Sec. 90-221. This provision is not intended to apply to a change of ownership which would require a new registration as set forth in Sec. 90-213(a).
- (e) *Decal.* Upon registration, two numerical decals shall be issued evidencing such registration. The decals must be affixed to the sides of the PTV in such a manner as to be fully visible at all times. Upon renewal, and updated decals or an addendum to decals will be provided by the city and must be affixed to the sides of the PTV so as to be fully visible at all times. The failure to have the decals properly affixed on a PTV used on public roads, recreational paths or other public property shall be a violation of this article and subject the owner and/or operator of such PTV to the penalties set forth in Sec. 90-221. The decals issued by the city shall be non-transferrable from the PTV for which is it was obtained. Each newly acquired PTV must be registered and obtain its own decals.
- (f) *Cancellation of Registration.* In the event that a registered PTV is lost, stolen, totaled, junked, sold or otherwise relocated outside of the jurisdictional limits of the City such that it will no longer be operated on public roads of the City, it is the owner's duty to notify the City of Griffin Police Department within thirty (30) days of such event in order to cancel the registration for the PTV. If the PTV's registration is not cancelled and the PTV is later operated in violation of this article, the registered owner may be subject to penalties set forth in Sec. 90-221.

- (g) *PTV Rentals.* Personal transportation vehicle dealers and distributors, along with other commercial establishments, may rent PTVs to the public for use on public roads, rights-of-way or other public property. Each such establishment renting PTVs 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 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.
- (h) *Special Events.* The city manager may, at his or her discretion, waive registration requirements for special events of a limited duration to which out-of-city residents may bring personal transportation vehicles as participants. Such special events shall last no longer than seven calendar days.

**Sec. 90-214. – Personal transportation vehicle regulations.**

- (a) In addition to motor vehicles authorized by state law to operate on public roads as standard vehicular traffic, the following sub-classifications of motor vehicles may be operated on public roads within the jurisdictional limits of the City subject to the limitations set forth in this Article:
  - (1) Personal transportation vehicles (PTV) meeting the specifications set forth in this Article, including minimum equipment requirements set forth in Sec. 90-217; and
  - (2) Low-speed Vehicles (LSV) bearing a current state license tag and operated in accordance with O.C.G.A. Title 40, Part 5.
- (b) A PTV or LSV may be operated only on public roads within the jurisdictional limits of the city which have a posted speed limit of thirty-five (35) miles per hour or less. This does not prohibit crossing a street or highway where the road being crossed has a posted speed limit in excess of thirty-five (35) miles per hour, provided the crossing has been properly designated as a “cart crossing,” proper signage and signalization has been erected in accordance with the Manual on Uniform Traffic Control Devices, as adopted by the State of Georgia, and the road being crossed into has a posted speed limit of thirty-five (35) miles per hour or less.
- (c) 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.
- (d) No PTV may cross any public street, road, or highway on which the use of a PTV 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 PTVs may cross shall be controlled by a signalized traffic control device and posted with signage designating their use by PTVs.

- (e) PTVs and LSVs shall not be operated on sidewalks at any time.
- (f) Rights-of-way on the State Highway System and any public property owned or managed by government entities other than the City of Griffin are under the control of the state or respective government entity, and cannot be designated for authorized use by a PTV registered to operate within the City of Griffin, unless written consent has been given to the city by the state or other public entity to designate the property for PTV use.
- (g) 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.
- (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, the operator shall give hand and arm signals, as provided by O.C.G.A. § 40-6-125, when turning.
- (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 while 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.
- (l) All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on public streets of the city, shall also apply to personal transportation vehicles.

**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 such owner's 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 time 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 the 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, a personal transportation vehicle 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, as defined by this article, issued by the state, any other state of the United States of America, or an international agency, and which permits such person to operate a motor vehicle on the public roads of the state may operate a personal transportation vehicle or low-speed vehicle on the public roads within the jurisdictional limits of the city. This shall include such persons possessing a current and valid instructional permit entitling a person to operate a Class C vehicle upon public roads of the state, provided that a driver possessing an instructional permit and operating a PTV or LSV on public roads within the City must be accompanied by a person who is at least twenty-one (21) years of age who is licensed as a driver for a non-commercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver while the PTV or LSV is in operation on public roads.

**Sec. 90-219. – Insurance.**

- (a) The owner and operator of a personal transportation vehicle can be sued civilly for negligent operation of a PTV on public roads, recreational paths and other public property which could result in a monetary judgment against the owner and/or operator. For this reason, each PTV must be covered by liability insurance coverage in at least the same amount as would be required for a full-sized motor vehicle in Georgia. Proof or evidence of required minimum coverage shall be kept in the PTV at all times during the operation of the PTV.
- (b) As required by state law, the owner of a low speed vehicle shall procure motor vehicle liability insurance on the vehicle in the minimum coverages required for a full-sized motor vehicle in Georgia. Proof or evidence of required minimum coverage shall be kept in the LSV at all time during the operation of the LSV.
- (c) Failure to maintain minimum insurance on a PTV or LSV, or failure to maintain proof or evidence of required minimum insurance, shall be a violation of this article and shall subject the owner and/or operator to penalties in accordance with Sec. 90-221.

**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) An operator of PTV 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 a PTV operator 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 the PTV 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 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;
  - (3) For a third offense committed within one year of conviction for a second offense, a fine not to exceed \$1,000.00. Furthermore, the owner's personal transportation vehicle registration for City of Griffin shall be revoked. The registered owner who was convicted of the three offenses 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 jurisdictional limits of the city for a period of two years.
- (c) If a citation is issued for violation of uniform rules of the road citing to a state law for which Municipal Court has jurisdiction or if a citation related to the operation of a personal transportation vehicle is bound over to state court, where applicable, the state law penalties shall take precedence over the fee structure set forth in subpart (b) of this section. However, the city shall still have the right to revoke registration and bar an owner from registering or operating a PTV within the jurisdictional limits of the city for a period of two years, as set forth in subpart (b)(3) above, upon the third offense brought in either State or Municipal Court.

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. The city attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Board of Commissioners. The city secretary shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

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

First Reading:            June 14, 2022

Second Reading:        July 12, 2022