

CITY OF DULUTH
STATE OF GEORGIA

ORDINANCE

WHEREAS, the City Council of the City of Duluth hereby ordains that the Duluth Code is amended by adding: Chapter 18, Article XI Personal Transportation Vehicle.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains as follows:

Article XI– Personal Transportation Vehicles

Section 18-85 - Definitions.

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

(a)Personal transportation vehicle (to include golf carts meeting definition) means motor vehicle having not less than three (3) wheels in contact with the ground and unladen weight less than one thousand three hundred (1,300) pounds which is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour and any motor vehicle having no fewer than four (4) wheels and an unladen weight of one thousand three hundred seventy-five (1,375) pounds or less and which cannot operate at more than twenty (20) miles an hour. Such vehicles may also be referred to as 'motorized carts.' The term does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs and scooters that 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 multi-purpose off-highway vehicle.

(b)Driver's license means a valid license to operate a motor vehicle issued by the State of Georgia or any other state.

(c)Proof of insurance means documented (written) proof of liability insurance on the personal transportation vehicle (PTV) insuring against personal injury and damage to property of any nature relative to the operation of a personal transportation vehicle (PTV) on designated city streets and roads in an amount not less than required by Georgia law for motor vehicles operated on public highways in the State of Georgia.

Section 18-86 - Operation of Personal Transportation Vehicle (PTV).

The City of Duluth adopts O.C.G.A. §§ 40-6-330 through 40-6-369.1 and 40-6-371 "Standards for Operation of Personal Transportation Vehicles (PTV)." Provided all provisions of this article are followed, personal transportation vehicles as defined by O.C.G.A. § 40-1-1 (43.1), also known as motorized carts, may be operated on public roads within the areas designated herein that have a speed limit of twenty-five (25) miles per hour or less during the times specified in this Article.

Section 18-87 - Operator.

PTVs must always be operated by a licensed driver. Drivers with learner's permits may drive PTVs according to the same rules by which they may drive automobiles.

Section 18-88 – Parking/Driving on Sidewalks

PTVs are not permitted to be parked or operated in any way or any amount on a sidewalk, trail or other path unless official municipal signage expressly states otherwise or where the PTV is operated by City employees performing official business.

Privately owned PTVs may not travel on the sidewalk at any time unless official municipal signage expressly states otherwise or where the PTV is operated by City employees performing official business.

Section 18-89 - Time of Operation.

(a) Privately owned personal transportation vehicle (PTV) may be operated in designated areas of downtown on roads with a speed limit of 25 miles per hour or less only during officially designated City Events or Official City of Duluth Emergencies.

1. Level One Events: When the Mayor and Council designates an official City event as a "Level One Event" the use of PTVs shall be authorized within the area generally bounded by West Lawrenceville Street between Hill and Main Streets, Main Street between West Lawrenceville Street and Davenport Extension, Davenport Extension between Main Street and Hill Street, and Hill Street between Davenport Extension and West Lawrenceville Street. The entire paved length of Ridgway Road is included in this area as well as the parking lots along each of these corridors. Unless Main Street and West Lawrenceville Streets are closed to traffic, PTVs are not permitted on these roads as their speed limit exceeds 25 miles per hour. PTVs shall not be authorized to cross S.R.

120/Abbotts Bridge during Level One events.

- a. In order to facilitate the operation of large city sponsored or city co-sponsored events, co-sponsors or vendors may be granted a temporary PTV event registration authorizing the use of up to ten (10) PTVs. The registration requirements set forth in Section 18-97 shall not be required for PTVs receiving a temporary PTV event registration. Temporary PTV event registration shall authorize the use of designated PTVs only during the operation of the event. All of the rules for operation set forth in this ordinance and in state law shall apply to the use of PTVs operated under a temporary PTV event registration and the co-sponsor/vendor shall be responsible for informing PTV users of the applicable rules and laws for operation set forth herein. The cost of a temporary PTV registration is \$200 per event.

2. Level Two Events: When the Mayor and Council designates an official City event as a "Level Two Event" the use of PTVs shall be authorized within the area set forth above for Level One Events and within an additional area generally bounded by the Duluth High School Campus, Brock Road from Duluth High School to Main Street, Main Street from Brock Road to West Lawrenceville Street, Hill Street from West Lawrenceville Street to Brock Road, and back to the Duluth High School Campus. PTVs shall only be permitted at Level Two Events after attending a pre-event security briefing provided by the City. During Level Two event a PTV may cross SR 120/Abbotts Bridge only where a police officer is present at the crossing directing traffic.
3. During an officially declared Emergency, the Mayor of the City of Duluth may permit the use of PTVs on city streets. The Mayor may place certain restrictions on the use of PTVs during an emergency including but not limited to geography, time of day, and /or operating speeds.
 - (b) A personal transportation vehicle (PTV) may be operated only during daylight hours between one-half ($\frac{1}{2}$) hour before sunrise and one-half ($\frac{1}{2}$) hour after sunset unless equipped with two (2) operating headlights, tail lights, and brake lights that are visible from a distance of five hundred (500) feet. Personal transportation vehicle (PTV) shall not be operated at any time when there is insufficient light to clearly see persons or vehicles on the street or roadway at a distance of five hundred (500) feet.
 - (c) City owned personal transportation vehicles may be operated by City employees performing official business at any time.

Section 18-90 Equipment Requirements.

A gasoline powered personal transportation vehicle (PTV) shall be equipped with factory installed safety systems, including indicator for gasoline or propane leaks, a speed governor and 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(s) and exhaust pipe(s).
- (2) The exhaust system and its elements shall be securely fastened.
- (3) The engine of every cart shall be so equipped, adjusted and tuned, as to prevent the escape of excessive smoke or fumes.
- (4) Electric personal transportation vehicles (PTVs) shall be equipped with, at a minimum, all factory installed safety systems and a charge indicator for low battery.
- (5) All personal transportation vehicles (PTVs) regulated by this article shall be maintained in safe condition at all times.

Section 18-91

The number of occupants in a personal transportation vehicle (PTV) shall be limited to the number of persons for whom factory seating is installed and provided on personal transportation vehicle (PTV). The operator or any occupant shall be seated in the personal transportation vehicle (PTV) and no parts of the bodies of the operator or any occupant

shall extend outside the perimeter of the personal transportation vehicle (PTV) while the personal transportation vehicle (PTV) is being operated.

Section 18-92 - Traffic Rules

The operator of the personal transportation vehicle (PTV) shall comply with all traffic rules and regulations adopted by the State of Georgia (O.C.G.A. Title 40) and the City of Duluth which govern the operation of motor vehicles.

Section 18-93 - Hazardous Activities.

No individual or group shall engage in hazardous activities on the authorized roads. Such hazardous activities include, but are not limited to, the following:

- (a) Racing of any kind;
- (b) Blocking of public access;
- (c) Vehicles shall not loiter or park on roads, bridges or in underpasses;
- (d) Pedestrians should be given right-of-way to ensure safe passage;
- (e) An audible warning shall be given by operators of personal transportation vehicle (PTV) when approaching pedestrians from the rear;
- (f) All laws and ordinances relative to alcohol and the use thereof in a motor vehicle, including open container laws, apply to the operator and occupants of personal transportation vehicle (PTV).

Section 18-94 - Penalty.

A violation of any provision of this article shall constitute a violation of the Duluth City Code. An owner, lessee or operator may be cited to appear in the Duluth Municipal Court. Upon finding by such court that an owner, lessee, or operator of a personal transportation vehicle (PTV) has violated any provision of this article, such person shall be subject to a fine not to exceed \$200.00 for each offense, along with court costs in the amount that same now exists, or may hereafter be determined by ordinance or statute.

Section 18-95- Exclusions.

Owners or operators of personal transportation vehicle (PTV) upon private property, within the confines of a golf course or crossing a public street at a designated golf cart crossing shall not be subject to the requirements of this article.

Section 18-96 - Liability Disclaimer.

This section is adopted to address the interest of public safety. Personal transportation vehicle (PTV) are not designed or manufactured to be used on public streets, and the City of Duluth in no way advocates or endorses their operation on public streets or roads. The city, by regulating such operation is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon personal transportation vehicle (PTV) on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicycles, and pedestrians. The City of Duluth has no liability under any theory of liability and the city assumes no liability for permitting personal transportation vehicle (PTV) on public streets and roads. Any person

who owns or operates a personal transportation vehicle (PTV) is responsible for procuring liability insurance sufficient to cover the risk involved in using a personal transportation vehicle (PTV) on the public streets and roads.

Section 18-97 - Registration and Affidavit of Owner; Fee.

The owner of a personal transportation vehicle (PTV) must register the PTV with the city once every two (2) years for a fee of \$30.00.

As part of the registration process, each owner shall be required to sign an affidavit that the information provided by the owner on the registration form is true and correct to the best of his knowledge and that the owner will abide by all City of Duluth laws and regulations regarding ownership and operation of a PTV, as well as any applicable state law.

As part of the registration process, the owner of a personal transportation vehicle (PTV) must read and acknowledge the City of Duluth's PTV ordinance and rules for operation, and must agree to ensure any operator of the registered vehicle is familiar with and understands the same.

As part of the registration process, the owner of a personal transportation vehicle (PTV) must acknowledge and agree to ensure any operator of the registered vehicle is licensed and insured.

IT IS SO ORDAINED this 10TH day of May, 2021.

Mayor Nancy Harris

Those councilmembers voting in favor:

Marsha Anderson. Bomar, Post 1

Marline Thomas, Post 2

Billy Jones, Post 3

Kelvin J. Kelkenberg, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk