

MOTORIZED CART ORDINANCE

ORDINANCE NO. 573

ARTICLE IV. - MOTORIZED CARTS

Sec. 11-70. - Adopted.

There is adopted as and for the traffic regulations of the city with like effect as if recited herein, Chapter 6 of Title 40 of the Official Code of Georgia Annotated, known as the Uniform Rules of the Road, as fully as if same were set out herein including all future amendments to the aforesaid Uniform Rules of the Road.

Sec. 11-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

- A. Motorized cart* as used in this article is defined as an electric or gasoline powered motor vehicle, having four wheels and an unladen weight of one thousand three hundred (1,300) pounds or less, commonly called a golf cart, which is not designed for speeds in excess of twenty (20) miles per hour and designed to carry a maximum of six (6) persons.
- B. Driver* means the person driving and having physical control over a motorized cart.
- C. Owner* means the person holding title to the motorized carts who has a majority ownership interest in the motorized cart(s).
- D. Parking area* means those areas accessible to the public by motor vehicular traffic and which are designated for the temporary parking of motor vehicles, usually in places referred to as public parking lots/spaces.
- E. Authorized streets* means all such streets, roads and public rights-of-way which have been authorized for motorized cart travel approved by the Thomson City Council and are on file with the City Clerk. The list of authorized streets is subject to amendment from time to time by the Thomson City Council.

**Sec. 11-72. - Possession of driver's license while operating a motorized cart;
failure to exhibit license to law enforcement officer.**

- A. Every operator shall have a valid driver's license in their immediate possession at all times when operating a motorized cart.
- B. Every licensee shall present their license upon the request of a law enforcement officer. A refusal to comply with such request not only shall constitute a violation of this subsection but shall also give rise to a presumption of a violation of subsection (a) of this section and of O.C.G.A. § 40-5-20.

State Law reference— Failure to exhibit license, O.C.G.A. § 40-5-20

Sec. 11-73. - Registration.

A. Before any motorized carts may be operated over an authorized street or parking area of the city it shall be registered with and inspected by the Thomson Police Department or Department designated by the Thomson City Council. If the motorized cart(s) is compliant with local and state law, then a decal shall be issued from the city signifying its registration. The registration requirements include the following specifics:

- 1) Only those persons designated as the owner may register a motorized cart. If the ownership is in multiple names all parties shall sign the required forms.
- 2) The decal received from the City of Thomson upon registration shall be affixed to the front windshield so as to be plainly visible.
- 3) The registration application shall be made on a form supplied by the City and shall contain the following information for each motorized cart:
 - a. Name and address of owner.
 - b. Model, make, and identification number of the motorized carts.
 - c. Current driver's license information of owner.
 - d. Insurance information.
 - e. Other information as the City may require relating to the operations of the motorized cart of public roads.
- 4) The registration application shall be accompanied by a fee of \$15.00 per cart.
- 5) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of Georgia law for operational motor vehicles.
- 6) The registration shall be effective for twenty-four (24) months or until such time as revoked or the motorized cart(s) is transferred to a new owner.

7) It shall be the responsibility of the owner of the motorized carts to ensure the information on the application remains current and accurate.

B. The Thomson City Council may, at its discretion waive registration requirements for City sponsored special events or for government owned carts.

C. Motorized cart rental companies located within the city limits may register rental fleet carts annually subject to applicable occupational tax certificates.

Sec. 11-74. - Revocation.

The registration permit will be revoked if a driver of a motorized carts has been cited and found guilty of violating this article on two (2) or more occasions within a twenty-four (24) month period.

Sec. 11-75. - Transfer.

A. Upon transfer of ownership of the motorized cart to a person who intends to operate it over the authorized streets and parking areas, the new owner must register the motorized cart as outlined in this article. Such registration by the new owner must occur prior to operating the motorized cart on city streets.

B. It shall be deemed a violation to operate a motorized cart under a prior owners' unexpired permit.

Sec. 11-76. - Operation regulations.

A. Operation of motorized carts in the city shall comply in every respect with the requirements of state law, including, without limitation, the provisions of O.C.G.A. §§ 40- 6-330 and 40-6-331, minimum liability insurance requirements of O.C.G.A. § 33-7-11 and all other statutory regulations applicable to vehicular traffic and safety equipment.

B. Only persons possessing a valid driver's license or instruction permit issued by the State of Georgia, another state of the United States of America or an appropriate international agency shall be permitted to operate a motorized carts on the streets of the city and may only operate a motorized carts subject to all conditions and limitations of such driver's

license or instruction permit generally applicable to operation of other motor vehicles, including, but not limited to, the limitations of O.C.G.A. § 40-5-24.

- C. Motorized carts shall not be operated on streets within the city for which the posted speed limit is over thirty-five (35) miles per hour, nor on or across any street on which such operation is determined by the mayor and council to be otherwise unsafe. All prohibited streets shall be adopted by the City Council and placed on file in the Office of the City Clerk.
- D. A motorized carts shall not be operated on the sidewalks or within the right of ways unless specifically permitted with proper signage.
- E. All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- F. No driver shall operate a motorized carts between lanes of traffic or between adjacent lines or rows of vehicles.
- G. No motorized cart shall be operated within the medians or turn lanes unless making an immediate turn.
- H. The driver of a motorized cart operating on an authorized street may cross a multi-lane road only at a signalized intersection designated for such purpose.
- I. No motorized cart shall be operated over, along, or across state roads. State roads may only be crossed by motorized carts at crossings or intersections designated for the purpose by the Georgia Department of Transportation.
- J. A motorized cart may be operated over authorized streets only during daylight hours unless such motorized carts is equipped with functional headlights and taillights.
- K. All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the city shall also apply to drivers and occupants of motorized carts.

L. All drivers and passengers must remain seated at all times during the operation of the motorized cart. No person may sit on the driver's lap during the operation of the motorized cart.

M. Motorized carts shall not be used for commercial purposes such as but not limited to: taxi services, sales of goods, delivery services, or hauling freight.

N. Motorized carts shall not be used for the primary purpose of advertising for goods or services for sale.

Sec. 11-77. — Special provisional operations.

Individuals who are 12 years of age but not yet hold a license may drive a motorized cart on designated streets as provided in this article if they are accompanied in the front seat by a licensed family member or legal guardian.

Special provisional drivers shall be authorized to operate a motorized cart during daylight hours under clear weather conditions.

Sec. 11-78. - Minimal equipment required.

Each motorized carts shall be equipped with the following safety devices:

- A. A braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake.
- B. A reverse warning device functional at all times when the directional control is in the reverse position.
- C. 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.
- D. Windshield
- E. Head lamps

F. Tail lamps

G. A horn

H. A rearview mirror

I. Hip restraints.

Sec. 11-79. - Liability.

- A. Nothing in this article shall be construed as an assumption of liability by the City of Thomson for any injuries to persons or property which may result from the operation of a motorized cart or by the failure of the City to revoke said permit.
- B. The owner and/or operator of a motorized cart is liable for their 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 or other public property of the city.
- C. The owner or operator of 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.
- D. Operation of motorized carts in the city shall comply in every respect with the requirements of Georgia law, including, without limitation, the provisions of O.C.G.A. Sections 40-6-330 and 40-6-331, and all other statutory regulations applicable to vehicular traffic and safety equipment.

State Law reference— Uninsured motorist coverage under motor vehicle liability policies, O.C.G.A. § 33-7-11

Sec. 11-80. Limitation and exemptions.

- A. Nothing in this chapter shall be construed to authorize the use of off road vehicles or all-terrain vehicles on designated streets or in public recreation areas.

- B. This article shall not apply to motorized carts operated upon private property with the consent of the property owner.
- C. The operation of motorized carts in connection with a parade, festival, or other special event sponsored by the city, is authorized when a special permit is obtained.
- D. The use of motorized carts by city/county employees while on official business on city/county controlled property, including cemeteries, parks, green space, and other public property as needed is authorized.

Sec. 11-81. Reserved

Sec. 11-82. - Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this article shall be punished by a fine of not more than one hundred dollars (\$100.00).

Adopted, this 26th day of October, 2020, following approval of a first and second reading.

APPROVED: _____

Kenneth L. Usry, Mayor

ATTEST: _____

Lucretia W. Ferguson, City Clerk

(CITY SEAL)

First Reading: September 10, 2020

Second Reading: October 26, 2020