

STATE OF GEORGIA)

COUNTY OF CHATHAM)

AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 82, SECTION 82-40 OF THE CODE OF ORDINANCES FOR THE CITY OF POOLER BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RECREATION PATHS, 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, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RECREATION PATHS, 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.

I.

Article II, Chapter 82, of the Code of Ordinances for the City of Pooler is amended by adding a new Article, to be numbered Article II 82.40 , which shall include the following language:

Article II, Chapter 82 Section 40

Sec. 82-40. Short Title.

This Article shall be known as the "Pooler Motorized Cart & Community Transportation Vehicle Ordinance."

Sec. 82-40.1. 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 Pooler 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 Pooler 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 Pooler 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, recreation paths, 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 Pooler.

Sec. 82-40.2. 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. **OR All-Terrain Vehicle** shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

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

Dealer means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state. **OR Dealer** shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

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 (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 and ridden by an operator who weighs 170 pounds. **OR 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) 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. **OR Low-Speed Vehicle (LSV)** shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

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

Motorized Cart means every motor vehicle having no less than three wheels and an unladen weight on 1,300 pounds or less and which cannot operate at more than 20 miles per hours. **OR Motorized Cart** shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

Motor Vehicle means every vehicle which is self-propelled other than an electric personal assistive mobility device (EPAMD). **OR Motor Vehicle** shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

Pedestrian means any person afoot. **OR Pedestrian** shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

Personal Transportation Vehicle 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. **OR 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 Pooler, 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 by signs for shared use by motorized carts, personal transportation vehicles, EPAMD vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City Council.

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

Sec. 82-40.3 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. 82-40.4 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 Pooler 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, recreation paths, rights-of-way or other public property in the jurisdiction of the City of Pooler to register the motorized cart with the city within ten (10) business days of the date of purchase, or upon establishing residency in Pooler. The registration shall remain in effect during the duration of the original owner. Upon sale or transfer a new registration will be required.
- (b) Registration with the City of Pooler 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 Pooler Police Department.
- (c) Upon registration with the City of Pooler each motorized cart shall be issued a license decal from the city signifying such registration. The decals must be affixed according to the instructions provided by the Pooler Police Department at time of registration. Decal shall be visible from the front left "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 removed from operation.
- (d) The failure to have a current registration license decal affixed to a motorized cart for use on public roads, recreation paths, rights-of-way or other public property in the City of Pooler shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 82-41.
- (e) If the motorized cart for use on public roads, recreation paths, rights-of-way or other public property is not registered with the city within ten (10) business days of purchase it shall be considered an unregistered motorized cart and subject the owner or operator of such motorized cart to penalties set forth in Section 82-41. 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 \$50.00.
- (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 an unregistered motorized cart

and subject the owner of such motorized cart to penalties set forth in Section 82-41. 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 \$50.00.

- (h) Motorized cart dealers and distributors, along with other commercial establishments, may rent motorized carts to the public for use on designated public roads, recreation paths, 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 18 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 18 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 two calendar days.

Sec. 82-40.5 Personal Transportation Vehicle Equipment and Inspections.

- (a) All personal transportation 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.
- (b) All personal transportation 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. 82-40.6 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 Pooler.

- (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. 82-40.7 Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, recreation paths, 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 or on other public roads as the Mayor and City Council shall approve. This ordinance specifically excludes any operation on, or traversing or crossing the following streets:
 - (a) US Highway 80
 - (b) Pooler Parkway.
 - (2) Designated recreation paths only includes recreation paths which are designed to accommodate motorized carts where a sign has been posted advising that motorized carts are allowed.
 - (3) 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 Chapter, by this subsection, or by state law, and does not include the following: Any operation on or crossing US Highway 80 and/or Pooler Parkway
- (b) Motorized carts shall not be operated on sidewalks at any time.
- (c) 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.
- (d) Motorized carts may cross streets, roads and highways which are part of the City of Pooler street system and used by other types of vehicles only at crossings or intersections designated for that purpose by the city, specifically excluding any operation on or crossing US Highway 80 and/or Pooler Parkway
- (e) Motorized carts may only be operated on public roads, recreational paths, rights-of-way or other public property which are part of the City of Pooler 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.
- (f) 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.
- (g) 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.

- (h) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, recreation paths, rights-of-way or other public property of the city. Where recreation paths exist for motorized carts they must be used in preference to parallel roads with the exclusion of privately held paths.
- (i) Failure to adhere to any of these provisions shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 82-41.

Sec. 82-40.8 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 recreation paths, rights-of-way or other public property of the city.
 - (1) Designated recreation paths only includes recreation paths which are designed to accommodate personal transportation vehicles where a sign has been posted advising that personal transportation vehicles are allowed.
 - (3) 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 Chapter, by this subsection, or by state law.
- (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 recreation paths, rights-of-way within the boundaries of the city and may only cross public roads which are part of the City of Pooler 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, recreation paths, 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".
- (i) Personal transportation vehicles which are not also motorized carts may operate on recreational paths, rights-of-way and other public property at night only when utilizing head lamps and tail lamps.
- (j) Failure to adhere to any of these provisions shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 82-41.

Sec. 82-40.9 Motorized Cart Operator and Licensing Regulations.

- (a) Those persons who are 16 years of age and older may drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city.
- (b) Those persons who are 15 years of age but not yet 16 years of age may drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city if they are accompanied on the vehicle (in the front seat in the case of a golf cart) by a person at least 18 years of age who holds a valid motor vehicle drivers license.
- (c) Those persons who are 12 years of age but not yet 15 years of age shall be permitted to drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city if they are accompanied on the vehicle (in the front seat in the case of a golf cart) by a parent or legal guardian who holds a valid motor vehicle drivers license.
- (d) At not time shall any one under the age of 12 operate a motorized cart or low speed vehicle on the recreation paths and/or streets and those areas accessible by the public of the city.
- (e) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the recreation paths, streets and those areas accessible by the general public. Where cart paths exist, they must be used in preference to parallel city streets with the exclusion of those cart paths privately owned and maintained by private clubs as part of the golf courses and not used by the general public.

Sec. 82-40.10 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. 82-40.11 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 using 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 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 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. 82-41 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 Pooler, 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 \$200.00;
 - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$500.00; 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 \$1000.00, 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, recreation paths, 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.

II.

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

III.

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.

IV.

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

Adopted this 16th day of July, 2012.

Michael F. Lomel
Mayor

Attest:

Maribeth J. Smith
Clerk of Council