

ORDINANCE NUMBER 7044-2021

AN ORDINANCE AMENDING CHAPTER 58 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE IV – PERSONAL TRANSPORTATION VEHICLES AND MODIFIED GOLF CARTS ON CITY STREETS, OF THE CODE OF WOODSTOCK, GEORGIA, PROVIDING ADDITIONAL REGULATIONS FOR PERSONAL TRANSPORTATION VEHICLES AND MODIFIED GOLF CARTS

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

That Chapter 58 (Offenses and Miscellaneous Provisions) of the Code of Woodstock, Georgia, shall be amended by deleting Article IV – PERSONAL TRANSPORTATION VEHICLES AND MODIFIED GOLF CARTS ON CITY STREETS, and adding a new Article IV, to read as follows:

ARTICLE IV. – PERSONAL TRANSPORTATION VEHICLES AND MODIFIED GOLF CARTS ON CITY STREETS

Sec. 58-78. – Intent.

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

²O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

It is the intent of this article to provide standards for the operation of personal transportation vehicles (PTV) and modified golf carts on public rights-of-way within the incorporated limits of the city and to protect the welfare and safety of all citizens.

Sec. 58-79. - Definitions.

The following words and phrases, when used in this article, shall have the meanings as set out herein:

City sanctioned event means, for the purposes of this article, an event that is sanctioned or organized by the City of Woodstock or any affiliate thereof.

City street means any road, street or alleyway under the authority the City of Woodstock, with a posted speed limit of 25 mph or less.

Golf cart means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its speed on a paved level surface shall not exceed 15 miles per hour. Golf carts shall not be operated outside of a golf course or on any road in conjunction with regular vehicular traffic.

Modified golf cart means a golf cart that has been mechanically altered to meet the definition of a personal transportation vehicle (PTV).

Operate means to ride in or on and control the operation of a PTV or modified golf cart.

Operator means every person who operates a PTV or modified golf cart.

Owner means a person, other than a person with a security interest, having a right of use regarding, property interest in or title to a PTV or modified golf cart and entitled to the use and possession of the vehicle.

Person includes an individual, partnership, corporation, or other legal entity whether incorporated or not.

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 empty weight of 1,375 pounds, capable of transporting not more than eight persons. PTVs shall be operated only on roads with a posted speed limit of 25 miles per hour.

Private property means property owned by individuals, corporations, and other organizations and not by city, county, state or federal government or any agency or subdivision thereof.

Public property means any real property owned by or under control of the City of Woodstock, either through lease, ownership or public right, including city streets, roadways, parking lots, and associated accessways that are drivable and not privately owned with a posted or statutory speed limit of 25 mph or less.

Sec. 58-80. - Compliance.

Compliance with this article is required to operate a personal transportation vehicle or modified golf cart on public property in the city.

Sec. 58-81. - Standards for operating on public property.

- (a) *Required equipment.* A personal transportation vehicle and modified golf cart (hereinafter collectively referred to as "PTVs") can operate on public property only if the following equipment is installed:
- (1) A braking system sufficient for the weight and passenger capacity of the PTVs, 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) Headlamps;
 - (5) Reflex reflectors;
 - (6) Tail lamps;
 - (7) A horn;
 - (8) A rearview mirror;
 - (9) Safety warning labels;
 - (10) Hip restraints and hand holds or a combination thereof; and
 - (11) Lap belts as necessary to accommodate certain riders as required by section 58-81(b)(5).
- (b) *Operating regulations.* The PTVs shall adhere to the following provisions when operated on public property:
- (1) Operated only on streets with a posted speed limit of 25 mph or less, or in accordance with designated routes that may be updated by the city council by resolution;
 - (2) All equipment required by section 58-81(a) shall remain operational and maintained in good working order at all times, except as exempted by section 58-81(c);
 - (3) All operators shall abide by all traffic regulations applicable to automotive traffic;
 - (4) No operator shall enter any intersection without yielding the right-of-way to any vehicles, automobiles, or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard;
 - (5) Lap belts shall be worn by all operators and passengers age 15 or less, but are optional for operators and passengers age 16 or older;
 - (6) All operators and passengers must remain seated at all times during operation of the PTV. No person shall sit on the lap of any operator or passenger during the operation of the PTV.
 - (7) Only persons possessing a valid driver's license pursuant to O.C.G.A. § 40-5-20 may operate PTVs on public property;

- (8) All laws and ordinances relating to alcohol and its use, including open container laws, shall apply to PTVs operating on public property;
- (9) All operators of PTVs shall park only in marked parking spaces, not in landscaped areas or on sidewalks, or walkways. A private property owner may designate specific parking areas for PTVs as long as the designated parking does not violate other provisions of this Code. The city council may from time to time designate PTV parking on public property.
- (c) *Incidental usage.* PTVs without some or all of the required equipment under section 58-81(a) may operate on public property under the following conditions:
 - (1) Operation is limited to commercial use that is conducted between buildings within a common development that may also contain public property (examples include the property manager of an apartment complex using a PTV to travel between buildings and must cross public streets to gain access, or a real estate agent carrying prospective home purchasers between a model home office and unit).
 - (2) Operating within a platted subdivision, campus, or common development where the operator is traveling between destinations within the same (examples include traveling from a unit to the pool or amenity area, or a groundskeeper traveling between buildings in an office park or college campus).
 - (3) Operation is limited to daylight hours except when proper headlamps and tail lamps are installed.
 - (4) Compliance with all provisions of this article is required except for section 58-81(a).

State Law reference— Georgia Code: 40-6-331.1.(a).

Sec. 58-82. - Registration requirements.

- (a) *Registration requirements for PTVs.*
 - (1) *Registration generally.* Registration is required solely for the consistent tracking of PTVs operating on public property in the city, to ensure compliance with this article.
 - (2) *Application.* Any owner of a personal transportation vehicle or modified golf cart being operated on public property in the city shall register the vehicle with the city on forms provided by the city. Only residents of the City shall be eligible to register a PTV for operation on Public Property. Registration includes the name and address of the owner, make, model and serial number of the PTVs, and additional information as reasonably required.
 - (3) *Registration number.* Upon approval, the owner shall be issued a decal with a registration number assigned to the PTVs. The owner shall affix and maintain this decal to the rear fender directly behind the driver, visible to drivers viewing the back of the PTVs at all times. In the event the decal becomes worn or damaged and no longer legible, the owner shall contact the city immediately to request a replacement decal.
 - (4) *Fee.* The registration fee shall be established by city council. Registrations shall not expire, however, upon the sale or transfer of the PTVs, the purchaser shall contact the

city to transfer the registration number prior to operating the PTVs on a public street in the city.

(5) *Penalty.* Failure to register PTVs shall be punishable in accordance with section 1-7.

(b) *PTVs compliance, liability, and insurance.*

(1) *Compliance.* The owner shall attest that the PTV is in good working condition in compliance with the provisions of this article. Owners shall sign a copy of this article, attesting to compliance with all requirements herein.

(2) *Liability.* A general release statement and/or disclaimer of any liability by the city for accidents involving the registered PTV shall be furnished by the owner. All persons who operate or ride upon a 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 Woodstock 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.

(3) *Insurance.* Any person who 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. Documentation of such coverage must be kept on the PTV or carried by the person operating the PTV or a passenger riding in the PTV.

Sec. 58-83. - Exemptions.

The following uses are expressly exempt from compliance and the requirements of this article:

- (1) All government-owned vehicles, including by city, state, and federal governments, except for the provisions under section 58-81.
- (2) Operating PTVs exclusively on private property.
- (3) With express written permission from the city manager, any nongovernment-owned vehicles associated with a special event or exigent circumstances.

Sec. 58-84. - Unlawful operation.

(a) Unless otherwise noted it is unlawful to operate a PTV:

- (1) In a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger, or cause injury or damage to any person or property;
- (2) In a manner, so as to violate the city's ordinances against loud and unnecessary noises (section 58-39, et seq.) reference with noise ordinance;
- (3) To operate on any sidewalk or trail segment of the city whereby the city holds ownership or easement rights with respect to such trail, including those existing on privately owned property;
- (4) To engage in racing of any form, except for special events approved by the city;

- (5) To block public access, except for special events approved by the city;
 - (6) On any railroad right-of-way, except to cross at designated crossings;
 - (7) Reserved.
 - (8) In all other areas not generally intended for vehicular traffic.
 - (9) On United States Department of the Army Corps of Engineers property, unless the operator has the written permission of the Allatoona operations project manager, which such written permission shall be carried on the person of the permittee at all times during operation of the PTVs on such property or unless such person is an employee of the federal, state, Cherokee County or city government who is on duty and performing services for his or her governmental employer.
- (b) It shall be unlawful to operate a PTV on public property, except as provided under section 58-81(c).

Sec. 58-85. - Organized events.

Nothing in this article shall prohibit the use of PTVs or modified golf carts within the city during city sanctioned organized events, if their use is permitted in writing by the city manager or police chief for such event.

Sec. 58-86. - Penalties.

Any violation of this article shall be punishable in accordance with section 1-7.

Secs. 58-87—58-110. — Reserved.

1st Reading: 3/22/2021

2nd Reading: 4/12/2021

As approved and adopted this 12th day of April, 2021.

DocuSigned by:

Donnie Henriques

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Donnie Henriques, Mayor
City of Woodstock, Georgia

DocuSigned by:

Rhonda Lynn Pezzello

Attest:

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Rhonda Pezzello, City Clerk
City of Woodstock, Georgia

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