

STATE OF GEORGIA
COUNTY OF FULTON

First Reading: April 27, 2015
Second Reading: May 11, 2015

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
ROSWELL ARTICLE 22.7 TO DELETE THE EXISTING ARTICLE 22.7 GOLF CARTS
AND TO SUBSTITUTE A NEW ARTICLE 22.7 TO ALLOW OPERATION OF
PERSONAL TRANSPORTATION VEHICLES (MOTORIZED CARTS) AS DEFINED
BY O.C.G.A. § 40-1-1 (43.1) UPON THE PUBLIC ROADS OF THE CITY OF ROSWELL
HAVING A SPEED LIMIT OF 25 MPH OR LESS AND TO ALLOW THE USE OF
PERSONAL TRANSPORTATION VEHICLES (MOTORIZED CARTS) AS DEFINED
BY O.C.G.A. § 40-1-1 (43.1) UPON DESIGNATED MULTI-USE PATHS AND
FOR OTHER PURPOSES**

WHEREAS, the City of Roswell, a municipal corporation of the State of Georgia, is authorized by Section 2.20 (15) of its Charter to make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary to regulate motor vehicles within its city limits; and

WHEREAS, Mayor & Council, prior to January 1, 2012, have previously enacted an ordinance to regulate the use of golf carts upon public roads within the city; and

WHEREAS, it appears to Mayor & Council to be in the public interest and for the general welfare of its citizens to expand the use of Personal Transportation Vehicles (PTVs), as recently defined by state law, which includes golf carts, among other vehicles upon the public roads and paths of the City of Roswell;

WHEREAS, on December 8, 2014, Mayor and Council enacted an ordinance authorizing use of PTVs upon public streets having a speed limit of 25 mph or less; and

WHEREAS, on February 25, 2015, Mayor & Council amended the effective date of the December 8, 2014 ordinance to extend the effective date to July 1, 2015 to allow time to develop and implement the details necessary for proper administrative support of the new ordinance;

NOW, THEREFORE, to accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendments to its ordinance regarding regulation of Personal Transportation Vehicles (PTVs):

1.

Article 22.7 of the Roswell Code of Ordinances is hereby deleted in its entirety and the following is substituted as the new Article 22.7:

Article 22.7 – Golf Carts

Section 22.7.1 Definitions.

For the purpose of this ordinance, 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 wheels in contact with the ground and unladen weight less than 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 20 miles per hour and any motor vehicle having no fewer than four wheels and an unladen weight of 1,375 pounds or less and which cannot operate at more than 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 22.7.2 Operation of Personal Transportation Vehicle (PTV).

The City of Roswell adopts O.C.G.A. Title 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 City of Roswell that have a speed limit of twenty five (25) miles per hour or less or on multi-use paths designated by the Mayor and City Council by resolution, on designated golf cart paths and crossings, and within school zones as Mayor and Council may approve by resolution.

Section 22.7.3 Operator.

Only persons sixteen (16) years of age or older and holding a valid driver's license may operate a Personal Transportation Vehicle (PTV) on the above-described roads within the City.

Section 22.7.4 Insurance Required.

The operator or owner of a Personal Transportation Vehicle (PTV) shall have written proof of insurance. Documentation of such coverage must be kept on the Personal Transportation Vehicle (PTV) or carried by the person operating the Personal Transportation Vehicle (PTV).

Section 22.7.5 Time of Operation, Equipment requirements.

(a) A Personal Transportation Vehicle (PTV) may be operated only during daylight hours between one-half (1/2) hour before sunrise and one-half (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 500 feet.

(b) 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.

(c) Electric Personal Transportation Vehicles (PTVs) shall be equipped with, at a minimum, all factory installed safety systems and a charge indicator for low battery.

(d) All Personal Transportation Vehicles (PTVs) regulated by this ordinance shall be maintained in safe condition at all times.

Section 22.7.6 Operation on Local Roads; PTVs not permitted multi-use paths, golf cart paths and crossings, or within school zones unless specifically authorized by Mayor and Council through resolution;

Personal transportation vehicles as defined above in 22.7.1 and by O.C.G. A. § 40-1-1 (43.1), also known as motorized carts, may be operated on public roads within the City of Roswell that have a speed limit of twenty five (25) miles per hour or less.

Personalized Transportation Vehicles may not be operated on sidewalks, or on state roads, or federal highways, or local roads where a separate designated motorized cart path is provided. PTVs are not allowed on multi-use paths, public golf paths and crossings, or within school zones unless specifically permitted by Mayor and Council by resolution. Delay of other motorized vehicles is not permitted.

Section 22.7.7 Occupants.

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 22.7.8 Traffic Rules; Designation of crossings, multi-use paths and school zones on or in which a Personal Transportation Vehicle (PTV) may be used;

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 Roswell (City Code Chapter 22) which govern the operation of motor vehicles.

Section 22.7.9 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 due consideration and reasonable 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, including open container laws, apply to the operator and occupants of Personal Transportation Vehicle (PTV).

Section 22.7.10 Penalty.

A violation of any provision of this Ordinance shall constitute a violation of the Roswell City Code. An owner, lessee or operator may be cited to appear in the Roswell 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 Ordinance, such person shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars for each offense, along with court costs in the amount that same now exists, or may hereafter be determined by ordinance or statute.

Section 22.7.11 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 Ordinance.

Section 22.7.12 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 Roswell 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 Roswell 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 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 22. 7. 13. Registration and Affidavit of Owner; fee.

The owner of a Personal Transportation Vehicle (PTV) must register the PTV with the City once every five (5) years. Mayor and Council shall approve by resolution the registration policy and registration form to be used, any necessary registration identification to be placed on the Personal Transportation Vehicle (PTV) and shall provide for fees as allowed by state law. 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 Roswell laws and regulations regarding ownership and operation of a PTV, as well as any applicable state law.

2.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

3.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

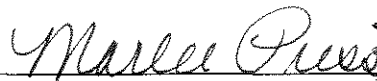
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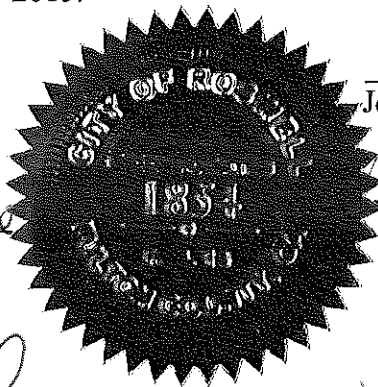
Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

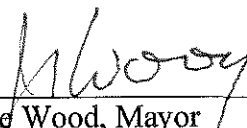
This Ordinance shall take effect and be in force from and after the first day of July, 2015 the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 11th day of May 2015.

Attest:

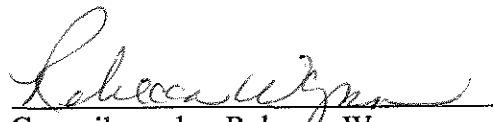

Marlee Press, City Clerk

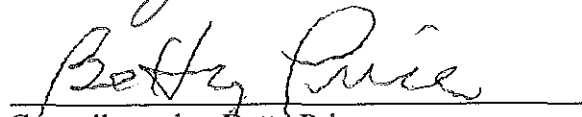



Jere Wood, Mayor

SEAL


Councilmember Jerry Orleans


Councilmember Rebecca Wynn


Councilmember Betty Price


Councilmember Richard Dippolito


Councilmember Kent Igleheart


Councilmember Nancy Diamond