

City of Canton
State of Georgia
County of Cherokee
Ordinance 2020-0917-02

ORDINANCE OF THE CITY OF CANTON

WHEREAS, the City of Canton is authorized by the constitution of the State of Georgia to adopt rules, regulations, laws, and ordinances protecting the public health, safety and welfare of the citizens of the City.

WHEREAS, the City by and through its Mayor and Council have deemed it in the best interest of the health, safety and welfare of the citizens of the City of Canton, to adopt a personal transportation vehicles ordinance.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON that the City of Canton Code of Ordinances, **Chapter 58 – Traffic and Motor Vehicles** be amended by adding a new Article, **ARTICLE V. - PERSONAL TRANSPORTATION VEHICLES.**

ARTICLE V. - PERSONAL TRANSPORTATION VEHICLES

Sec. 58-124. - Short title.

This article will be known as and may be referred and cited as the "Personal Transportation Vehicles Ordinance of the City of Canton, Georgia."

Sec. 58-125. - Findings.

The Canton City Council finds that residents of certain neighborhoods and certain public streets located within the city limits of Canton desire that personal transportation vehicles be allowed to be driven with regular vehicle traffic. The Canton City Council, by adoption of this ordinance, shall allow the use of personal transportation vehicles within the parameters of state law, but the Canton City Council expresses no opinion as to whether the mixture of regular vehicle traffic and personal transportation vehicles upon the public streets and rights-of-way are safe. Given the safety concerns of Canton City Council, the Canton City Council will approve a personal transportation vehicle district only upon receiving a request for such personal transportation vehicle use via the procedure set forth hereto and subject to the Canton City Council ' discretion to approve such personal transportation vehicle district by a finding that it meets the

criteria of this ordinance. The Canton City Council, on behalf of itself, agents, employees and representatives of the city, do not waive any right of sovereign immunity or individual qualified immunity. The Canton City Council places all citizens and guests on public notice that all drivers or occupants of motorized vehicles, given the disproportionate size of personal transportation vehicles in comparison to regular vehicular traffic, do knowingly and voluntarily assume all risks of property damage, injury or death in regard to the operation of any personal transportation vehicle. All liability for injury shall be the responsibility of the party causing such injury but in no way shall Canton or any of its employees be liable for any action or inaction concerning personal transportation vehicles authorized pursuant to the article.

Sec. 58-126. - Definitions.

- (a) All words, terms, and phrases when used in this article shall have the meaning prescribed to that word, term, or phrase as defined by O.C.G.A. § 40-1-1.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings prescribed to them in this section, except where the context clearly indicates a different meaning.
 - (1) *Authorized streets* means all such streets, roads and public rights-of-way, which have been authorized for personal transportation vehicle travel within a designated personal transportation vehicle district, approved by the Canton City Council and are on file with the Canton Engineering Department. The list of authorized streets is subject to amendment from time to time by the Canton City Council.
 - (2) *City* means Canton, Georgia.
 - (3) *Personal transportation vehicle* means all electric and gasoline-powered pleasure carts, which are commonly called and referred to as golf carts, and which are not capable of exceeding 20 miles per hour. Within this article, the terms "personal transportation vehicle," "golf cart," and "cart" shall have the same meanings; these are the only carts authorized for use under this article.
 - (4) *Personal transportation vehicle district* means the streets or roads approved for the use of personal transportation vehicles in a specific neighborhood, community, development, or other defined area by the Canton City Council.
- (c) Any other personal transportation vehicle or vehicle not included in the definition contained in section 58-126(b)(3) shall be banned

and considered illegal to operate from public streets of incorporated Canton , unless otherwise authorized by law.

Sec. 58-127. - Criteria and procedure for consideration of personal transportation vehicle district.

The following section outlines the procedures and criteria to be followed by the applicant(s) and the city in order to obtain personal transportation vehicle access on public roads.

- (1) For purposes of this section, a "Personal transportation vehicle District" shall be designated as a clearly defined area that has access to public roads and which has received approval from the Canton City Council. In order to be considered for personal transportation vehicle use, Personal transportation vehicle Districts shall meet and follow the criteria and procedures listed below.
 - a. Where personal transportation vehicle access is desired, a petition shall be submitted by the established and legally incorporated homeowner's association for the area where personal transportation vehicle access is being requested. For areas where personal transportation vehicle access is desired but no homeowner's association exists or is inactive, a petition may be submitted by the residents of the area, however said petition shall require the signature of at least five separate parcel owners of the proposed Personal transportation vehicle District. The petition must be returned to the city engineer who will verify property ownership (if applicable) using current city tax assessment records and/or proper status of the homeowner's association. The petition submitted shall include statements to confirm the following:
 1. The Personal transportation vehicle District for which personal transportation vehicle access is petitioned must have public roads that have a speed limit of 25 miles per hour or less and must have access to public local roads as shown on the city road registry.
 2. Personal transportation vehicles may only be operated inside the confines of the roads located in the Personal transportation vehicle District and may not be used on other public roads that have not been approved for use.
 3. Personal transportation vehicles are not allowed to travel on sidewalks, swales, trails, multiuse paths, or bicycle paths.

4. Operators of personal transportation vehicles are required to observe all traffic laws as if they were operating any other motor vehicle.
- b. Upon receiving such a petition, the city engineer, or his/her designee, shall verify the area for which personal transportation vehicle access has been petitioned and determine whether the area meets the requirements for personal transportation vehicle usage. In addition, the city engineer, or his/her designee, shall identify proper locations for signage to be placed to identify the street/area as an authorized location for personal transportation vehicle use.
- c. Upon a finding by the city engineer, or his/her designee, that the proposed Personal transportation vehicle District is suitable for use and meets the requirements stated hereto, signs soliciting public comments shall be erected at each entrance to the proposed Personal transportation vehicle District and such signs shall remain in place for at least 30 days. The city engineer, or his/her designee, shall receive and document any and all public comments during this time for consideration by the Canton City Council.
- d. After completion of the 30 day period for public comments, the petition and all public comments shall be submitted for consideration to the Canton City Council . The Canton City Council shall call for a public hearing to be held regarding the petition and such public hearing shall be advertised in the legal organ of Canton at least 15 days but not more than 45 days before the public hearing is to take place.
- e. The Canton City Council shall consider the petition, staff recommendations, public comments received, and the results of the public hearing, and approve, deny or modify the petition and the Personal transportation vehicle District boundaries in its sound discretion.

Sec. 58-128. - Authorized user.

Any person who possesses a valid motor vehicle driver's license may operate a personal transportation vehicle on the authorized streets and contained in the Personal transportation vehicle District under the same restrictions placed upon such drivers in the operation of motor vehicles on the road of Georgia in compliance with O.C.G.A. title. 40 and all other applicable state laws regarding the operation of motor vehicles. In addition, any person who possesses a valid motor vehicle instructional permit and is at least 15 years of age may operate a personal transportation vehicle in a Personal transportation vehicle District and on authorized streets, so long as such person is

accompanied in the front seat by a person who possesses a valid motor vehicle driver's license and is at least 18 years of age. A valid driver's license or instructional permit for the operation of a motor vehicle shall carry the same restrictions for use in a personal transportation vehicle authorized pursuant to this article.

Sec. 58-129. - Minimal equipment required for personal transportation vehicles/insurance.

(a) All personal transportation vehicles operating on an authorized street, road, or public right-of-way within a designated personal transportation vehicle district shall have, at a minimum, the following equipment:

- (1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
- (2) An audible 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) Head lamps;
- (5) Reflex reflectors;
- (6) Tail lamps;
- (7) A rearview mirror;
- (8) Safety warning labels;
- (9) Hip restraints and hand holds or a combination thereof;

(b) Each person operating a personal transportation vehicle shall be liable for their own actions as stated in section 58-133 of this article. Liability insurance coverage varies, and each person operating a personal transportation vehicle in a Personal transportation vehicle District or an authorized street should verify their insurance coverage is sufficient for such uses.

Sec. 58-130. - Registration of personal transportation vehicles.

(a) It shall be the duty of every owner of a personal transportation vehicle that is operated over authorized streets to register the personal transportation vehicle with the city prior to operating the personal transportation vehicle on said authorized streets. The application for registration shall be filed with the Canton on forms provided by the city. The application may, among other things, require the following information: owner's name; street address,

mailing address, and telephone number; make, model, and identification, and/or serial number of the personal transportation vehicle; and such other information as may be reasonably required, as well as a general release statement and/or disclaimer of any liability by the City for accidents involving the registered personal transportation vehicle. Two decals shall be issued upon registration; and a record of each personal transportation vehicle number, along with the name and address of the owner, shall be maintained by Canton .

- (b) The decals provided upon proper registration must be affixed to the sides or windshield of the personal transportation vehicle, or in such a manner as to be fully visible at all times. The failure to have a current registration decal on a personal transportation vehicle shall be a violation of this section and subject the owner/operator of such cart to penalties. The decal issued by Canton shall be non-transferrable from the personal transportation vehicle for which it is obtained.
- (c) Only those persons 16 years of age and older may register a personal transportation vehicle. Personal transportation vehicle registration may be in one person's name only, and the registration form must be signed by that person.
- (d) The fee to register a personal transportation vehicle shall be set at \$15.00 for a one year registration. Each registration, regardless of when purchased, shall only be valid for the calendar year and shall expire on December 31.
- (e) Upon occurrence of a sale or transfer of a registered personal transportation vehicle to another person, the initial registration shall immediately expire and the new owner of the personal transportation vehicle shall be required to register the personal transportation vehicle if they wish to operate said cart on authorized streets or within a Personal transportation vehicle District.

Sec. 58-131. - Operation of gasoline-powered personal transportation vehicles.

- (a) Every gasoline-powered personal transportation vehicle shall at all times be equipped with 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; and
- (3) The engine of every cart shall be so equipped, adjusted and tuned, as to prevent the escape of excessive smoke or fumes.
- (b) It shall be unlawful for the owner of any gasoline-powered personal transportation vehicle to operate, or permit the operation of, such gasoline-powered personal transportation vehicle on which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, has been altered, rendered unserviceable or removed.
- (c) Personal transportation vehicles which are powered by electric means are exempted from this section.

Sec. 58-132. - Operating regulations and special rules.

- (a) All operators of personal transportation vehicles shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets contained in the Personal transportation vehicle District.
- (b) Personal transportation vehicles shall not be operated on sidewalks at any time.
- (c) No person shall engage in the activity of racing personal transportation vehicles on authorized streets or in a Personal transportation vehicle District.
- (d) No person shall use a personal transportation vehicle to block public access, except for special events approved by the city.
- (e) No user of a personal transportation vehicle shall loiter, or park on recreation path bridges or in underpasses or any other location where the parking of vehicles is prohibited.
- (f) Pedestrians and bicyclists should be given due consideration and reasonable right-of-way by users of personal transportation vehicles.
- (g) All laws and ordinances relative to alcohol and the use thereof, including, but not limited to open container laws, while operating, riding in, or driving a personal transportation vehicle shall be required to be followed by all drivers, passengers, and operators of a personal transportation vehicle operating on an authorized street, road, public right-of-way, or designated personal transportation vehicle district.
- (h) A personal transportation vehicle shall not exceed the manufacturer's recommended seating capacity.

- (i) No cart shall be driven on an authorized street, road, public right-of-way, or designated personal transportation vehicle district in excess of 20 miles per hour.
- (j) No personal transportation vehicle shall be driven or operated on any street, road, or public right-of-way in the City of Canton that has not been designated a Personal transportation vehicle District or otherwise authorized as an approved street under this article.
- (k) It shall be unlawful for the owner of any personal transportation vehicle to operate, or permit the operation of, such personal transportation vehicle in any such method that violates this article.

Sec. 58-133. - Liability.

The owner and/or operator of a personal transportation vehicle is liable for his/her own actions and assumes all responsibility for any such use. Any person who operates or owns a personal transportation vehicle is responsible for procuring liability insurance and verifying coverage in terms enough to cover the risk involved in using such personal transportation vehicle on an authorized street, road, public right-of-way, or designated personal transportation vehicle district.

Sec. 58-134. - Exemptions.

- (a) The operation of personal transportation vehicles under the following circumstances shall not be subject to the provisions of this article:
 - (1) The operation of personal transportation vehicles at golf courses, private clubs, or on private property, with the consent of the landowner;
 - (2) The operation of golf carts on private streets within gated or limited access communities;
 - (3) The operation of golf carts in connection with a parade, festival, or other special event authorized by the city, provided that the consent of the event sponsor is obtained and provided that such use only occurs during the special event;
 - (4) The use of golf carts by the police department or code enforcement office on official law enforcement business or by other Canton personnel for official business on city controlled property, including cemeteries, parks, green space, and other property as needed.

Sec. 58-135. - Penalties.

Any person violating this article shall be subject to a citation by a sworn officer of the City of Canton returnable to the Municipal Court of

Canton and subject to a fine and/or imprisonment not to exceed \$1,000.00 and/or 60 days' imprisonment.

NOW THEREFORE, be it further ordained by the Canton Mayor and Council that any matters in said codes which are contrary to existing ordinances of the City shall prevail.

NOW THEREFORE, be it further ordained that within said codes when reference is made to the duties of certain officials named therein that designated official of Canton, Georgia who has duties corresponding to those of the named official in said codes shall be deemed to be the responsible official insofar as enforcing provisions of said code are concerned.

NOW THEREFORE, be it further ordained that the City of Canton registration process and issuance of personal transportation vehicle decals shall be effective on January 1, 2021.

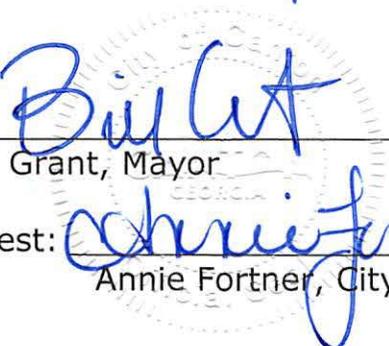
All ordinances or parts of ordinances or regulations in conflict herewith are hereby repealed.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, 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.

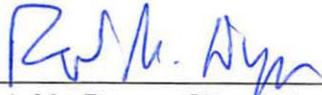
It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of the ordinance shall become and be made part of the Code of Ordinances, City of Canton, Georgia and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall take effect and be in force on the date of approval appearing below, the public welfare demanding it.

The above ordinance was read and approved by the Mayor and Council this 17 day of Sept., 2020.


Bill Grant
Bill Grant, Mayor
Attest: Annie Fortner
Annie Fortner, City Clerk

Approved as to form and content:



Robert M. Dyer, City Attorney

First Reading:

Adopted by Council: 09-17-2020

Approved by Mayor: _____

Veto by Mayor: _____

Second vote by Council: _____

Effective Date: _____