

COMMITTEE AMENDMENT

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION AMENDING CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO INCLUDE A NEW ARTICLE, WITH SAID ARTICLE BEING ENTITLED ARTICLE V "MOTORIZED CARTS" FOR THE PURPOSE OF ALLOWING MOTORIZED CARTS ON DESIGNATED PUBLIC ROADS UNDER CERTAIN TERMS AND CONDITIONS; AND FOR OTHER PURPOSES.

WHEREAS, by virtue of Article IV, Section III, Paragraph II of the Constitution of Georgia, Ga. Laws 2012, page 559 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as "Macon-Bibb County"; and

WHEREAS, the Commission has the authority to adopt clearly reasonable ordinances, resolutions, or regulations relating to 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 local law applicable thereto; and

WHEREAS, O.C.G.A. § 40-6-313 authorizes local municipalities, by ordinance, to designate certain public streets or portions thereof that are under its regulation and control for the combined use of motorized carts and regular vehicle traffic or the use of motorized carts and no others types of motor vehicles and establish the conditions under which motorized carts may be operated upon such streets or portions thereof, including without limitation the conditions under which a person may operate motorized carts on such designated streets or portions thereof without a driver's license; and

WHEREAS, the Board of County Commissioners has determined that the safe, proper operation of motorized carts on roads and streets within the Macon-Bibb County is in the public interest and, if properly regulated, will promote additional quality of life; and

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that Chapter 28, Article V of the Code of Ordinances of Macon-Bibb County, Georgia is hereby added and shall read as follows:

Section 1.

Chapter 28, Article V is hereby added to the Code of Ordinances of Macon-Bibb County, Georgia and new sections 28-141 through 29-147 are hereby added to said Code as follows:

ARTICLE V. MOTORIZED CARTS

- Sec. 28-141. Findings and definitions.
- Sec. 28-142. Registration of motorized carts.
- Sec. 28-143. Operation of gasoline-powered motorized carts.
- Sec. 28-144. Operating regulations.
- Sec. 28-145. Hazardous activities and special rules.
- Sec. 28-146. Exemptions
- Sec. 28-147. Liability.
- Sec. 28-148. Penalties.

Sec. 28-141. Findings and definitions.

(a) The Board of Commissioners finds that certain public streets located within Macon-Bibb County are designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving thereon of motorized carts. The Board of Commissioners further finds that the use of motorized carts is a convenient and safe form of short distance travel that conserves resources and enhances the quality of life of the citizens of Macon-Bibb County. However, to ensure the public safety and welfare, the operation of motorized carts must not only comply with normal regulations regarding vehicles but should comply with special safety regulations intended to protect the operator and passengers in a motorized cart. This Article establishes the basic, minimum standards of care to be used by the operators of motorized carts on public roads and streets. Likewise, public safety requires that motorized carts, when used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of regulation and inspection.

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Street means all such streets which have been authorized for motorized cart travel by the Board of Commissioners and are on file with the Sheriff's

Office. The list of authorized streets is subject to amendment from time to time by the Board of Commissioners, and the public shall be allowed to submit written requests that the Commissioners review streets for approval of such designations. Each such street which has been designated as an authorized street must receive approval by the Board of Commissioners prior to such designation. A full list of authorized streets shall be maintained by the Sheriff's Office.

County means Macon-Bibb County, Georgia.

Motorized Cart means all electric and gasoline-powered pleasure carts, which are commonly called golf carts, and which are not capable of exceeding twenty (20) miles per hour. Within this article, the terms "motorized cart," "golf cart" and "cart" shall have the same meanings; these are the only carts authorized for use under this Article. Other All-Terrain Vehicles, including Four-Wheelers, shall not be allowed under this Article.

Sec. 28-142 Registration of Motorized Carts

(a) It shall be the duty of every owner of a motorized cart that is operated over authorized streets to register the motorized cart with the County prior to operating said motorized cart on said authorized streets. The application for registration shall be filed with the Sheriff; or to his/her designee, on forms provided by the Sheriff's Office. 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 serial number of the motorized cart; and such other information as may be reasonably required, as well as a general release statement and/or disclaimer of any liability by the County for accidents involving the registered motorized cart. Two (2) decals shall be issued upon registration; and a record of each motorized cart number, along with the name and address of the owner, shall be maintained by the Sheriff's Office.

(b) The decals provided upon proper registration must be affixed to the sides or windshield of the motorized cart in such a manner as to be fully visible at all times. The failure to have a current registration decal on a motorized cart shall be a violation of this section and subject the owner/operator of such cart to penalties. The decal issued by the Sheriff's Office shall be non-transferrable from the motorized cart for which it is obtained.

(c) Only those persons eighteen (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.

(d) The fee to register a motorized cart shall be set at fifteen dollars (\$15.00) per motorized cart. The registration is good for a period of one (1) year from the issuance date and shall be renewed annually so long as the motorized cart is in use on authorized streets.

(e) Prior to issuing the initial registration permit or any renewal thereof, the golf cart shall be physically inspected by the Sheriff's Office to determine that:

- (1) The golf cart is equipped with a rear vision mirror and at least two (2) red rear reflectors which are at least three (3) inches in height and width; and
- (2) The golf cart is equipped with a reflective "slow moving" sign, caution sign, and/or flag on the rear of the cart; and
- (3) The brakes provided by the manufacturer of the golf cart are in proper working order; and
- (4) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of twenty (20) miles per hour nor otherwise modified in any way that creates a hazard; and
- (5) The golf cart is equipped with all mechanical systems and safety equipment required by this Chapter.

(f) Any owner or operator registering a motorized cart with the County agrees to abide by all of the requirements of State law and this Code. By registering a motorized cart with the County, the owner or operator verifies that the motorized cart qualifies to be classified as such under State law.

(g) Upon occurrence of a sale of the motorized cart to another person who shall operate the cart over the authorized streets of the County, the registration must be transferred to the new owner within ten (10) business days of the change in ownership at a cost of ten dollars (\$10.00). The motorized cart shall be considered an unregistered cart after the ten (10) business-day period. Dealers acquiring a registered cart exclusively for resale (non-rental) shall not be required to pay the transfer charge, but shall notify the County of the transfer within ten (10) business days of receiving the cart, and of the ultimate disposition of the cart within ten (10) business days of sale.

(h) The initial registration of a golf cart may be denied or subsequently revoked by the Sheriff's Office if it is determined that:

- (1) The application contains any material misrepresentation; or
- (2) The motorized cart is not in compliance with the requirements of this Article; or
- (3) The motorized cart has been altered or customized and no longer meets the definition of a motorized cart as defined by this Article; or

- (4) Equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number has been removed; or
 - (5) Other good cause shown, including repeated violations of this Article.
- (i) All-terrain vehicles, 4-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course, and golf carts that have been modified so that they no longer meet the definition of a motorized cart as defined by this Article may not be registered as a motorized cart nor shall such vehicles be operated on the public roads, streets and highways within the County unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of Georgia.
- (j) The Board of Commissioners may, at its discretion, waive registration requirements for special events of limited duration during which persons may bring motorized carts as participants.

Sec. 28-143 Operation of gasoline-powered motorized carts.

- (a) Every motorized cart which is powered by gasoline 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); and
 - (2) The exhaust system and its elements shall be securely fastened; and
 - (3) The engine of every motorized 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 motorized cart which is powered by gasoline to operate, or permit the operation, of such motorized cart on which any device controlling or abating atmospheric emissions, which is placed on a motorized cart by the manufacturer, has been altered, rendered unserviceable or removed.
- (c) Motorized carts which are powered by electric means are exempted from this Section.

Sec. 28-144. Operating Regulations.

- (a) Any person who possesses a valid motor vehicle driver's license issued by any State or Territory of the United States of America, and is at least sixteen (16) years of age, may operate a motorized cart on the authorized streets. Any passengers on a motorized cart on an authorized street must be at least eight (8) years of age.
- (b) Any person who possesses a valid motor vehicle learner's permit issued by any State or Territory of the United States of America, and is at least fifteen (15) years of age, may operate a motorized cart on the 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 issued by any State or Territory of the United States of America and who is at least eighteen (18) years of age.
- (c) No person less than fifteen (15) years of age shall be permitted to operate a motorized cart on the authorized streets under any circumstances.
- (d) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets. Furthermore, all laws regarding the use of motor vehicles in the State of Georgia and all ordinances regarding the use of motor vehicles in the County, not inconsistent therewith, shall be observed by all motorized carts, except that no motorized carts may be operated at a speed in excess of twenty (20) miles per hour.
- (e) Motorized carts shall not be operated on sidewalks at any time.
- (f) Motorized carts may be operated over authorized streets only during daylight hours, unless such motorized carts are equipped with functional headlights and taillights and any other such equipment regulations which may be promulgated by the Commissioner of Public Safety of the State of Georgia.
- (g) No person shall operate a motorized cart on a public road unless that road has been authorized for motorized cart use by this Article and appropriate signs giving notice are posted along said public road.
- (h) Motorized carts may not be operated on any streets or sections of streets, except for areas designated as crossing at a signalized intersection or at a perpendicular crossing at a through intersection, where:
 - (1) Any street where the posted speed limit is more than thirty-five (35) miles per hour; or any street designated as a State Route.
 - (2) Any Interstate highway, including Interstate 16 and Interstate 75.

- (i) 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.
- (j) The maximum occupancy of a motorized cart traveling on any authorized street or public property shall be one (1) person per designated seat. The operator and passenger of a motorized cart shall remain seated at all times in which the motorized cart is in motion.
- (k) Motorized carts may not be used for the commercial purpose of transporting passengers, and may not be used as a taxi, bus, or any other commercial transportation service.
- (l) Motorized cart operators shall yield the right-of-way to overtaking motor vehicles.
- (m) Motorized carts may be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of motorized carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited and subject to penalty.
- (n) It shall be unlawful for the owner of any motorized cart to operate, or permit the operation of, such cart over the authorized streets in violation of this article.

Sec. 28-145. Hazardous activities and special rules.

No individual or group shall engage in hazardous activities on the authorized streets. Such hazardous activities include, but are not limited to, the following:

- (1) Racing of any kind, except for special events approved by the County; and
- (2) Blocking of public access, except for special events approved by the County; and
- (3) Motorized carts shall not loiter or park on bridges or in underpasses; and
- (4) All laws and ordinances relative to alcohol and the use thereof, including open container laws, apply to motorized carts; and
- (5) Motorized carts may not be used to for the purpose of towing another cart, trailer, vehicle of any kind, or any person on skates, bicycles, or any other object.

Sec. 28-146. Exemptions.

(a) The operation of motorized carts under the following circumstances shall not be subject to the provisions of this Article:

- (1) The operation of motorized carts at golf courses, private clubs, or on private property, with the consent of the land owner; and
- (2) The operation of golf carts on private streets within gated or limited access communities; and
- (3) The operation of golf carts in connection with a parade, festival, or other special event authorized by the County, provided that the consent of the event sponsor is obtained and provided that such use only occurs during the special event; and
- (4) The use of golf carts by the Sheriff's Department on official police business or by other Macon-Bibb County personnel for official business on County controlled property, including cemeteries, parks, green space, and other property as needed.

Sec. 28-147. Liability.

The owner and/or operator of a motorized cart is liable for his or her own actions and assumes all responsibility for any such use. 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 authorized streets.

Sec. 28-148. 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, be punished in accordance with Section 1-6 of the Macon-Bibb County Code of Ordinances

(b) In addition to enforcing sanctions against the operator of the motorized cart, any violation of this Article shall also be charged against the registered owner of the motorized cart, and all fines and penalties shall be levied against the registered owner of the motorized cart as follows:

- (1) For the first offense, a fine of not less than one hundred dollars (\$150.00).
- (2) For the second offense, a fine of not less than three hundred dollars (\$300.00).

- (3) For a third offense committed within one (1) year of conviction for a second offense for a motorized cart, a fine of one thousand dollars (\$1,000.00), and the registered owner's motorized cart registration shall be revoked. The registered owner or family member cannot thereafter register a motorized cart for use in the city for a period of two (2) years following the third conviction.

Section 2

It is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest

extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5

This Ordinance shall become effective on June 1, 2015.

SO RESOLVED this 3rd day of February, 2014.

By: Robert A.B. Reichert
ROBERT A.B. REICHERT, Mayor

Attest: Jean S. Howard
JEAN S. HOWARD, Interim Clerk of Commission

(SEAL)