

RESOLUTION NO.: 13-10

ADOPTING A NEW MOTORIZED CART ORDINANCE

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, the Board of Commissioners of Paulding County is charged with the responsibility of protecting the health, safety, and welfare of the citizens of Paulding County and as such, is authorized to enact ordinances governing activities and properties in the unincorporated areas of Paulding County, Georgia;

WHEREAS, Official Code of Georgia Annotated Section 40-6-331 authorizes a county to designate certain public streets or portions thereof that are a part of the county road system for the combined use of motorized carts and regular vehicular traffic and to establish the conditions under which motorized carts may be operated upon such streets or portions thereof; and

WHEREAS, the use of motorized carts, the most common type of which is a golf cart, has increased in popularity as a personal transportation vehicle for short trips within residential areas which are either designed for or are conducive to motorized cart use.

NOW THEREFORE, BE IT RESOLVED by the Paulding County Board of Commissioners as follows:

1.

Sections 70-93 through 70-100 of the Official Code of Paulding County shall be marked as "Reserved."

There is hereby enacted a new Article IV of Chapter 70 of the Official Code of Paulding County, which article shall be entitled "Motorized Carts," and which shall state as follows:

ARTICLE IV. MOTORIZED CARTS

Sec. 70-101. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Designated road means a county public road which

(1) has a posted speed limit of no more than 25 miles per hour; or

(2) has been authorized for motorized cart travel by the development waiver review committee and which authorization is on file with the department of transportation.

Motorized cart means every motor vehicle having no less than three wheels, an unladen weight of 1,300 pounds or less, and which cannot operate at more than 20 miles per hour. It does not include a low speed vehicle as defined by O.C.G.A. § 40-1-1(25.1) and regulated by O.C.G.A. § 40-6-360, *et seq.* It does not include any motor vehicle designated for law enforcement use.

Recreation path means a paved area, six feet or more in width, that is designed or intended for multi-use such as pedestrians, bicyclists, motorized carts, or any other approved public use, that is owned by the county or located within county right of way. For the purposes of this article, the term "recreation path" shall not include the Silver Comet Trail nor any path within a county park.

Sidewalk means a paved area of less than six feet in width that generally runs along a county road and that is located within county right of way. Motorized cart use is prohibited upon all sidewalks except where expressly approved in writing by the development waiver review committee and such approval is on file with the department of transportation.

Undesignated road means a county road with a posted speed limit in excess of 25 miles per hour and which has not been otherwise approved for motorized cart use by the development waiver review committee.

Sec. 70-102. Driving Privileges.

(a) Any person 16 years of age and older and who has been issued a valid driver's license, which license is in their possession, may drive a motorized cart on designated roads and recreation paths of the county unless such person's driver's license is suspended or revoked, in which case such person shall not be permitted to operate a motorized cart in such areas.

(b) Any person at least 15 years of age may drive a motorized cart on designated roads and recreation paths of the county if he or she has on their person a valid instructional driving permit issued by the State of Georgia and is accompanied in the front seat by:

(1) a person at least 18 years of age who holds a valid driver's license which license is in his or her possession; or

(2) a parent, grandparent, or legal guardian.

(c) Except as provided in subsection (b) of this code section, no person under the age of 16 shall be permitted to drive a motorized cart on designated roads and recreation paths of the county.

Sec. 70-103. Operating regulations.

(a) All motorized cart operators shall abide by all traffic regulations applicable to vehicular traffic when using designated roads and recreation paths of the county. Where recreation paths exist, they must be used instead of parallel roads.

(b) Motorized carts shall not be operated on sidewalks at any time, except where expressly approved in writing by the development waiver review committee and such approval and designation is on file with the department of transportation.

(c) Headlights and taillights must be turned on when motorized carts are operated after daylight hours.

(d) No motorized cart shall be permitted to operate over, along, or across undesignated county roads.

(e) Motorized carts may only cross undesignated county roads at the following locations:

(1) Signalized intersections; or

(2) Marked cross-walks.

(f) No motorized cart shall be operated over, along, or across state roads. State roads may only be crossed by motorized carts at crossings or intersections designated for the purpose by the Georgia Department of Transportation.

(g) Motorized carts are required to park in either designated automobile parking areas or designated cart parking areas. Motorized carts are not permitted to be parked within the county right of way, nor upon any sidewalks or other areas within the right of way.

(h) No person shall:

(1) Consume any alcoholic beverage; or

(2) Possess any open alcoholic beverage container

while driving, riding, or sitting in a motorized cart which is on an designated road or recreation path of the county.

(i) All occupants of a motorized cart must remain seated while the cart is in motion.

(j) No person may sit in the driver's lap while a motorized cart is being operated.

(k) No motorized cart may be operated when the number of passengers exceeds the passenger capacity set by the manufacturer of the motorized cart.

(l) Whenever a motorized cart is in operation, the driver is required to have the following items within the cart:

(1) a copy of the motorized cart registration; and

(2) documentation from the insurance provider demonstrating that the motorized cart is insured as required by this article.

(m) Motorized carts may not be operated within county parks and may not be operated on the Silver Comet Trail.

(n) It shall be unlawful for the owner of any motorized cart or any other person operating, permitting the use of, or otherwise directing the use of a motorized cart to operate or permit the operation of any motorized cart except as authorized by this article.

(o) It shall be the duty of the owner of a motorized cart to ensure that no person under the age of 17 years of age operates the owner's motorized cart in violation of the requirements of this article. An owner who fails to comply with this duty shall be a violation of this article.

Sec. 7-104. Designation of additional authorized roads, sidewalks, and rights of way.

(a) The development waiver review committee, as created in the Development Regulations, shall have the authority to approve/designate additional county roads, sidewalks, and other rights of way for motorized cart use for the purpose of improving transportation interconnectivity. Where such sidewalks and other rights of way have been approved/designated, those areas shall be considered "designated roads" for purposes of this article.

(b) The development waiver review committee may exercise its authority upon (a) its own motion or (b) a written petition signed by over 50% of the lot owners within the development where the proposed addition is located. Any such petition shall fully set forth the facts and circumstances of the proposed addition. For the purposes of this code section, the procedures governing "Hearings on Applications before the Development Waiver Review Committee," Development Regulation 14.5.1., shall govern the consideration of such proposals by petition.

(c) Upon the development waiver review committee's approval of an additional county road or a portion thereof, approval of a sidewalk, or approval of other right of way for motorized cart use, such approval/designation shall be set forth in writing and a copy thereof shall be filed with the department of transportation.

(d) The board of commissioners retains the authority to change the decision of the development waiver review committee in regard to any such proposal.

Sec. 7-105. Registration requirements.

(a) It shall be the duty of every owner of a motorized cart that is operated on designated roads or recreation paths of the county to register the cart with the county within ten business days of the date of purchase. Two numerical decals shall be issued upon registration; and a record of each motorized cart number, the name and address of the owner, and the insurance declaration sheet shall be maintained by the county. The decals must be affixed to the sides of the cart in

such a manner as to be fully visible at all times. The failure to have current registration decals properly affixed on a motorized cart being operated on designated roads or recreation paths of the county as provided herein shall be a violation of this section.

(b) The registration fee for motorized carts shall be \$15.00 per year. Owners may register a motorized cart for a one, three, or five-year period. The registration shall be effective during the term of the registration period or until the cart is sold or transferred to a new owner, whichever occurs sooner.

(c) Upon the sale or transfer of a motorized cart to a new owner, the new owner shall re-register the cart as if registering the cart for the first time. Registrations and registration decals are not transferrable.

(d) Only owners 18 years of age or older may register a motorized cart. Cart registration may be in one person's name only, and the registration form must be signed by that person.

(e) No motorized cart may be registered without a written verification from the registrant on a form approved by the county that the motorized cart meets the equipment requirements of this article. By executing the written verification, the owner acknowledges and agrees that the motorized cart will be operated in full compliance with all equipment and operating requirements set forth in this article.

(f) No motorized cart may be registered, nor may it be operated on designated roads and recreation paths of the county, without an insurance policy being in effect which identifies the cart and insures it for the following minimum coverage amounts while the cart is operated away from the cart owner's real property:

- (1) At least \$25,000 per person for bodily injury;
- (2) At least \$50,000 per accident for bodily injury; and
- (3) At least \$25,000 for property damage.

As a condition of registration, a copy of the declarations sheet on the motorized cart shall be provided to the county and shall also be on board the motorized cart whenever it is being operated.

Sec. 7-106. Equipment requirements.

(a) *All motorized carts.* All motorized carts shall have the following equipment affixed and in good working order:

(1) A braking system sufficient for the weight and passenger capacity of the vehicle, 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) Head lamps;

(5) Reflex reflectors;

(6) Tail lamps;

(7) A horn;

(8) A rearview mirror;

(9) Safety warning labels; and

(10) Hip restraints and hand holds.

(b) *Gasoline motorized carts.* In addition to the equipment required in subsection (a), gasoline operated motorized carts shall have the following equipment affixed and in good working order:

(1) An exhaust system, meeting the following specifications:

(A) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes and shall include any and all parts specified by the manufacturer;

(B) The exhaust system and its elements shall be securely fastened; and

(C) The engine and powered mechanism shall be so equipped, adjusted and tuned as to prevent the escape of excessive smoke or fumes.

(2) It shall be unlawful for the owner of any gasoline powered motorized cart to operate or permit the operation of such cart if any device controlling or abating atmospheric emissions placed on the cart by the manufacturer has been removed or altered so as to interfere with the device's intended operation.

(c) The operation of a motorized cart upon designated roads or recreation paths without the required equipment shall be a violation of this article.

Sec. 70-107. Use of recreation paths.

(a) Authorized uses of recreation paths are as follows:

(1) Pedestrians;

(2) Nonmotorized vehicles;

(3) Roller skates, roller blades and skateboarders;

(4) Registered motorized carts;

(5) Emergency and authorized maintenance vehicles;

(6) Bicycles;

(7) Electric and conventional wheelchairs; and

(8) Electric vehicles designed to carry one person at a speed not to exceed 20 miles per hour.

(b) Prohibited uses of recreation paths are as follows:

- (1) Automobiles and trucks (except authorized maintenance vehicles);
- (2) Motorcycles;
- (3) Street and trail motorized bikes or vehicles (not to include electric bicycles);
- (4) Minibikes and mopeds;
- (5) Horses;
- (6) Go-carts;
- (7) Un-registered motorized carts;
- (8) Off road vehicles; and
- (9) All-terrain vehicles.

Sec. 70-108. Off road/all-terrain vehicle use.

Nothing in this article shall be construed to authorize the use of off road vehicles or all-terrain vehicles on designated roads or recreation paths. Except as otherwise provided, the operation of off road vehicles and all-terrain vehicles on undesignated roads, designated roads, or recreation paths is prohibited.

Sec. 70-109. Limitation.

This article shall not apply to motorized carts owned by golf courses, country clubs, or other such organized entities which own such carts and make them available to members or the public on a rental basis, provided that such motorized carts are used only on the premises of such golf courses, country clubs, or other such organized entities. This article shall not apply to motorized carts operated upon private property. County right of way is owned by the county and is not private property.

Sec. 70-110. Enforcement, violations, impoundment, and penalties.

(a) The provisions of this article shall be enforced by way of citation from the sheriff or the county marshal.

(b) It shall be unlawful for any person or entity to fail to comply with the requirements of this article.

(c) Any motorized cart operated in violating of the requirements of this article may be impounded by the county and/or the sheriff or county marshal may issue a citation to the owner or operator of such vehicle. Neither the county nor any of its employees or agents shall be responsible for any charges incurred or damages sustained in the towing and storage of such motorized carts.

(d) Violations of this article shall be punished as follows:

(1) 1st violation resulting in a conviction, guilty plea, nolo contendere plea: a fine of not less than \$100.00 nor more than \$1,000.00, and/or, where deemed appropriate by the court, a period of incarceration not to exceed 60 days.

(2) 2nd violation resulting in a conviction, guilty plea, nolo contendere plea: a fine not less than \$300.00 nor more than \$1,000.00, and/or, where deemed appropriate by the court, a period of incarceration not to exceed 60 days.

(3) 3rd violation and all subsequent violations resulting in a conviction, guilty plea, nolo contendere plea: a fine not less than \$500.00 nor more than \$1,000.00, and/or, where deemed appropriate by the court, a period of incarceration not to exceed 60 days.

No portion of the fine may be waived, stayed, deferred, withheld, suspended, substituted or otherwise excused or negated. Community service may be included in addition to any penalty, but not in lieu of the fine provided herein. Any violator shall be responsible for all court costs as determined by the court. If such violation is continued, each day's violation shall be a separate offense.

3.

Article 14 of Appendix B—Development Regulations of the Paulding County Code of Ordinances is hereby amended as follows (underlined text shows additions; strike-through text shows deletions):

14.5.1 Administrative Remedies.

- 1) There is hereby established the Paulding County Development Waiver Review Committee, which shall be comprised of ~~five~~ six members: the Community Development Director, the Director of Transportation, the County Engineer, the Director of the Water and Sewer System, the Government Services Director, and the County Administrator. This committee shall have certain duties and powers concerning requests for appeals, modifications and waivers of the requirements of

these Regulations, as further identified in the remaining paragraphs of this section 14.5.1.

4.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

5.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

6.

These ordinances shall have an effective date of October 1, 2013.

7.

All other aspects of the Code of Ordinances of Paulding County shall remain in full force and effect.

SO RESOLVED THIS 25th DAY OF June, 2013.

VOTE ON RESOLUTION

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Chairman David Austin	<u>✓</u>	<u> </u>	<u> </u>
Post 1 Dave Carmichael	<u>✓</u>	<u> </u>	<u> </u>
Post 2 Todd Pownall	<u>✓</u>	<u> </u>	<u> </u>
Post 3 Tommie Graham	<u>✓</u>	<u> </u>	<u> </u>
Post 4 David Barnett	<u>✓</u>	<u> </u>	<u> </u>

ATTEST:



Clerk, Paulding County Board of Commissioners