

ORDINANCE 19-17

To Amend Chapter 114 of The 2001 Revised Code Of The City Of Dalton, Georgia; Captioned: "Traffic and Vehicles"; By Amending Article VI Captioned: "Fire Lanes" To Reserve Sections 114-408 Through 114-414; By The Amendment Of Article VII Captioned: "Personal Transportation Vehicles"; To Provide For An Effective Date; To Provide For The Repeal of Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by the authority of the same, **IT IS HEREBY ORDAINED** as follows:

Section 1.

Amend Chapter 114 of the 2001 Revised Code of the City of Dalton, Georgia, captioned: "Traffic and Vehicles"; by amending Article VI captioned: "Fire Lanes" by reserving Sections 114-408 through 114-414 for future use.

Section 2.

Amend Chapter 114 of the 2001 Revised Code of the City of Dalton, Georgia, captioned: "Traffic and Vehicles"; by adding a new Article VII captioned: "Personal Transportation Vehicles", which shall read as follows:

ARTICLE VII. – PERSONAL TRANSPORTATION VEHICLES

Sec. 114-415. –Findings and Intent

The Mayor and Council find that certain streets or designated portions of certain streets located within the territorial boundaries of the City and under its jurisdiction can be authorized for use by operators of Personal Transportation Vehicles ("PTV"). This Article shall set forth the conditions for such use of a PTV.

This article is adopted to address the interest of public safety. Personal transportation vehicles ("PTV") and other similar vehicles are not generally designed or manufactured to be used on public highways, streets and roads, and the City of Dalton in no way advocates their operation on the public roads within its jurisdiction. Adoption of this article is not to be relied upon as a determination by the City that operation of personal transportation vehicles and other similar vehicles on public roads is safe or advisable, even if done in accordance with this article. By regulating such operation, the City is merely addressing obvious safety issues. All persons who

operate or ride in personal transportation vehicles and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the City accepts no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of personal transportation vehicles and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this article. Any person who operates personal transportation vehicles and other similar vehicles is responsible for procuring appropriate insurance as may be required by state law or this article as a condition of operating personal transportation vehicles and other similar vehicles on the public roads of the City.

Sec. 114-416. – Definitions.

Authorized street means a public roadway of the City by whatever name (e.g. road, alley, avenue, street, boulevard, etc.) that:

- (1) Has a posted speed limit of 25 miles per hour or less; and,
- (2) Is not designated as part of either the state or federal highway system; and,
- (3) Is primarily a residential street; or is a street within the Central Business District (C-3 District); and,
- (4) Has been designated an authorized street by ordinance or resolution of the City council.

Driver's license means a valid license to operate a motor vehicle issued by the State of Georgia or any other state.

Proof of Insurance means documented evidence of liability insurance on the PTV insuring against personal injury, death and damage to property of any nature relative to the operation of a PTV on designated streets or designated portions of certain streets in an amount not less than required by Georgia law for motor vehicles operated on public highways in the State of Georgia.

Personal Transportation Vehicle ("PTV") means a motor vehicle having not less than three wheels in contact with the ground and an 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 per 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.

Shuttle Service means the provision of PTV shuttle service to passengers free of charge to and from points within the C-3 District.

Sec. 114-417. – PTV Required Equipment.

All PTVs shall have the following required equipment in good operating 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 or a combination thereof.

Sec. 114-418. – Operator of a PTV.

Only persons sixteen (16) years of age or older and holding a valid driver's license may operate a PTV on the designated streets or portions thereof within the City.

Sec. 114-419. – Insurance Required.

- (1) The operator or owner of a PTV shall have written proof of insurance. Documentation of such coverage must be kept on the PTV or carried by the person operating the PTV.
- (2) The operator of a PTV shall maintain a minimum of \$25,000/\$50,000 bodily injury and property liability insurance coverage as required by O.C.G.A. § 33-7-11.
- (3) The operator of a PTV Shuttle Service shall maintain a minimum of \$100,000/\$300,000 bodily injury and property liability insurance coverage as required by O.C.G.A. § 33-7-11.

Sec. 114-420. – Operation of a PTV.

The operator of a PTV shall comply with all laws, ordinances, rules and regulations that govern the operation of motor vehicles on public streets and roads including the following:

- (1) It shall be unlawful to operate a PTV on any street within the City that is not an authorized street. This does not prohibit crossing an unauthorized street where the road being crossed has been properly designated as a "cart crossing" and proper signage and markings have been erected in accordance with the MUTCD.
- (2) All drivers of PTVs shall abide by all traffic regulations applicable to motor vehicle traffic when using authorized streets and parking areas of the City.
- (3) A PTV shall not be operated on the sidewalks at any time.
- (4) Multi-use paths approved for PTV use will be designated with appropriate signage; otherwise, PTV travel on multi-use paths is unauthorized.
- (5) The maximum occupancy of a PTV shall be one person per designated seat and at no time shall the maximum occupancy exceed eight persons

- (6) Every driver of a PTV shall be subject to all of the rules of the road and duties applicable to the driver of any other motor vehicle.
- (7) All drivers and passengers must remain seated at all times during operation of the PTV. No person shall sit on the driver's lap during operation of the PTV.
- (8) PTVs shall be in compliance with all required equipment and such equipment must be used in accordance with all laws, ordinances, rules and regulations that govern the operation of motor vehicles on public streets and roads.
- (9) PTVs shall not be operated at a speed greater than 25 miles per hour.
- (10) PTVs shall be operated during daylight hours unless such PTV is equipped with functional headlights and taillights.

Sec. 114-421. – Operation of PTV Shuttle Service.

The operator of a PTV Shuttle Service may only be provided by those entities which operate a licensed business, or own property, within the C-3 District or by such entity which has a written contractual business relationship with another entity which operates a business or owns property within the C-3 District. PTV Shuttle Service to passengers shall be free of charge.

The operation of a PTV Shuttle Service may be restricted as to certain days of the week and hours of the day which, as determined by the Chief of police and Director of public works of the City, are likely to provide the most safety to PTV occupants, and the safe and efficient interaction of PTVs and other motor vehicles operating within the C-3 District. The Hours and Days of operation of each approved PTV Shuttle Service shall be designated on the Registration form issued by the City.

Sec. 114-422. – Registration and Affidavit of Owner; fee.

The owner of a PTV that operates on any street within the City must register the PTV with the City once every five (5) years. The fee for said registration shall be \$15.00 as provided for by O.C.G.A. §40-6-331(b). As part of the registration process, each owner shall be required to submit to an inspection of the PTV at the Police Services Center and sign an affidavit that the information provided by the owner on the registration form is true and correct to the best of his/her knowledge and that the owner shall abide by all laws, ordinances, rules and regulations regarding the operation of a PTV on designated streets or portions thereof. Documentation of such registration must be kept on the PTV or carried by the person operating the PTV.

Sec. 114-423. – Gasoline powered PTVs.

- (a) Every gasoline powered PTV shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:
 - i. The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or include any and all parts specified by the manufacturer.
 - ii. The exhaust system and its elements shall be securely fastened, including the consideration of missing or broken brackets or hangers.

- iii. The engine and powered mechanism of every gasoline powered PTV 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 PTV to operate or permit the operation of such cart on which any device controlling or abating atmospheric emissions, which is placed on a PTV by the manufacturer, to render the device unserviceable by removal, alteration or which interferes with its operation.

Sec. 114-424. – Violation of PTV Ordinance.

- (a) Any person who violates the terms of this Article shall be cited to appear before the Municipal Court of the City of Dalton and, upon conviction, shall be punished as provided in Section 114-425 (c).
- (b) In addition to enforcing this Article and sanctions against the operator of a PTV, any violation of this Article shall be cited against the registered owner of the PTV as a separate offense.
- (c) Violations of this Article shall be punished as follows:
- (1) For the first offense, a fine not to exceed \$50.00.
 - (2) For the second offense within two years of conviction for a first offense, a fine not to exceed \$100.00.
 - (3) For the third offense within two years of conviction for a second offense, a fine not to exceed \$500.00. In addition, the registered owner's PTV City registration shall be revoked. In that event, the registered owner shall not be eligible to register a PTV for use in the City for a period of two years from the date of conviction of a third offense.

Sec. 114-425. – Designation of Authorized Streets.

- (a) Residential streets authorized for the operation of PTVs include the following:
- (1) Ryman Ridge Road.
 - (2) Martha's Bridge Road.
 - (3) Saint Ives Place.
 - (4) Wintergreen Court.
 - (5) Ella Lane.
 - (6) Maple Way.
 - (7) Kinnier Court.
 - (8) Huntington Road.
 - (9) Huntington Woods Way.
 - (10) Rena Lane.
 - (11) South Rena Lane.
 - (12) Broadview Terrace.
 - (13) Bedford Drive.
 - (14) Cameron.
 - (15) Canterbury.
 - (16) Chadwell.

- (17) Chatham.
- (18) Coventry.
- (19) Essex.
- (20) Hathaway.
- (21) Tolchester.
- (22) Wellington.
- (23) Wycliffe.

(b) PTV Shuttle Service is authorized within the C-3 Business District to include the following:

- (1) Hamilton Street.
- (2) Pentz Street.
- (3) Selvidge Street.
- (4) Depot Street.
- (5) South Depot Street.
- (6) King Street.
- (7) Crawford Street.
- (8) Gordon Street.
- (9) Cuyler Street.

(c) Waugh Street and Morris Street are NOT authorized for use of PTVs.

Sec. 114-426. – Application to Add Authorized Streets.

Applications to add authorized streets in residential areas shall be made in writing to the City Administrator of the City upon such forms as designated by the City. For residential streets located within an area represented by an active homeowners association (HOA), the application shall be submitted by the HOA president or other authorized individual on behalf of all residences. For residential streets located outside an active HOA area, the applicant shall be required to circulate a petition upon such forms designated by the City in support of authorizing PTVs on the applicable street(s) to the owners of property adjacent to the applicable street(s). To be eligible for review and approval by the City, said petition shall receive a minimum of seventy-five (75) percent approval by the owners of property adjacent to the applicable street(s).

Section 2.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 3.

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

Section 4.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

ADOPTED AND APPROVED on the ____ day of _____, 20____, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Councilmember _____, second by Councilmember _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

MAYOR

Attest:

CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the ____ day of _____, 20____.

CITY CLERK
CITY OF DALTON