

## Chapter 47 – Traffic and Vehicles

### Article IV. - Personal Transportation Vehicles

#### Section 47-60 - Definitions.

For the purpose of this article, 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 and maintaining all equipment standards in Section 47-64)* means motor vehicle having not less than three (3) wheels in contact with the ground and unladen weight less than one thousand three hundred (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 twenty (20) miles per hour and any motor vehicle having no fewer than four (4) wheels and an unladen weight of one thousand three hundred seventy-five (1,375) pounds or less and which cannot operate at more than twenty (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 47-61 - Operation of Personal Transportation Vehicles (PTV).

The City of Flowery Branch adopts O.C.G.A. §§ 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 or on multi-use paths designated by the PTV Plan Map adopted by Resolution by the Mayor and City Council.

#### Section 47-62 - Operator.

Only persons seventeen (17) years of age or older and holding a valid driver's license may operate a personal transportation vehicle (PTV) on the above-described roads and facilities within the city.

#### Section 47-63 - Insurance Required.

The operator or owner of a personal transportation vehicle (PTV) shall have written proof of insurance. Documentation of such coverage shall be submitted during the registration process outlined in Section 47-69.

#### Section 47-64 - Equipment Requirements.

- (a) All personal transportation vehicles shall be equipped with:
  - (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.
- (b) The requirements of subsection (a) of this Code section shall not apply to any personal transportation vehicles operated during daylight hours authorized by local ordinances enacted prior to January 1, 2012.
- (c) 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.
- (d) Electric personal transportation vehicles (PTVs) shall be equipped with, at a minimum, all factory installed safety systems and a charge indicator for low battery.
- (e) All personal transportation vehicles (PTVs) regulated by this article shall be maintained in safe condition at all times.

#### Section 47-65 – Prohibited Areas of Operation.

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 identified on the PTV Plan Map.

#### Section 47-66 - Occupants.

- (a) 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.
- (b) Children 0 through 3 years of age riding in a PTV shall be properly protected using a crash-tested, federally approved child restraint device; such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. Children 4 through 5 years of age shall be restrained using a separate carrier, an integrated child seat, or a seat belt.

#### Section 47-67 - Traffic Rules.

- (a) 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 Flowery Branch (city code chapter 47) which govern the operation of motor vehicles.
- (b) Pedestrians shall be given due consideration and reasonable right-of-way to ensure safe passage.
- (c) An audible warning shall be given by operators of personal transportation vehicles (PTV) when approaching pedestrians from the rear.
- (d) All laws and ordinances relative to alcohol and the use thereof, including open container laws, apply to the operator and occupants of personal transportation vehicles (PTV).

#### Section 47-68 - 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; and
- (c) Loitering or parking on roads, bridges or in underpasses.

#### Section 47-69 - Registration and Affidavit of Owner; Fee.

The owner of a personal transportation vehicle (PTV) shall register the PTV with the city once every five (5) years for a fee not to exceed \$15.00. PTV registration shall be filed with the Community Development Director. The registration shall be completed on forms provided by the Community Development Department. 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 Flowery Branch laws and regulations regarding ownership and operation of a PTV, as well as any applicable state laws. Registration shall be posted in any PTV operated within the City of Flowery Branch.

#### Section 47-70 - Penalty.

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

#### Section 47-71 - Liability Disclaimer.

This section is adopted to address the interest of public safety. Personal transportation vehicles (PTV) are not designed or manufactured to be used on public streets, and the City of Flowery Branch 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 vehicles (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 Flowery Branch has no liability under any theory of liability and the city assumes no liability for permitting personal transportation vehicles (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.