

ORDINANCE 14- 05

AN ORDINANCE TO PROVIDE FOR THE USE AND OPERATION OF PERSONAL TRANSPORTATION VEHICLES ON THE MUNICIPAL STREETS; TO PROVIDE FOR THE REGISTRATION OF PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR OPERATIONAL AND EQUIPMENT REQUIREMENTS FOR PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THEREFORE, THE COUNCIL OF THE CITY OF SKY VALLEY HEREBY ORDAINS:

SECTION ONE

The Municipal Code of the City of Sky Valley is amended by adding a new Ordinance known as the "Sky Valley Personal Transportation Vehicle Ordinance."

Sec. 1000. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Personal transportation vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter "public roads") and the City of Sky Valley in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Sky Valley that operation of personal transportation vehicles on public roads is safe or advisable if done in accordance with this Ordinance. By regulating such operation the city is merely addressing safety issues. All persons who operate or ride in personal transportation vehicles 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 of Sky Valley has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of personal transportation vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Ordinance. Any person who operates personal transportation vehicle is responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating personal transportation vehicle on the roads of the City of Sky Valley.

Sec. 1100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

All-terrain vehicle means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering.

Authorized street means the public roadways of the city that:

- Has a posted speed limit of 25 miles per hour or less;
- Provides for no more than one lane of vehicular traffic per direction;
- Is not designated as part of either the state or federal highway system;
- Has not been designated as an Unauthorized Street by ordinance or resolution by the City Council.

Golf car or golf cart means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour on a level road surface with a 0.5% grade comprising a straight course composed on a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Implement of husbandry means a vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

Low-speed vehicle or LSV means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles.

Multi-purpose off-highway vehicle means any motorized vehicle having features specifically intended for utility use and having the following characteristics:

- Has the capability to transport persons or cargo or both;
- Operates between 25 miles per hour and 50 miles per hour;
- Has an overall width of 80 inches or less, exclusive of accessories or attachments;
- Is designed to travel on four or more wheels;
- Contains a nonstraddle seat;
- Has a gross vehicle weight rating of less than 4,000 pounds; and
- Has a minimum cargo capacity of 350 pounds.

Personal transportation vehicle or PTV means any motor vehicle having no fewer than three wheels, an unladen weight of 1,300 pounds or less with a maximum level ground speed of less than 20 miles per hour or any motor vehicle with a minimum of four wheels, an unladen weight of 1,375 pounds or less, capable of transporting not more than eight persons with a maximum level ground speed of less than 20 miles per hour. 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-purposed off-highway vehicle.

Public Road means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Sky Valley, including streets and alleys.

Sidewalk means that portion of public property of a street between the curb lines and the adjacent property lines, intended for use only by pedestrians.

Recreation Path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by personal transportation vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City Council.

Unladen Weight means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

Unauthorized Street means the public roadways of the city that has been designated by the City Council by ordinance or resolution as an unauthorized street.

Valid Motor Vehicle Driver's License means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

Vehicle means every motor vehicle, except all-terrain vehicles, motorcycles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

Sec. 1200. Registration/transfer requirements.

Before any personal transportation vehicle may be operated over an authorized street of the city it shall be registered with and inspected by the Sky Valley Police Department. If the personal transportation vehicle is compliant with local and State law, then a decal shall be issued from that department signifying its registration. The registration requirements include the following specifics:

- (1) Only those persons 18 years of age or older may register a personal transportation vehicle;
- (2) The person registering the PTV is the Owner of the PTV;
- (3) The decal received from the Sky Valley Police Department upon registration shall be attached and displayed upon the PTV so as to be plainly visible.

(4) The registration application shall be made on a form supplied by the City and shall contain the following information:

- Name and address of owner;
- Model, make, name and identification number;
- Current driver's license number of owner and all authorized drivers; and
- Such other information with the City may require.

(5) The registration application shall be accompanied by a fee of \$15.00;

(6) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of Georgia law for operational motor vehicles.

(7) The registration shall be effective for a period of five (5) years, until such time as revoked or the PTV is transferred to a new owner. If the registered owner transfers ownership of the PTV, the registered owner must notify the Sky Valley Police Department of the transfer;

(8) It shall be the Owner of the PTV's responsibility to ensure the information on the application remains current and accurate.

Sec.1300. Revocation.

The registration permit may be revoked if:

- (1) The permit holder no longer has a valid driver's license;
- (2) The owner or driver of a PTV fails to abide by the rules and regulations of this article;
- (3) The owner or driver of a PTV fails to abide by the traffic laws in the use of a PTV on an Authorized Street,

Sec. 1400. Transfer.

Upon transfer of ownership of the PTV to a person who intends to operate it over the Authorized Streets of the city, the new owner must register the PTV as outlined hereinabove in Section 1200. Such registration by the new owner must occur within ten days of the transfer of ownership.

Sec. 1500. Operation regulations.

(a) It shall be unlawful to operate a PTV on any street within the City of Sky Valley that is not an Authorized Street.

(b) Only those persons who hold a valid motor vehicle driver's license and who are on the approved driver's list provided by the owner to the Sky Valley Police Department at the time of

registration may drive a PTV on the Authorized Streets and those areas accessible by the public of the city.

(c) All drivers of a PTV shall abide by all traffic regulations applicable to vehicular traffic when using the Authorized Streets of the city.

(d) Every driver of a PTV shall be granted all the rights and shall be subject to all of the rules of the road and duties applicable to the driver of any other vehicle.

(e) All PTVs are entitled to a full use of a lane of the Authorized Streets of the city and no motor vehicle shall be driven in such a manner as to deprive any PTV of the full use of a lane.

(f) The driver of a PTV shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(g) No driver of a PTV shall operate a PTV between lanes of traffic or between adjacent lines of rows of vehicles.

(h) PTVs shall not be operated two or more abreast in a single lane.

(i) The driver of a PTV operating on an Authorized Street may cross a multi-lane road only at a signalized intersection designated for such purpose.

(j) The driver of a PTV operating on an Authorized Street may cross a state or federal route only at intersections that have been designated for such purpose and which are constructed as an active grade crossing in accordance with the Manual on Uniform Traffic Control Devices.

(k) All laws and ordinances relative to alcohol and its use, including open container laws, shall apply to traffic on streets of the city shall also apply to drivers and occupants of PTVs.

(l) All drivers and passengers must remain seated at all times during the operation of the PTV. No person may sit on the lap of another passenger or the driver.

(m) Personal transportation vehicles shall not be operated on sidewalks at any time.

(n) A PTV may be operated over Authorized Streets only during daylight hours unless such PTV is equipped with functional headlights, taillights and front and back turn signals.

(o) Personal transportation vehicles may be operated only over those certain residential streets where the speed limit is 25 mph or less.

Sec. 1600. Equipment.

Each PTV shall be equipped with each of the following safety devices:

(a) A braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake;

- (b) A reverse warning device functional at all times when the directional control is in the reverse position;
- (c) 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.
- (d) Head lamps;
- (e) Reflex reflectors;
- (f) Tail lamps;
- (g) A horn;
- (h) A rearview mirror;
- (i) Safety warning labels;
- (j) Hip restraints and hand holds or a combination thereof;
- (k) Amber strobe light so as to warn approaching travelers to decrease their speed because of the danger of colliding with such vehicle. Such amber strobe light shall be mounted in a manner so as to be visible under normal atmospheric conditions from a distance of 500 feet from the front and rear of such vehicle; and
- (l) A rear mounted orange warning triangle center mounted no less than 3 feet and no more than 5 feet above the ground.

Sec.1700. Unauthorized Streets

Use of PTVs is prohibited on the following unauthorized streets:

- (a) Any street or highway with a posted speed limit of more than 25 miles per hour.
- (b) Any street or highway that has more than one lane of vehicular traffic per direction.
- (c) Any street or highway designated as part of either the state or federal highway system.
- (d) GA Highway 246.
- (e) Bald Mountain Road
- (f) NC Highway 106
- (g) Old Mud Creek Road

Sec. 1800. Exceptions.

(a) The provisions of this Ordinance and the authority granted by this Ordinance shall not apply to PTVs owned by golf courses, country clubs, or other such organized entities which own such PTVs and make them available to or for use by members or the public on a rental or licensed basis, **provided that such PTVs are used only on the premises of such golf courses, country clubs, or other such organized entities and on designated street crossings.**

(b) The provisions of this Ordinance do not apply to implements of husbandry, road machinery, road rollers, farm tractors, or three-wheeled motorcycles used only for agricultural purposes.

(c) The provisions of this Ordinance do not apply to Low Speed Vehicles which are allowed on roads as long as they abide by state laws on their use on the roadways.

(d) Other motorized carts which do not qualify as a legal PTV and are currently being used by the Club or Timeshares on Authorized Streets within the city for maintenance purposes shall be allowed if such cart is registered with the Sky Valley Police Department within ten (10) days of the effective date of this Ordinance. Upon discontinued use or lapse in registration of such cart, no additional motorized carts shall be approved that do not comply with this Ordinance.

Sec. 1900. Liability.

Nothing in this article shall be construed as an assumption of liability by the City of sky Valley for any injuries to persons or property which may result from the operation of a personal transportation vehicle or by the failure of the city to revoke said permit.

Sec. 2000. Penalties.

Any person who violates the terms of this Ordinance shall be punished as follows:

In addition to whatever violations the driver of the PTV may be subject to pursuant to Georgia law and elsewhere found within the Code of Ordinances and the City Charter, the registered owner of the PTV shall be subject to the following civil penalties:

(1) For the first offense, a fine of not less than \$50.00; if not timely paid, revocation of the permit;

(2) For the second offense, a fine of not less than \$100.00; if not timely paid, revocation of the permit.

(3) For the third offense, the registration for the PTV shall be revoked. In the event the registrations revoked under this section, the PTV cannot thereafter be re-registered by the same owner or any family member for a period of two years. Further, such other penalties shall be applied as provided in the Code of Ordinances and City charter in the sound discretion and judgment of the presiding Judge of the Municipal Court of the City of Sky Valley.

Sec. 3000. Severability.

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The city governing authority declared that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

Sec. 4000. Conflicting Ordinances.

Any ordinance or any portion of an ordinance that conflicts with this Ordinance is hereby revoked.

Sec. 5000. Effective date.

This ordinance will become effective _____.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 27th day of May, 2014.

Approved:



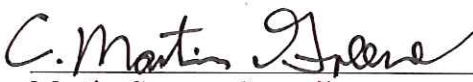
Hughel Goodgame, Mayor



Bob Larsen, Council President



Liz Carr, Councilor



Martin Greene, Councilor


Attest:



Mandi Cantrell, City Clerk



Neil Howard, Councilor



David K. Whatley, Councilor