

AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY ADDING PROVISIONS FOR REGULATION OF MOTORIZED CARTS

WHEREAS, the City of Dunwoody is charged with safeguarding the safety, health and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Traffic and Public Roadways, as set forth in Chapter 17 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, the City Council of the City of Dunwoody, in an effort to improve the air quality in the City as well as conserve energy and enhance the sustainability and safety of the citizens of the City desire to authorize the use of motorized carts for use on City streets; and

WHEREAS, the Mayor and City Council also desire to amend Chapter 17 of the City Code in order to regulate the use of such carts within the limits of the City to make sure safety and proper operation, safe equipment and compliance with all applicable laws of the City and the state as to registration and safe driving.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Chapter 17, Traffic and Public Roadways, of the City of Dunwoody Code of Ordinances is hereby amended by addition of a new Article 7 to read as follows:

Article 7: Motorized Carts

Section 1: Definitions

- (a) "Motorized Cart" means every motor vehicle having not less than three (3) wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than twenty (20) miles per hour, including golf carts and similar types of self-propelled vehicles.
- (b) “Electric Personal Assistive Mobility Device or EPAMD” means a self-balancing, two non-tandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (one horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system and ridden by an operator.
- (c) “All Terrain Vehicle” means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

Section 2: Operation Regulations; Equipment Requirements

- (a) A license is not required for the operation of an Electric Personal Assistive Mobility Devices within the City. Motorized carts may be operated within the city only by:
- (1) Those persons who are 16 years of age and older and have a valid motor vehicle driver's license.
 - (2) Those persons who are 15 years of age, who have in his or her possession a valid instructional permit issued by the state pursuant to O.C.G.A. § 40-5-24, as may be amended, and has not had his or her instructional permit suspended or revoked, if accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle drivers license.
 - (3) No person under the age of 15 years of age shall be permitted to operate a motorized cart on any public street within the corporate limits of the city.
- (b) Before any motorized cart may be operated within the City, the cart must be registered and receive a decal from the clerk of the City signifying its registration. A person desiring to register a motorized cart shall bring documentation setting forth a description of the cart to the clerk's office and complete an application for registration of the cart as provided by the City Clerk.
- (c) Every gasoline-powered motorized cart 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 and exhaust pipes or include any and all parts specified by the manufacturer.
 - (2) The exhaust system in its own shall be securely fastened, including the consideration of missing or broken brackets or hangers.
 - (3) The engine and power mechanism of every gasoline-powered cart shall be so equipped, adjusted, and tuned, as to prevent the escape of excessive smoke or fumes.
 - (4) All carts shall be maintained in such conditions so that they are incapable of "backfiring", or otherwise operating so as to make loud noises; or create noise as a result of an operator equipping the cart with devices designed to increase noise.
 - (5) Motorized carts must comply with all applicable noise regulations of the City of Dunwoody.
- (d) Electric Motorized carts and EPAMDs shall be equipped with, at a minimum, all factory installed safety systems and a charge indicator for low battery.

- (e) Upon registration, the clerk shall issue a decal to be applied to the rear of such cart so as to be plainly visible. The registration application shall be made on a form supplied by the City and shall contain the following information:
 - (a) Name and address of owner.
 - (b) Model, make, name and motorized cart identification number.
 - (c) Such other information which the City may require so long as such information is also required to register a motor vehicle pursuant to State Law.

The registration application shall be accompanied by a fee of \$10.00. The issued registration shall be nontransferable from the cart for which it is issued.

- (f) Before any motorized cart may be operated within the City, the cart must have affixed thereto an emblem as required by O.C.G.A. § 40-8-4.
- (g) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the city streets and other areas accessible to such carts by the public in the City, including the uniform rules of the road contained in O.C.G.A. §§ 40-6-2 thru 40-6-395.
- (h) Motorized carts and EPAMDs which are in compliance with this section may be operated on any street within the City which is not specifically within the jurisdiction of the Georgia Department of Transportation and having a posted speed limit of thirty-five (35) miles per hour or less, and may only cross streets or roads within the state highway system at intersections or crossings designated for that purpose by the Department of Transportation. Motorized carts may not be operated on sidewalks or multiuse trails, unless a portion of a sidewalk or multiuse trail is specifically designated for such use by the City of Dunwoody Public Works Department.

Section 3: Time of Operation

All vehicles authorized by this Article may be operated only during daylight hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset, unless equipped with two (2) operating headlights, tail lights, brake lights, and turn signals which are visible from a distance of five hundred (500) feet. Such vehicles shall not be operated at any time when there is insufficient light to clearly see persons or vehicles on the street or roadway at a distance of five hundred (500) feet.

Section 4: Operation of All Terrain Vehicles

No person shall operate or drive any All Terrain Vehicle upon any portion of the right-of-way of any public road, street or highway within the City. All Terrain Vehicles (ATVs) shall be operated only on private property with the written consent of the owner of such property to be carried by the riders at all times and displayed to law enforcement officials upon request.

Section 5: Hazardous activities prohibited; special rules

- (a) No individual or group utilizing Motorized carts or EPAMDs shall engage in any dangerous, reckless, or hazardous activities on the city streets or other areas accessible by the public. Such activities shall include, but not be limited to, racing in any form, except for special events approved by the City, blocking of any public access, except for special events approved by the City, reckless or aggressive driving, loitering or parking on roads, bridges or in underpasses, and not issuing an audible warning when approaching pedestrians from the rear.
- (b) All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the City shall also apply to drivers and occupants of Motorized Carts, All terrain Vehicles and Electric Personal Assistive Mobility Devices.
- (c) The number of occupants in a motorized cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart.
- (d) All operators and passengers must remain seated at all times during the movement and/or operation of the Motorized Cart and EPAMDs. No parts of the bodies of any operator or passenger shall extend outside the perimeter of the vehicle while it is being operated.
- (e) No driver shall operate a motorized cart or EPAMD's between lanes of traffic or between adjacent lines of rows of vehicles.

Section 6: Liability

Every person using motorized carts and EPAMDs on city streets is liable for his or her own actions. Liability insurance coverage varies, and each person owning or operating a Motorized Car or EPAMD on the city streets or in those areas accessible by the public should verify coverage. The City does not require mandatory liability coverage in order to operate any of the vehicles authorized in this Article.

Section 7: Penalties

A violation of any provision of this Article shall constitute a violation of the City of Dunwoody Code of Ordinances. An owner, lessee or operator may be cited to appear in the Dunwoody Municipal Court. Upon finding by such court that an owner, lessee, or operator of any motorized vehicle authorized by this Article 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 and all other applicable surcharges.

Section 8: Revoking of permit

Permits will be revoked if it is found that:

- (a) The permit holder no longer has a valid driver's license.
- (b) Failure to abide by the rules and regulations of this Article.

(c) Failure to grant right-of-way to pedestrians and bicyclists.

(d) The holder of the permit cannot safely operate the motorized cart or EPAMD on the designated path or roadway or pose a threat to the safety of others.

Section 9: Exemptions

The provisions of this Article shall not apply to:

- (1) Public safety officials while in the performance of their official duties.
- (2) The use of such vehicles in a safe and reasonable manner in a parade which has been approved by city officials.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ___ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

(Seal)

Brian Anderson, City Attorney