

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019-32

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 94 "TRAFFIC AND VEHICLES" TO ADD A NEW ARTICLE V ENTITLED "LOW SPEED VEHICLES;" TO PROVIDE FOR THE REGULATION OF LOW SPEED MOTORIZED VEHICLES; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Article IV "Speed Detection Devices" of Chapter 94 "Traffic and Vehicles" to read as follows:

ARTICLE IV. – SPEED DETECTION DEVICES

Secs. 94.102 – 94.150. – Reserved.

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding a new Article V "Low-Speed Vehicles" to Chapter 94 "Traffic and Vehicles" to read as follows:

ARTICLE V. - LOW-SPEED VEHICLES

Sec. 94-151. - Authority; name.

This article shall be referred to as the "Motorized Cart Control Ordinance of Clayton County."

Sec. 94-152. - Findings; definitions.

(a) *Words and phrases used in this article shall have the following meanings, unless otherwise specified:*

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.

Bicycle means every device propelled by human power upon which any person may ride, having only two wheels which are in tandem and either of which is more than 13 inches in diameter.

Electric bicycle means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. For such a device to be considered an electric-assisted bicycle, it shall meet the requirements of the federal motor vehicle safety standards, as set forth in 49 CFR 571 et seq., and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied. The electric motor in an electric assisted bicycle shall:

- (1) Have a power output of not more than 1,000 watts;
- (2) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and
- (3) Be incapable of further increasing the speed of the device when human power alone is used to propel the device at or more than 20 miles per hour.

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 who weighs not more than 170 pounds.

Low-speed motor vehicle or LSMV 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 set forth in 49 CFR 571.500 and in effect on January 1, 2001.

Moped means a motor-driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, dirt bike, and moped.

Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, every bicycle with a motor attached, and every moped.

Motorized cart means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour.

Motorized play vehicle means a coaster, scooter, pocket bike, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor engine, gas or electric, and is not otherwise defined in this Code as a "motorized cart," "low speed motor vehicle (LSMV)," "motor vehicle," "motorcycle," "electric bicycle," "motorized skateboard," "electric personal assistive mobility device," or "motorized wheelchair."

Motorized skateboard means a self-propelled device, including Segways, that has a motor, gas or electric, a deck upon which a person may ride, not equipped with a seat, and at least two tandem wheels in contact with the ground and which is not otherwise defined in this Code as a motor vehicle," "motorcycle," "motorized play vehicle," "motor scooter," "electric personal assistive mobility device" or "motorized wheelchair."

Motorized wheelchair means a self-propelled wheelchair that is used by a physically disabled person for mobility.

Pocket motorcycle or pocket bike means a two-wheeled vehicle other than a motor vehicle, bicycle with helper motor or a motorized scooter, and which is propelled by an internal combustion engine, electric motor or other mechanical means, is capable of carrying a rider and/or passenger at a speed in excess of 20 miles per hour, and is designed to replicate the general appearance of a motorcycle, regardless of the scale of the replication.

Sec. 94-153. - Penalties.

- (a) Any person who violates the terms of this article, except section 94-155(b) or (c), shall be punished as provided in section 94-160; except that any fine for a littering offense shall be doubled.
- (b) Any violation of section 94-155(b) or (c) shall be charged against the owner of the motorized cart, and all fines and penalties shall be levied against the owner of the motorized cart as follows:
 - (1) For the first offense, a fine of not less than \$250.00.
 - (2) For the second offense, a fine of not less than \$500.00.
 - (3) For a third offense committed within one year of conviction for a second offense for a motorized cart, a fine of \$1,000.00.
- (c) Any violation by an operator of a LSMV shall be charged against the operator according to the provisions of O.C.G.A. § 40-1-1 et seq. and this Code. Any violation by an owner of a LSMV shall be charged against the owner according to the provisions of O.C.G.A. § 40-1-1 et seq. and this Code.

Sec. 94-154. - Specifications.

- (a) Gasoline carts.

(1) *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:*

a. *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.*

b. *The exhaust system and its elements shall be securely fastened, including the consideration of missing or broken brackets or hangers.*

c. *The engine and powered mechanism of every cart 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 on which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, to render the device unserviceable by removal, alteration or which interferes with its operation.*

(b) *LSMV. No LSMV shall be operated on the paved recreational paths or streets located within the unincorporated boundaries of the county unless it is insured according to laws of the state.*

Sec. 94-155. - Operation regulations.

(a) *Those persons who are 18 years of age and older who hold a valid vehicle driver's license may drive a motorized cart on recreation paths and areas accessible by the public of the county where so designated by the county unless such person has had their license to operate a motor vehicle suspended or revoked by the state which issued said license in which case such person shall not be permitted to operate a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the county during the time of suspension or revocation.*

- (b) *Those persons who are 15 years of age but not yet 18 years of age may drive a motorized cart on the recreation paths and those areas accessible by the public of the county where so designated by the county:*
- (1) *If they have in their possession a valid permit issued by the state pursuant to O.C.G.A. § 40-5-24, as may be amended, and they are accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license or they shall be accompanied in the front seat by a parent, grandparent or legal guardian who is capable of exercising control over the vehicle; or*
 - (2) *If they have in their possession a valid permit issued by the state pursuant to O.C.G.A. § 40-5-24, as may be amended, and is accompanied by a licensed driver as provided in subsection (b)(1) of this section, then they may be accompanied in the vehicle by up to one other person who must be at least 15 years of age, or they may be accompanied by up to three immediate family members providing the motorized cart has seats to accommodate such persons.*
- (c) *No person under the age of 15 shall be permitted to drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the county under any circumstances.*
- (d) *All operators shall abide by all traffic regulations applicable to vehicular traffic when using the recreation paths, streets and those areas accessible by the public in the county. Where paths exist, they must be used in preference to parallel county streets with the exclusion of those cart paths privately owned and maintained by golf courses and not used by the general public.*
- (e) *Motorized carts shall not be operated on sidewalks at any time.*
- (f) *Motorized carts may be operated over those authorized streets, recreational paths and those areas accessible by the public where so designated by the county only during*

daylight hours unless such motorized carts are equipped with functional headlights and taillights.

- (g) No motorized cart shall be permitted to operate over, along, or across any federal or state highway within the boundaries of the county except where authorized crossings are provided.*
- (h) It shall be unlawful for the owner of any motorized cart or LSMV or any other person operating, employing, permitting the use of or otherwise directing the use of such motorized cart or LSMV to operate or permit the operator of any motorized cart or LSMV to drive over the recreational paths, streets or those areas accessible by the public in the county in violation of this article.*
- (i) Only persons possessing a valid license issued by this state, another state of the United States of America, or international agency which permits such person to operate a motor vehicle on the highways of the state may operate a LSMV on the paved recreational paths or streets located within the territorial boundaries of the county.*
- (j) No LSMV shall be permitted to operate on, over, along, or across any federal or state highway within the boundaries of the county except where authorized crossings are provided. No LSMV shall be permitted to operate on any street on which the posted speed limit exceeds 35 miles per hour. Except as prohibited in this section, LSMVs shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour.*

Sec. 94-156. - Recreation path users—Authorized.

- (a) Authorized users of paved recreation paths and sidewalks are as follows:*
 - (1) Pedestrians;*
 - (2) Non-motorized vehicles;*
 - (3) Roller skates, roller blades and skateboarders (daylight only);*
 - (4) Electric-powered golf carts;*
 - (5) Gasoline-powered golf carts;*

- (6) *Emergency and authorized maintenance vehicles;*
- (7) *Bicycles, traditional and electric (as defined in section 94-152);*
- (8) *Motorized and conventional wheelchairs;*
- (9) *Electric vehicles designed to carry one person at a speed not to exceed 20 miles per hour except as prohibited in section 94-157; and*
- (10) *LSMV, provided that the vehicle is operated only in a mode or other restriction which does not allow the vehicle to exceed 20 miles per hour.*
- (11) *Electric or gasoline powered scooters; and*
- (12) *Motorized play vehicles.*

Sec. 94-157. - Same—Prohibited uses.

- (a) *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) *All terrain vehicles; and*
 - (8) *Except as permitted in section 94-156, any vehicle designed by the manufacturer to be able to travel at speeds in excess of 20 miles per hour under its own power on a flat surface.*

Sec. 94-158. - Hazardous activities and special rules.

- (a) *Paths are for transportation and public recreation by the various groups of permitted users. No individual or group shall engage in hazardous activities on the paths and streets and those areas accessible by the public. Such hazardous activities, and the special rules pertaining to them, include but are not limited to the following:*

- (1) *Racing of any form, except for special events approved by the county; and*
 - (2) *Blocking of public access, except for special events approved by the county.*
- (b) *None of the prohibited users in section 94-157 shall use the path system or the bridges and/or their underpasses for any purpose whatsoever.*
 - (c) *Pedestrians, skaters and permitted vehicles shall not loiter or park on recreation path bridges or in underpasses.*
 - (d) *Normal rules of the road shall apply to the recreation paths. For instance, when approaching oncoming path users, each user shall move to the right side of the path. Passing shall be on the left side of the path.*
 - (e) *Pedestrians should be given due consideration and reasonable right-of-way by other users of the recreation paths to ensure them safe passage.*
 - (f) *A warning or announcement shall be given by operators of golf carts and other users of the recreation paths, such as bicyclists and skaters, when approaching pedestrians from the rear. This warning or announcement may be verbal, but it is recommended that bicyclists and golf carts operators equip their vehicles with a warning device such as a horn or bell. Each user of the recreation paths shall be considerate of the safety and welfare of other users, and dangerous conduct will not be tolerated.*
 - (g) *All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the county also apply to the recreation paths.*
 - (h) *All litter shall be deposited in the receptacles provided along the recreation paths or retained by the path user for proper disposal later. Littering on the recreation paths shall be subject to twice the fines and penalties as littering on the streets.*
 - (i) *All users of electric bicycles shall wear a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or a motorcycle helmet while operating an electric bicycle on the recreational paths.*

- (j) *No one under the age of 15 shall operate an electric bicycle on the recreational paths.*
- (k) *Seat belts on LSMVs shall always be worn by all occupants while the vehicle is moving.*
- (l) *All operators and passengers must always remain seated during the operation of the golf cart. No person may sit on the operator's lap during the operation of the golf cart.*

Sec. 94-159. - Liability. Each person using the recreation paths is liable for their own actions. Liability insurance coverage varies, and each person operating a golf cart or other motorized or non-motorized vehicle on the recreation paths and public streets and those areas accessible by the public should verify their coverage.

Sec. 94-160. - Enforcement jurisdiction; general penalty; continuing violations.

- (a) *Jurisdiction for the enforcement of this article shall be in the magistrate court of the county. Whenever in this article any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this article the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided, and unless otherwise provided by state law, the violation of any such provision of this article shall be punished according to the general penalties described in section 1-12. Each day any violation of this article shall continue shall constitute a separate offense.*
- (b) *The judge of the magistrate court shall have the power and authority to:*
 - (1) *Impose upon persons convicted in the magistrate court the fines provided for in this article or as otherwise provided by law, with the alternative of other punishment allowed by law, if such fines are not paid;*
 - (2) *Sentence such person to community service work; or*
 - (3) *Impose a sentence consisting of any combination of the penalties provided for in this section.*

(c) *The judge of the magistrate court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the magistrate court upon the offender's failure to appear as provided for in such bond. The procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. § 17-6-70 et seq.*

(d) *In the event the penalty for violation of any provision of this article shall be beyond the legal authority of the magistrate judge as provided by state law, jurisdiction for the enforcement of such violation shall be in the state court of the county.*

Sec. 94-161. - Exemptions

The provision of this Article shall not apply to public safety vehicles on official duty, or to vehicles operated in parades that have been permitted and authorized by the County.

Secs. 94-162—94-190. - Reserved.

Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

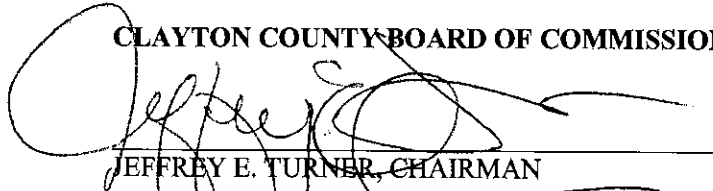
Section 4. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the _____ day of March, 2019.

{Signatures on the following page}

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



FELICIA FRANKLIN WARNER, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL HAMBRICK, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK