

CITY CODE AMENDMENT

An Amendment to the City Code of Social Circle, Georgia revising 8-004 "Low Speed Vehicles."

WHEREAS, the City Code of Social Circle may be amended by the Mayor and Council; and

WHEREAS, the Mayor and Council find that the following amendment promotes the health, safety, morals, convenience, order, prosperity and general welfare of the City;

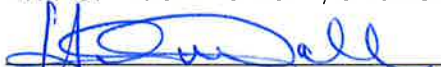
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that the Code is hereby amended as follows:

1. By revising 8-004, entitled "Low Speed Vehicles," to read as shown on Exhibit "A" attached hereto and made a part hereof.
2. All code sections, ordinances, resolutions, or parts thereof in conflict herewith are repealed.
3. This Amendment shall become effective upon adoption.
4. This Amendment is severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

ADOPTED AND APPROVED by the Mayor and Council of Social Circle January 17, 2017

CITY OF SOCIAL CIRCLE, GEORGIA (SEAL)

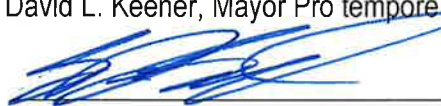
By:



Hal W. Dally, Mayor



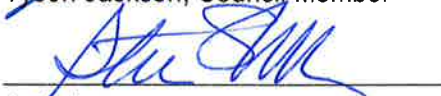
David L. Keener, Mayor Pro tempore



Scott D. Simpkins, Council Member



Tyson Jackson, Council Member



Joseph Stevens Shelton, Council Member

Attest:



Susan M. Roper, City Clerk

Section 8-004 Low Speed Vehicles

1. Findings; definition.

(a) Certain City streets with speed limits of 35 mph or less under exclusive City jurisdiction (non-DOT streets) are constructed so as to safely permit their use by operators of Low Speed Motorized Vehicles and Motorized Carts, **excluding state or federal or county roads.**

The permitted streets are as follows: All City streets with speed Limits of 35 mph or less.

(b) Definitions:

All-terrain vehicle a/k/a ATV means motorized vehicle designed for off-road use with three or 4 tires and with a seat to be straddled by the operator and with handlebars. They may not be used on public streets, roads or highways unless it meets the definition of an all-terrain vehicle which is a "Farm use vehicle" and is exclusively used in compliance with OCGA § 40-6-305.

Bicycle means having only two wheels and either of which is more than 13 inches in diameter.

Daylight Hours means between 30 minutes before sunrise and 30 minutes after sunset.

Dealer means person in the business of buying, selling or exchanging vehicles with an established place of business in GA.

Dirt Bike means off-road motorcycle (see Ga. Comp. R. & Regs. 391-4-2-.62), a motor vehicle having a seat or saddle designed to travel on not more than three wheels in contact with the ground, which is not designed, licensed or authorized for use on public roads.

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. It shall meet the requirements of the Federal Motor Vehicle Safety Standards and operate so that the electric motor ceases to function when the brakes are applied. The electric motor in an electric bicycle shall: Have a power output of not more than 1,000 watts; Be incapable of propelling the device more than 20 mph on level ground; and Be incapable of further increasing the speed when human power alone is used to propel the device at or more than 20 mph.

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 20mph on a paved level surface when ridden by an operator who weighs no more than 170 pounds. They may not be used on public streets, roads or highways, except with speed limits no more than 35 mph.

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

Low-speed motor vehicle or LSMV means 4-wheeled vehicle whose top speed in one mile is greater than 20 mph but not greater than 25mph on a paved level surface and manufactured in compliance with federal motor vehicle safety standards for low-speed vehicles in 49 C.F.R. Section 571.500. They may not be used on public streets, roads or highways, except those City Streets with speed limits no more than 35 mph.

Moped means motor driven cycle with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used, the maximum displacement shall be 50 cc's. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 mph on level road surface and shall be equipped with a

power drive system that functions directly or automatically only, not requiring clutching or shifting. They may not be used on public streets, roads or highways, except those with speed limits no more than 35 mph.

Motorcycle means every motor vehicle having a seat or saddle 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 and scooter with a motor not to exceed 5 brake horsepower, every bicycle with a motor and every moped. They may not be used on public streets, roads or highways, except with speed limits no more than 35 mph.

Motorized cart (a/k/a golf cart) means every motor vehicle having no less than three wheels and an empty weight of 1,300 pounds or less and which cannot go more than 20 mph. **They may only be used on city streets with speed limits no more than 35 mph.**

Motorized play vehicle means a coaster, scooter, pocket bike, or other motorized vehicle that is self-propelled and is not otherwise defined in this code as an "ATV", "motorized cart", "low speed motor vehicle (LSMV)" "motor vehicle", "motorcycle", "electric bicycle", motorized skateboard", "electric personal assistive mobility device", "Personal transportation vehicle", "UTV", or "motorized wheelchair". They may not be used on public streets, roads or highways.

Motorized skateboard or motorized scooter means a self propelled device, 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," "electric personal assistive mobility device" or "motorized wheelchair." They may not be used on public streets, roads or highways.

Motorized wheelchair means self-propelled wheelchair used by a physically disabled person for mobility. They may not be used on public streets, roads or highways except for crossing such at marked crosswalks.

Personal transportation vehicle means any motor vehicle: With a minimum of four wheels; Capable of a maximum level ground speed of less than 20 miles per hour; With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and Capable of transporting not more than eight persons. The term does not include mobility aids, including 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. [This subsection is inserted primarily for reference purposes only at this time: Currently of limited applicability since per OCGA 40-6-363, the City "enacted prior to January 1, 2012, an ordinance authorizing the operation of motorized carts pursuant to Code Section 40-6-331."]

Pocket motorcycle or pocket bike means a miniature replica of replicate of a motorcycle which does not meet Federal Motor Vehicle Safety Standards. They may not be used on public streets, roads or highways.

UTV means any motorized vehicle with a combustion engine designed for off-road use equipped with 4 or 6 tires and seats inside a roll cage or contained within the body of the vehicle, with or without seat belts, and a steering wheel and a pickup truck style bed. They may not be used on public streets, roads or highways unless it meets the definition of a personal transportation vehicle which is a "Farm use vehicle" and is exclusively used in compliance with OCGA § 40-6-305.

2. Registration/transfer requirements.

(a) **Motorized carts.** Every owner of a motorized cart operated over the City streets and parking areas accessible by the public shall register the cart with the city within ten business days of purchase. Two decals shall be issued upon registration; and a record of each motorized cart number, along with the name and address of the owner, shall be maintained by the city. The decals must be affixed to the sides of the cart to be fully visible at all times. The failure to have a current registration decal on such a motorized cart shall be a violation of this section and subject the owner of such cart to the penalties in section 1-004.

(1) **Resident fee.** The registration fee for motorized carts owned by city residents shall be \$12, and registration shall be effective for 5 years.

(2) **Registration deadline.** If such cart is not registered within ten business days of purchase, a \$20 penalty will be applied in addition to the registration fee; and the cart shall be considered unregistered.

(3) **Transfers.** Upon sale of the cart to another person who shall operate the cart over the streets of the city, the registration must be transferred to the new owner within ten business days of the change in ownership at a cost of \$5, and if the new owner is not a city resident, the nonresident registration/user fee for the balance of the year shall be due from the new owner. If registration is not transferred within 10 business days, a \$20 penalty will be applied in addition to the \$5 transfer charge; and the cart shall be considered an unregistered cart.

(4) **Special tourism events.** Council may, at its discretion, by formal action at a council meeting, waive registration requirements for special events of a limited duration to which out-of-city residents may bring motorized carts as participants.

(b) **Reserved**

(c) **Electric personal assistive mobility device (EPAMD).** EPAMDs shall be subject to the same registration requirements outlined above in subsections (a) and (c).

(d) **Age, number of registrants limited.** Only those persons 18 years of age or older may register a motorized cart. Motorized Cart registration may be in one person's name only, and the registration form must be signed by that person.

(e) **LSMV.** No LSMV shall be operated unless it is legally registered and insured according to laws of the state.

3. Operation regulations.

(a) Before any motorized cart or LSMV may be operated upon the designated City streets or areas of the City, it shall have installed a triangular red orange emblem per OCGA §40-8-4, and an amber strobe light per OCGA § 40-8-35.

(b) Only those currently licensed drivers who are 16 years of age and older may drive a motorized cart or LSMV on the designated City streets and those parking areas accessible by the public.

(c) All operators shall abide by all traffic regulations applicable to vehicular traffic. Seat belts shall be worn by all occupants at all times the vehicle is moving. All operators and passengers must remain seated at all times during operation. No person may sit on the operator's lap.

(d) Motorized carts or LSMVs shall not be operated on sidewalks at any time.

(e) Motorized carts may be operated over those designated streets and those parking areas accessible by the public only during daylight hours, unless such motorized carts are equipped with functional headlights, taillights, brake lights and turn signals. Every gasoline powered motorized cart shall at all times be equipped with an exhaust system in good working order and in constant operation. The cart shall not emit smoke or fumes.

(f) No motorized cart or EPAMD shall be permitted to operate over, along, or across State Highway 11 and State Highway 12 a/k/a U.S. Highway 278, except where crossing areas are clearly designated by signage. Said crossing areas shall be marked in accordance with Georgia Law. LSMV's and motorized carts may only operate along portions of City Streets that are marked 35 mph or slower speed limit, per state law.

(g) It shall be unlawful for any motorized cart or LSMV to drive in violation of this Section.

(h) EPAMD. Only persons possessing a valid driver's license, or in lieu of a driver's license, persons who are at least 18 years of age and older, may operate an EPAMD on the designated City streets located within the city. They may only operate along portions of City streets marked 25 mph or slower speed limit.

(i) EPAMDs shall be equipped with front, rear, and side reflectors which shall be visible from a distance of 300 feet when directly in front of high beams of headlights on a motor vehicle; a system that when employed will enable the operator to bring the device to a controlled stop; and, if the device is operated between one-half hour after sunset and one-half hour before sunrise, a lamp emitting a white light which, while the device is in motion, illuminates the area in front of the operator for a distance of 300 feet.

(j) No person shall operate an EPAMD at a speed greater than seven mph when traveling on any path or sidewalk or 15 mph on any other city right-of-way. See OCGA 40-6-322. No person shall operate an EPAMD with more than a single user at any time.

(k) Per OCGA 40-6-331(c), the City will "erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the corporate limits of the municipality... Such signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that motorized carts are authorized for use on public streets." This Ordinance, "establishing operating standards for motorized carts **shall not be effective unless appropriate signs giving notice are posted as required.**"

(l) Any person who drives any vehicle in reckless disregard for the safety of persons or property commits the offense of reckless driving. No person shall ride or drive any vehicle, on any of the streets or roads in a disorderly manner or in reckless disregard for the safety of persons or property. Reckless driving includes: driving at an excessive rate of speed given the posted speed limit and the driving conditions existing at the time, approaching blind hill, drive or turn at excessive speed, speeding in construction zone, causing the vehicle's tires to squeal and/or the vehicle to fish-tail, screeching tires, spinning circles a/k/a "donuts", exhibitions of speed, racing, coming close to striking persons or objects, wrong side of the road, wrong way in one way street, striking vehicles, persons or objects, taking eyes off the roadway including using electronic device such as texting or internet surfing or watching video, impairment by drugs or alcohol, failure to take seizure medication or other medication required for safe driving, driving with disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely, being too sleepy to safely drive, driving without lights in rain or darkness, too fast for wet or slick conditions, following too closely, tailgating, repeatedly, abruptly or erratically swerving or changing lanes or passing other vehicles, illegal or unsafe turn or u-turn, passing on double yellow, passing a vehicle in a no-pass zone, crossing the center line, weaving in and out of a lane, failure to maintain lane, striking the curb, guardrail, median divider or

other edge of lane markers, driving on median or shoulder of roadway, driving with defective equipment, attempting to elude a police officer or deputy, failing to stop for roadblock or otherwise ignoring command of police officer, accelerating through intersection in attempt to beat a changing light, disregarding pedestrian trying to cross roadway, failure to sound horn or apply brakes for pedestrians trying to cross roadway, failure to obey traffic control device or ignoring road signs, leaving scene of accident, stunts including standing on the seat, tank or fender, sliding turns, "wheelies" and "stoppies", if any of the foregoing is in reckless disregard for the safety of persons or property.

4. Sidewalks-Permitted and Prohibited uses.

Sidewalks are for use only by pedestrians and non-prohibited users ("Users") as follows: bicyclists, skaters and non-motorized scooter riders may use them. This section shall not apply to necessary use of sidewalks by transportation agencies in crossing sidewalks, nor to the loading or unloading of trailers or other vehicles.

No person shall interfere with the full, free and easy use of the sidewalk, or shall refuse to "move on" when directed by any proper officer of this City. It shall be unlawful for any person to congregate with another or others in or on any sidewalk so as to halt the flow of vehicular or pedestrian traffic or to refuse to clear such public way when ordered by a Deputy Sheriff or a representative of the Police Department or other lawful authority.

Prohibited users of sidewalks are as follows:

- (1) Automobiles and trucks (except authorized maintenance vehicles);
- (2) Motorcycles including dirt bikes;
- (3) Street and trail motorized bikes or vehicles (not to include electric bicycles);
- (4) Minibikes and mopeds and pocket motorcycles/bikes;
- (5) Horses;
- (6) Go-carts;
- (7) Electric-powered golf carts or motorized carts;
- (8) Gasoline-powered golf carts or motorized carts;
- (9) Motorized skateboards or motorized scooters;
- (10) Motorized play vehicles;
- (11) LSMVs, Motorized Carts, ATV's and UTV's;
- (12) Any other vehicle designed by the manufacturer to be able to travel at speeds in excess of 10 mph under its own power on a flat surface;
- (13) Un-registered EPAMDs.

5. Hazardous activities and special rules.

(a) Sidewalks are for use only by the non-prohibited users. Hazardous activities on the sidewalks and streets and those parking areas accessible by the public are prohibited. 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 city; and
- (2) Blocking of public access, except for special events approved by the city.

(b) None of the prohibited users in section 4 shall use the sidewalk system or any related bridges and/or their underpasses for any purpose.

(c) Bicyclists, skaters and non-motorized scooter riders shall not loiter or stop on sidewalks, but shall move off the sidewalk when stopped.

(d) Normal rules of the road shall apply to the sidewalks. For instance, when approaching oncoming users, each user shall move to his right side. Passing shall be on the left side.

(e) Pedestrians shall be given priority consideration and full right-of-way by other users of the sidewalks to ensure them safe passage.

(f) A warning shall be given by bicyclists, non-motorized scooter riders and skaters, when approaching pedestrians from the rear. This warning shall be verbal such as "coming up on your left". Each user of the sidewalks 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 city, also apply to the sidewalks.

(h) All litter shall be deposited in the receptacles provided or retained by the user for proper disposal later. Littering shall be subject to twice the fines and penalties as littering on the streets.

(i) All users of bicyclists, skaters and non-motorized scooter riders under 16 shall wear a properly fitted and fastened bicycle helmet which meets the ANSI or Snell standards.

6. Motorized play vehicle; authorizations; prohibitions; disclosure requirements.

(a) No motorized play vehicle may be operated on any public: street, roadway, sidewalk, park, parking lot, trail, shared multi-use path, bicycle path or any other public property.

(b) Motorized play vehicles are permitted on private residential property with the permission of the property owner.

(c) No motorized play vehicle may be operated on any private commercial/industrial property unless the location is inaccessible to normal pedestrian or vehicular traffic (such as an enclosed warehouse or fenced parking lot with a locked gate). Motorized play vehicles may be operated on private commercial/industrial property meeting these restrictions with the written permission of the owner, the person entitled to immediate possession, or the authorized agent of either.

(d) No person shall operate a motorized play vehicle in a manner causing noise plainly audible from a distance of 100 feet.

(e) The parent, guardian, or legal custodian of any minor shall not permit such minor to violate this section.

(f) It is unlawful for any vendor or merchant to sell motorized play vehicles without making disclosures required by this section. Any merchant or vendor who sells motorized play vehicles within the city shall:

(1) Post in a prominent place at each location where motorized play vehicles are on display, a notice, on a sign not less than 96 square inches and visible to the public, stating that operation of motorized play vehicles:

a. Are prohibited on any public: street, roadway, sidewalk, park, parking lot, trail, shared multi-use path, bike path or other public property.

b. Are allowed to be used on private residential property with owner's written permission.

c. Are allowed to be used on private commercial/industrial property only in areas inaccessible to normal pedestrian or vehicular traffic and only with the written permission of the owner/agent.

(2) Provide a copy of such notice to each purchaser of a motorized play vehicle, in connection with the purchase of a motorized play vehicle. If the purchaser is a minor, the minor's parent or legal guardian must sign a receipt of said notice.

(3) Any motorized vehicle owned by a governmental entity operated in performance of authorized duties or activities, is exempt from this section.

7. Penalties.

(a) Any person who violates the terms of this Section, except section 3(d), shall be punished as provided in section 1-004; except that any fine for a littering offense shall be doubled.

(b) Any violation of 3(d) shall be charged against the registered owner of the motorized cart, and all fines and penalties shall be levied against the registered 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, and the motorized cart registration shall be revoked. The registered owner or family member cannot thereafter register a motorized cart for use in the city for a period of two years following the third conviction.

(c) Any violation by an operator of a LSMV shall be charged against the operator according to the provisions of Title 40 of the Official Code of Georgia and this Code. Any violation by an owner of a LSMV shall be charged against the owner according to the provisions of Title 40 of the Official Code of Georgia and this Code.