

ORDINANCE NO 23-006

**AN ORDINANCE
TO AMEND THE CITY OF AUBURN CODE OF ORDINANCES
TO PERMIT PERSONAL TRANSPORTATION VEHICLES
ON CITY STREETS**

WHEREAS, the use of personal transportation vehicles, golf carts, and other motorized vehicles has grown in popularity and usage; and

WHEREAS, the usage of such vehicles on public streets impacts the health, safety and welfare of the citizens of the City; and

WHEREAS, it is necessary and in the public's best interest to adopt regulations to govern the use of such vehicles on City roads and streets;

NOW THEREFORE, the City Council of the City of Auburn hereby ordains that the following Chapter 12.40 Personal Transportation Vehicles is adopted as follows:

12.40 Personal Transportation Vehicles

Section 12.40.010 - Definitions.

For the purposes 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) 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 12.40.020 - Operation of Personal Transportation Vehicle (PTV).

The City of Auburn 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, maybe operated on public roads within the areas designated herein that have a speed limit of thirty-five (35) miles per hour or less during the times specified in this Article.

Section 12.40.030 - Operator.

PTVs must always be operated by a licensed driver. Drivers with learner's permits may drive PTVs according to the same rules by which they may drive automobiles.

Section 12.40.040 - Parking/Driving on Sidewalks.

PTVs are not permitted to be parked or operated in any way or any amount on a sidewalk, trail or other path unless official municipal signage expressly states otherwise or where the PTV is operated by City employees performing official business.

Privately owned PTVs may not travel on the sidewalk at any time unless official municipal signage expressly states otherwise or where the PTV is operated by City employees performing official business.

Section 12.40.050 - Operation.

(a) Privately owned personal transportation vehicle (PTV) may be operated on City streets and roads with a speed limit of 35 miles per hour or less only. PTVs may not be operated on Atlanta Highway. PTVs may cross Atlanta Highway only at signalized intersections.

(b) A personal transportation vehicle (PTV) may be operated only during daylight hours between one-half (½) hour before sunrise and one-half (½) hour after sunset unless equipped with two (2) operating headlights, taillights, and brake lights that are visible from a distance of five hundred (500) feet. Personal transportation vehicle (PTV) 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.

(c) City owned personal transportation vehicles may be operated by City

employees performing official business at any time.

(d) The operation of Privately owned personal transportation vehicle (PTV) may be prohibited or limited during festivals or special events by order of the Chief of Police or his designee.

Section 12.40.060 - Equipment Requirements.

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.

(4) Electric personal transportation vehicles (PTVs) shall be equipped with, at a minimum, all factory installed safety systems and a charge indicator for low battery.

(5) All personal transportation vehicles (PTVs) regulated by this article shall be maintained in safe condition at all times.

Section 12.40.070 - Occupants

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.

Section 12.40.080 - Traffic Rules

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 Auburn which govern the operation of motor vehicles.

Section 12.40.090 - 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;
- (c) Vehicles shall not loiter or park on roads, bridges or in the path of other vehicular traffic;
- (e) Pedestrians and larger vehicles shall be given right-of-way to ensure safe passage;
- (f) An audible warning shall be given by operators of personal transportation vehicle (PTV) when approaching pedestrians from the rear;
- (g) All laws and ordinances relative to alcohol and the use thereof in a motor vehicle, including open container laws, apply to the operator and occupants of personal transportation vehicle (PTV).

Section 12.40.100 - Penalty.

A violation of any provision of this article shall constitute a violation of the Auburn City Code. An owner, lessee or operator may be cited to appear in the Auburn 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 \$1,000.00 for each offense, along with court costs in the amount that now exists or may hereafter be determined by ordinance or statute.

Section 12.40.110 - Exclusions.

Owners or operators of personal transportation vehicle (PTV) upon private property, within the confines of a golf course or crossing a public street at a designated golf cart crossing shall not be subject to the requirements of this article.

Section 12.40.120 - 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 Auburn 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 vehicle (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 Auburn has no liability under any theory of liability and the city assumes no liability for permitting personal transportation vehicle (PTV) on public streets and roads. Any person who owns or 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.

Section 12.40.130 - Registration and Affidavit of Owner; Fee.

The owner of a personal transportation vehicle (PTV) must register the PTV with the city once every two (2) years for a fee of \$50.00.

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 Auburn laws and regulations regarding ownership and operation of a PTV, as well as any applicable state law. As part of the registration process, the owner of a personal transportation vehicle (PTV) must read and acknowledge the City of Auburn's PTV ordinance and rules for operation and must agree to ensure any operator of the registered vehicle is familiar with and understands the same. As part of the registration process, the owner of a personal transportation vehicle (PTV) must acknowledge and agree to ensure any operator of the registered vehicle is licensed and insured.

Conflict

All ordinances or parts of ordinances which conflict with this ordinance and the applicable code are hereby repealed. Should any portion of this ordinance be determined to be unconstitutional or unenforceable by a court of competent jurisdiction, the rest and remainder of this ordinance shall remain in full force and effect.

Effective Date

This ordinance and the authority granted by and through it shall become effective immediately upon its adoption by the Mayor and Council of the City of Auburn, Georgia.

Severability

If any portion of this ordinance is determined to be unconstitutional or invalid, the rest and remainder of the ordinance shall remain in full force and effect, as if enacted without the portion declared unconstitutional or invalid.

SO ORDAINED and effective this 3rd day of August, 2023.

Linda M. Blechinger
Honorable Linda M. Blechinger, Mayor

Peggy J. Langley
Peggy J. Langley, Council Member

Absent
Robert L. Vogel, III Council Member

[Signature]
Taylor Sisk, Council Member

Jamie L. Bradley
Jamie L. Bradley, Council Member

Attest:

Joyce Brown
Joyce Brown, City Clerk

