

**AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, GEORGIA TO ADD A NEW ARTICLE III PROVIDING FOR THE REGULATION OF MOTORIZED CARTS AND FOR OTHER PURPOSES**

It is hereby ordained by the City Council of the City of Commerce, Georgia that Chapter 74 of the Code of Ordinances of the City of Commerce is hereby amended by adding a new Article III, Sections 74-50 through 74-60, to read as follows:

**CHAPTER 74 ARTICLE III. MOTORIZED CARTS**

**Sec. 74-50. 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 that 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.

*Automobile* means a passenger vehicle primarily designed to legally travel on the highways of this state that usually has an engine capable of propelling the vehicle over 35 miles per hour.

*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 that 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 C.F.R. Section 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:

- a. Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and
- b. Have a power output of not more than 1,000 watts;
- c. 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 170 pounds.

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

*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 set forth in 49 C.F.R. Section 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 cubic 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 four 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* or *motorized scooter* means a self-propelled device 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," "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 which does not meet Federal Motor Vehicle Safety Standards..

*Sidewalk* means a paved area of generally five feet in width or less that is designed or intended for the use of pedestrian traffic only.

*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.

## **Sec. 74-51. Registration/decals/transfer requirements.**

### **A. Motorized carts/LSV.**

It shall be the duty of every owner of a motorized cart or LSV that is operated over the streets and those areas accessible by the public within the corporate limits of the city to register the cart or LSV with the city within ten business days of the date of purchase. Two numerical decals shall be issued upon registration; and a record of each motorized cart or LSV number, along with the name and address of the owner, shall be maintained by the Code Department. The decals must be affixed to the sides of the cart or LSV in such a manner as to be fully visible at all times. The failure to have a current registration and decal on a motorized cart or LSV shall be a violation of this section.

1. *Registration fee.* The registration fee shall be \$12.00 per cart or LSV for City Residents.
2. *Five Year Registration.* The registration fee shall be \$12.00 every five year for each cart or LSV.
3. Registered carts or LSVs shall display the required numbered decal issued by the Code division.

- I. Assessed registration user fees shall remain with the cart or LSV and attached decals. Recovery of these fees upon the sale of a cart or LSV shall be part of the negotiated price between seller and buyer.
4. *Registration and payment deadline.* If a cart or LSV is not registered within ten business days of purchase, a \$20.00 penalty will be applied in addition to the registration fee; and the cart or LSV shall be considered an unregistered cart or LSV after the ten-business-day period. If the registration is not renewed within the designated renewal period of a registration year, a \$20.00 penalty will be applied in addition to the registration fee.
5. *Transfers.* Upon occurrence of a sale of the cart or LSV to another person who shall operate the cart or LSV 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 \$12.00. If the registration is not transferred within ten business days, a \$20.00 penalty will be applied in addition to the \$12.00 transfer charge; and the cart or LSV shall be considered an unregistered cart or LSV after the ten-business-day period.
6. *Homeowner relocation.* In the event that a registered motorized cart or LSV owner changes his/her address or contact information after the motorized cart or LSV is registered, that owner shall have 30 days to provide their new contact information to the code division. If the ownership information is not updated within 30 days of relocation, a \$20.00 penalty will be applied and the cart or LSV shall be considered an unregistered cart or LSV after the 60-day period.
7. *Special events.* Council may, at its discretion, waive registration requirements for special events of a limited duration to which nonresidents may bring carts or LSV as participants.
8. *Registration.* Only those persons 18 years or older may register a motorized cart or LSV. Registration may be in one person's name only, and that person must sign the registration form.
9. *LSV registered with the DMV.* LSV is required to be registered with department of motor vehicles according to OCGA 40-2-20

**Sec. 74-52. Operation regulations Motorized Carts and LSVs.**

- A. Only licensed drivers 16 years and older who persons possessing a valid license issued by the state, other 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 motorized cart or LSV on the streets located within the territorial boundaries of the city. Those persons who have had his or her license to operate a motor vehicle suspended or revoked by the state which issued said license shall not be permitted to operate a motorized cart or LSV on streets of the city during the time of suspension or revocation.
- B. Those persons who are 15 years of age but not yet 16 years of age may drive a motorized cart or LSV on the or streets of the city:
  1. If he or she has 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, and he or she shall be accompanied in the

front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license or he or she shall be accompanied in the front seat by a parent, grandparent or legal guardian.

- C. No person under the age of 15 shall be permitted to drive a motorized cart or LSV on the streets of the city under any circumstances.
- D. All operators shall abide by all traffic regulations applicable to vehicular traffic when using streets in the city.
- E. A permitted motorized cart or LSV may be operated only on a street for which the posted speed limit is 25 miles an hour or less.
- F. A person operating a permitted motorized cart or LSV being operated on a street must have in their possession:
  - 1. Registration certificate issued by the City of Commerce;
  - 2. Proof of liability insurance for the motorized cart or LSV; and
  - 3. Their state issued driver's license.
- G. Motorized carts and LSVs shall not be operated on sidewalks at any time.
- H. Motorized carts or LSVs may be operated over authorized streets only during daylight hours unless such motorized carts or LSVs are equipped with functional headlights and taillights.
- I. No motorized cart or LSV shall be permitted to operate on, over, along, or across any State or Federal Highway within the boundaries of the city.
- J. It shall be unlawful for the owner of any motorized cart or LSV or any other person operating, employing, permitting the use of or otherwise directing the use of such motorized cart or LSV to operate or permit the operator of any motorized cart or LSV to drive over the streets in the city in violation of this article.
- K. It shall be unlawful to ride upon a motorized cart or LSV other than upon a permanent and regular seat.
- L. It shall be unlawful for a motorized cart or LSV operator or passenger to travel with any person's body parts outside the interior of the cart or LSV.
- M. It shall be unlawful for the operator to allow over-occupancy on the motorized cart or LSV.
- N. A Motorized cart or LSV found operating unlawfully may be impounded for the safety of the public and the operator.

- O. Motorized cart and LSV operations are subject to further restrictions during special events and extraordinary events as established by resolution of the City Council or order of the City Police Chief.
- P. The City of Commerce hereby incorporates the requirements of *O.C.G.A. 40-6-330(a)* for the operation of motorized carts and LSVs. These include:
  - 1. A reverse warning system
  - 2. A removable main power switch
  - 3. Reflex reflectors
  - 4. Horn
  - 5. Rear view mirror
  - 6. Safety warning label/Traffic Triangle
  - 7. Hip restraints/Seat belts
  - 8. Headlights and Taillights are required if the motorized cart or LSV will be operated at night.
  - 9. Braking system
  - 10. LSV are required to have an amber strobe light affixed to the top of the vehicle to be in compliance with OCGA 40-8-35.
- Q. 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.
- R. Every gasoline powered Motorized Cart or LSV shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications: 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; the exhaust system and its elements shall be securely fastened, including the consideration of missing or broken brackets or hangers: the engine and powered mechanism of every gasoline powered Motorized Cart or LSV shall be so equipped, adjusted and tuned as to prevent the escape of excessive smoke or fumes. It shall be unlawful for the owner of any gasoline powered Motorized Cart or LSV to operate or permit the operation of such Motorized Cart or LSV on which any device controlling or abating atmospheric emissions, which is placed on the Motorized Cart or LSV by the manufacturer, to render the device unserviceable by removal, alteration or which interferes with its operation.

**Sec. 74-53. Operation regulations EPAMD (Electric Personal Assistive Mobility Device)**

- A. No person shall operate any EPAMD on the roadway of certain city streets that are under exclusive City jurisdiction (non-DOT streets, county roads, state, federal highway) unless:
  - 1. The maximum speed limit of the roadway is 25 miles per hour or less; or
  - 2. The roadway has a separately striped bicycle lane and the device is operated within the bicycle lane.
  - 3. When traveling on any roadway, a person operating an EPAMD shall travel in the same direction authorized for motor vehicle traffic on such roadway. (O.C.G.A. § 40-6-320)
- B. All 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.
- C. No person shall operate an EPAMD on any path or sidewalk.
- D. No person shall operate an EPAMD with more than a single user at any time.
- E. 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 paved streets located within the territorial boundaries of the city.

**Sec. 74-54. Operation regulations ATVs (All-terrain vehicles)**

- A. No person shall operate an ATV 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

**Sec. 74-55. Operation regulations UTVs**

- A. No person shall operate an UTV 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

**Sec. 74-56. Operation regulations Pocket motorcycle or pocket bike**

- A. No person shall operate a pocket motorcycle or pocket bike on public streets, roads, or highways.

**Sec. 74-57. Motorized play vehicle Motorized skateboard or motorized scooter; authorizations; prohibitions; disclosure requirements.**

- A. No motorized play vehicle, Motorized skateboard or motorized scooter may be operated on any public street, public roadway, public sidewalk, public park, public or private parking lot, public trail, public shared multi-use path, public bicycle path, and all other public property.
- B. Motorized play vehicles, Motorized skateboard or motorized scooter are permitted on private residential property with the permission of the property owner. In the case of residential property commonly owned by a homeowner association, the homeowner association may regulate such usage.
- C. No motorized play vehicle, Motorized skateboard or motorized scooter may be operated on any private commercial/industrial property unless the location where the vehicles are to be operated is inaccessible to normal pedestrian or vehicular traffic.
- D. No person shall operate a motorized play vehicle, Motorized skateboard or motorized scooter on any private property in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.
- E. The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this section.
- F. Any motorized play vehicle, Motorized skateboard or motorized scooter owned by a governmental entity and which is operated in the performance of authorized duties or activities is exempt from the provisions of this section.
- G. Temporary suspension of all or part of this section may be granted by the city council for special events.

**Sec. 74-58. Operation regulations Dirt Bike**

- A. No person shall operate a dirt bike on public streets, roads, or highways unless it is licensed and authorized by the State to use on public roads.

**Sec. 74-59. Hazardous activities and special rules.**

- A. Roads are for transportation by the various groups of permitted users. No individual or group shall engage in hazardous activities on the 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 city; and
  - 2. Blocking of public access, except for special events approved by the city.
  - 3. All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the city.

4. 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.
5. No one under the age of 15 shall operate an electric bicycle on the City Streets.
6. All occupants shall wear seat belts on Motorized Carts and LSVs at all times the vehicle is moving.
7. All operators and passengers must remain seated at all times during the operation of the Motorized Cart and LSV. No person may sit on the operator's lap during the operation of the Motorized Cart and LSV.

**Sec. 74-60. Penalties.**

- A. Violations of the provisions of this Article shall be heard in the Municipal Court of the City and subject to the penalties set forth in City Code Section 1-12.
- B. Any violation of subsections: 74-52 (A), (B), or (C) 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: (i) for the first offense, a fine of not less than \$100.00; (ii) for the second offense, a fine of not less than \$300.00; (iii) for a third offense committed within one year of conviction for a second offense for a motorized cart, a fine of \$500.00, and the registered owner's 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 Motorized Cart or LSV shall be charged against the operator according to the provisions of Title 40 of the Official Code of Georgia and this Code.

This ordinance shall take effect immediately upon its adoption, the public health, safety and welfare requiring same.

It is so ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF COMMERCE

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

[Seal]