

ORDINANCE NO. 20-04

An ORDINANCE to Repeal and Replace Chapter 13, Section 13-11 of the Official Code of the City of Port Wentworth, Georgia.

BE IT ORDAINED by the Mayor and Council of the City of Port Wentworth, Georgia in regular meeting assembled and pursuant to lawful authority thereof, as follows:

Section 1. Amendment. The Official Code of the City of Port Wentworth, Georgia, Chapter 13, Section 13-11 is deleted in its entirety and replaced with the following Personal Transportation and Low Speed Vehicle Ordinance:

Sec. 1- Port Wentworth Personal Transportation and Low Speed Vehicle Ordinance—Short title.

This Section shall be known as the "Port Wentworth Personal Transportation and Low Speed Vehicle Ordinance."

(Ord. No. 20-04)

Sec. 2 - Same—Findings and Intent.

(a) This Section is adopted to address the interest of public safety. Personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter "public roads") and the City of Port Wentworth in no way advocates their operation on the public roads within its jurisdiction.

(b) All persons who operate or ride on or in personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with their own judgement and at their own risk, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians.

(c) Notwithstanding any law to the contrary, the City of Port Wentworth has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Section.

(d) Any person who operates personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is responsible for procuring appropriate liability insurance coverage as may be required by the State of Georgia or this Section as a condition of operating personal transportation vehicles, electric personal assistive

mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Port Wentworth and shall keep evidence of insurance coverage with the person operating the vehicle or in the vehicle itself.

(Ord. No. 20-04)

Sec. 3 - Same—Copy of Ordinance Provided to Registered User Annually.

The City shall deliver a copy of **Sec. 13-11 - PERSONAL TRANSPORTATION AND LOW SPEED VEHICLES** to each owner/operator when they annually register their PTV or Low-speed vehicle with the City.

Sec. 4 - Same—Definitions.

The following words and phrases when used in this Section shall have the definitions respectively ascribed to them in this Section:

All-terrain vehicle means a motorized vehicle originally manufactured for off-highway use which is equipped with three or more non-highway tires, is 80 inches or less in width with a dry weight of 2,500 pounds or less, and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The common definitions of these vehicles are: (1) ATV: Vehicles with a straddle seating position, handlebar steering, and the ability to maneuver through a variety of terrain conditions; and (2) UTV or “Multipurpose off highway vehicle”: Engine driven device equipped with a seat designed side by side for a driver and a passenger, four or more low-pressure tires, equipped with a steering wheel, the capability to transport persons or cargo or both, and the ability to maneuver through a variety of terrain conditions. Or all-terrain vehicle shall have the same definition as set forth in O.C.G.A. §§ 40-1-1(3) and 33.1.

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. Or bicycle shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

Dealer means a person engaged in the business of buying, selling, or exchanging vehicles that has an established place of business in this state. Or dealer shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

Electric personal assistive mobility device (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. Or electric personal assistive mobility device (EPAMD) shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.4).

Gross weight means the unladen weight of the vehicle plus the weight of any load thereon. Or gross weight shall have the same definition as set forth in O.C.G.A. § 40-1-1(18).

Low-speed vehicle (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, 2020. Or a low-speed vehicle (LSV) shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

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. Or a moped shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

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.

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 "PTV", "low speed motor vehicle (LSMV)" "motor vehicle", "motorcycle", "electric personal assistive mobility device" or "motorized wheelchair".

Motor vehicle means every vehicle which is self-propelled other than an electric personal assistive mobility device (EPAMD). Or a motor vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

Pedestrian means any person afoot. Or a pedestrian shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

Personal transportation vehicle ("PTV") means:

(A) A motorized cart, (commonly referred to as "golf cart") or any electric or gas motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which can operate at no more than 20 miles per hour; or

(B) Any Low-Speed Vehicle as that term is defined in this Section.

(C) The term PTV does not include mobility aids, including power wheelchairs and scooters, which can be used indoors and outdoors for the express purpose of enabling mobility for persons with disabilities. The term also does not include any all-terrain vehicle. Or a personal transportation vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

Pocket motorcycle, pocket bike or mini 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 may be designed to replicate the general appearance of a motorcycle, regardless of the scale of the replication.

Public road means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Port Wentworth, including streets and alleys.

Recreation path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the lines of a railway, and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by personal transportation vehicles, EPAMD vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City council.

Sidewalk means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians. Or sidewalk shall have the same definition as set forth in O.C.G.A. § 40-1-1(57).

Unladen weight means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

Valid motor vehicle driver's license means any current and valid permanent or temporary license or instruction permit issued by the State of Georgia or other state of the United States of America. Or a valid motor vehicle driver's license shall have the same definition as set forth in O.C.G.A. § 40-1-1(24).

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. Or a "vehicle" shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 5 - Same—PTV and Low-Speed Vehicle.

(a) All PTVs and LSVs shall be registered annually with the City of Port Wentworth Police Department. An annual fee of \$15 will be charged to register each and every PTV and LSV for use on public roads by the City to cover the costs of implementing and maintaining this Section. It shall be the duty of every owner of a PTV or LSV that is operated on public roads, recreation paths, rights-of-way or other public property in the City of Port Wentworth to register a PTV or LSV with the City within thirty (30) days of the date of purchase, receipt or upon establishing residency in Port Wentworth. Upon sale or transfer of a PTV or LSV intended to be used in the City, a new registration will be required by the new owner for every PTV and LSV.

(b) Registration with the City of Port Wentworth shall be obtained from the City Police Department and shall include a record of the model, make, any vehicle identification number or serial number on the PTV and LSV, the name and address of the owner, a contact phone number,

and any other such information as the City may from time to time require, all of which shall be maintained by the Port Wentworth Police Department.

(c) Upon registration with the City of Port Wentworth each PTV and LSV shall be issued a registration decal. The registration decal must shall be affixed to the front left "driver's side" of the PTV or LSV in such a manner as to be visible at all times and shall remain permanently affixed to the PTV or LSV unless it is sold or removed from operation on public streets.

(d) The failure to have a current registration decal affixed to a PTV or LSV for use on public roads, recreation paths, rights-of-way or other public property in the City shall be a violation of this Section and subject the owner of such vehicle to the penalties set forth in Section 13.

(e) If a PTV or LSV for use on public roads, recreation paths, rights-of-way or other public property is not registered with the City within thirty (30) days of purchase, transfer, receipt or being moved into the City, it shall be considered unregistered and subject the owner or operator of such vehicle to penalties set forth in Section 13. Further, any PTV or LSV for use on public roads not registered within thirty (30) days as required by Section 5(a) shall be assessed a late registration fee of \$20.

(f) All registration decals issued by the City shall be issued to one specific PTV or LSV and shall be non-transferrable from the vehicle for which it was obtained to another PTV or LSV.

(g) PTV or LSV dealers and distributors, along with other commercial establishments, may rent PTVs and LSV to the public for use on designated public roads, recreation paths, rights-of-way or other public property. Each dealer renting PTVs and LSVs shall be required to annually register each rental vehicle in accordance with this Section and shall maintain a written record of each person who rents each PTV or LSV. Renters shall be required to furnish positive identification to the renting establishment, shall be provided a copy of this Section to read, and must be at least 18 years of age. The registration fee and transfer fees and regulations, along with all licensing and operation regulations shall be consistent with the provisions of this Section.

(h) Only those persons 18 years of age and older may register a PTV or LSV. Registration may be in one person's name only, and the registration form must be signed by that person as owner or operator with a certification that the registrant is the owner of the PTV or LSV being registered, that the PTV or LSV has all the necessary equipment required under State law and Section 6 herein.

(i) The City Police, in such manner as the Mayor and Council or City Manager shall instruct, may allow unregistered PTVs or LSVs to be used in or at special events of limited duration including, but not limited to, parades. Such special events shall last no longer than two calendar days.

(Ord. No. 20-04)

Sec. 6 - Same—Personal Transportation Vehicle Equipment and Inspections.

(a) All personal transportation vehicles shall be equipped with:

- (1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
- (2) A reverse warning device functional at all times when the directional control is in the reverse position;
- (3) A main power switch. When the switch is in the “off” position, or the key or other device that activates the switch is removed, the motor power circuit shall be inoperative;
- (4) Operating head lamps;
- (5) Light reflectors;
- (6) Operating tail lamps;
- (7) An operating horn (either installed or manual horns);
- (8) A rearview mirror;
- (9) Manufacturer’s safety warning labels; and
- (10) Hip restraints and hand holds.

(b) All motor vehicles which are not defined as PTVs herein, shall comply with all applicable provisions of Official Code of Georgia, Title 40, Chapter 8, regarding required equipment, including lighting, brakes, horns, etc. or such other equipment as may be required by State law.

(Ord. No. 20-04)

Sec. 7 - Same—Personal transportation and Low-Speed Vehicle State Registration.

(a) If any registration is required by the State of Georgia for any PTV or LSV, such State registration shall be required in addition to the required City registration.

(b) Only City registered PTVs and LSVs may be operated on designated public property within the boundaries of the City, subject to limitations or exceptions provided in this Section.

(Ord. No. 20-04)

Sec. 8 – Same---Designated and Excluded Streets and Crossing Paths for PTV and LSV Use.

(a) Except as excluded herein, designated public roads shall include all public roads within the jurisdiction of the City which have a speed limit of 25 miles per hour or less or on other public roads as the Mayor and Council shall approve.

(b) Designated recreation paths which shall only include recreation paths which are designed to accommodate PTVs and LSVs and where a sign has been posted advising that such vehicles are allowed.

(c) The following Highways, roads, streets, and their right of ways shall be excluded at all times from use by PTVs and LSVs **EXCEPT** at designated road crossing points. This exclusion shall also include the shoulders and rights of way of the excluded roads.

1. U.S. Highway 21 at any point in the City.
2. GA Highway 25 at any point in the City.
3. GA Highway 30 at any point in the City.
4. Grange Road at any point in the City.
5. Crossgate Road from GA Highway 25 to U.S. Highway 21.
6. Bonnybridge Road from GA Highway 25 to U.S. Highway 21.
7. Meinhard Road at any point in the City.
8. Monteith Road at any point in the City.
9. Henderson Blvd. at any point in the City.
10. Benton Blvd. at any point in the City.

(d) PTVs and LSVs shall only use the following **designated road crossing points** at which to cross otherwise excluded highways, roads and streets:

1. GA Highway 25 at Phillips Ave. and Coleraine Drive.
2. GA Highway 25 at Armadale Road.
3. GA Highway 25 at Barnsley Road.
4. GA Highway 25 at Dorset Road.
5. Crossgate Road at Cantyre St.
6. Crossgate Road at Falkirk St.
7. GA Highway 25 at Appleby Road.
8. Benton Blvd. at Red Robin Ct.
9. Either side of the Highway 25 Viaduct from Dorset Road to Appleby Road, provided PTVs and LSVs travel with the flow of traffic on Highway 25.

Sec. 9 - Same—PTV and Low-Speed Vehicle Operation Regulations.

(a) PTVs and LSVs may only be driven on designated public roads, recreation paths, rights-of-way or other public property of the City, in accordance with the following:

- (1) PTVs and LSVs shall not be operated on sidewalks at any time, except as to the Highway 25 Viaduct sidewalks.
- (2) No PTV or LSV may cross any street, road or highway which is part of the State highway system except at a **designated road crossing point** designated for that purpose by the City herein.

- (3) PTV and LSV owners shall maintain their PTVs and LSVs in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times while the PTV or LSV is in operation on public roads.
- (4) The maximum occupancy of a PTV or LSV shall be one person per manufacturer's designated seat and all drivers and passengers shall remain in a seat at all times when the PTV or LSV is being operated.
- (5) All PTVs and LSVs will travel to the far right side of the road, allowing licensed motor vehicles to safely pass on their left side.
- (6) All PTV and LSV operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, recreation paths, rights-of-way or other public property of the City. Where recreation paths exist for PTVs and LSVs, they must be used in preference to parallel roads with the exclusion of privately owned paths.
- (7) No PTV or LSV operator shall leave a PTV or LSV unattended and operational without first removing its key or disabling the PTV or LSV in some other manner to prevent unauthorized users from using the vehicle.
- (8) No PTV or LSV parking is allowed on designated streets where the speed limit is over 25 mph. Parking on City streets or against the flow of traffic is prohibited. PTV and LSV parking shall not impede normal traffic flow.
- (9) All PTVs and LSVs shall yield to pedestrians, motor vehicles, Fire Department, Police, EMS and City maintenance vehicles.
- (10) All PTVs and LSVs shall maintain a safe distance between pedestrians, other vehicles, bicycles and other motor vehicles.
- (11) Failure to adhere to any of these provisions shall be a violation of this Section and subject the owner/operator of a PTV or LSV to the penalties set forth in Section 13.

(Ord. No. 20-04)

Sec. 10 - Same—Motorized Gasoline PTV or Low-Speed Vehicle Regulations.

Every gasoline powered PTV or LSV shall at all times be equipped with an exhaust system in good working order and 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 at all times.

(c) The engine and powered mechanism of every PTV or LSV shall be equipped, adjusted and tuned as to prevent the escape of excessive smoke or fumes.

(d) It shall be unlawful for the owner/operator of any gasoline powered PTV or LSV to operate or permit the operation of a PTV or LSV on which any device controlling or abating atmospheric emissions is rendered unserviceable by removal, modification or alteration in any manner which interferes with its designed operation.

Sec. 11 - Same—All-Terrain Vehicle Regulations.

(a) No All-terrain vehicle (ATV) as defined in Section 4 may be registered in the City of Port Wentworth. No person shall operate or drive any ATV upon any portion of the right-of-way of any public road, street or highway within the City. ATVs may be operated only on private property with the written consent of the owner of such property to be carried by the rider/operator at all times and displayed to law enforcement officials upon request. No person shall drive or otherwise operate any ATV with more passengers than the manufacturer's designed capacity of the vehicle, including the driver.

(b) Failure to adhere to any of the provisions of Section 11(a) shall be a violation and subject the owner/operator of Low-speed and All-Terrain vehicle to the penalties set forth in O.C.G.A. § 40-7-6, pertaining to "off-road vehicles" or other penalties in Section 13 herein which are not inconsistent with other applicable laws.

(Ord. No. 20-04)

Sec. 12 - Same—PTV and Low-Speed Vehicle Operator Licensing Requirements.

(a) Persons 16 years of age and older may operate a PTV or LSV on the recreation paths and/or streets of the City only if the operator has a valid motor vehicle driver's license.

(b) Persons who have a "learner's" or instruction permit may operate a PTV or LSV on the recreation paths and/or streets of the City if they are accompanied in the front seat of the vehicle by a person at least 18 years of age who holds a valid motor vehicle driver's license.

(c) At no time shall anyone other than those persons licensed to operate a PTV or LSV under subsections (a) or (b) of this Section operate a PTV or LSV on the designated recreation paths and/or streets of the City. Any registered owner or operator of a PTV or LSV who allows a non - authorized driver to operate a PTV or LSV shall be subject to the penalties of Section 13.

(Ord. No. 20-04)

Sec. 13 - Violations and Penalties.

(a) Any person who violates any provision of this Section shall be guilty of a City Ordinance violation and shall be subject to the jurisdiction of the Port Wentworth Municipal Court. Any person violating any provision of this Section may, in the discretion of law enforcement and prosecutorial officials, be charged with any applicable State law violation which may apply.

(b) Violations of this Section may be punished by a fine or penalty, as provided by law or this Section and, in the discretion of the Municipal Court, by impoundment of a PTV or LSV Vehicle for a period not to exceed ninety (90) days, and/or suspension or revocation of the registration decal of a PTV or LSV.

(c) Violations of this Section, exclusive of any State law violation, shall be fined as follows:

1. \$25 for a first violation;
2. \$50 for a second violation within five (5) years of a first violation;
3. \$75 for a third violation within five (5) years of a first violation; and
4. \$75 for a fourth violation within five (5) years of a first violation plus the mandatory suspension/revocation of a registration decal for a period of six (6) months from the date of a fourth violation.

(Ord. No. 20-04)