

ORDINANCE NUMBER 5357-2018

**AN ORDINANCE AMENDING CHAPTER 58 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE IV – ALL-TERRAIN VEHICLES, OF THE CODE OF WOODSTOCK, GEORGIA, PROVIDING REGULATIONS FOR PERSONAL TRANSPORTATION VEHICLES, MODIFIED GOLF CARTS, AND ALL-TERRAIN VEHICLES**

**Whereas**, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

**Whereas**, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

**Whereas**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

**Whereas**, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

**NOW THEREFORE BE IT RESOLVED**, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

That Chapter 58 (Offenses and Miscellaneous Provisions) of the Code of Woodstock, Georgia, shall be amended by deleting Article IV – All-Terrain Vehicles, and adding a new Article IV, to read as follows:

**ARTICLE IV. – PERSONAL TRANSPORTATION VEHICLES AND MODIFIED GOLF CARTS ON CITY STREETS**

**Sec. 58-78. – Intent.**

It is the intent of this ordinance to provide standards for the operation of Personal

<sup>1</sup> Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly. “

<sup>2</sup>O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

Transportation Vehicles (PTV) and Modified Golf Carts on public right-of-way within the incorporated limits of the City of Woodstock and to protect the welfare and safety of all citizens.

**Sec. 58-79. – Definitions.**

The following words and phrases, when used in this article, shall have the meanings as set out herein:

*City sanctioned event* means, for the purposes of this article, an event that is sanctioned or organized by the City of Woodstock or any affiliate thereof.

*City Street* means any road, street or alleyway under the authority the City of Woodstock, with a posted speed limit of 25 MHP or less.

*Golf Cart* means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its speed on a paved level surface shall not exceed 15 miles per hour. Golf carts shall not be operated outside of a golf course or on any road in conjunction with regular vehicular traffic.

*Modified Golf Cart* means a Golf Cart that has been mechanically altered to meet the definition of a Personal Transportation Vehicle (PTV).

*Operate* means to ride in or on and control the operation of a PTV or Modified Golf Cart.

*Operator* means every Person who Operates a PTV or Modified Golf Cart.

*Owner* means a Person, other than a Person with a security interest, having a right of use regarding, property interest in or title to a PTV or Modified Golf Cart and entitled to the use and possession of the vehicle.

*Person* includes an individual, partnership, corporation, or other legal entity whether incorporated or not.

*Personal Transportation Vehicle ("PTV")* 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 empty weight of 1,375 pounds, capable of transporting not more than eight persons. PTVs shall be operated only on roads with a posted speed limit of 25 miles per hour.

*Private property* means property owned by individuals, corporations, and other organizations and not by city, county, state or federal government or any agency or

subdivision thereof.

*Public property* means any real property owned by or under control of the City of Woodstock, either through lease, ownership or public right, including City Streets, roadways, parking lots, and associated accessways that are drivable and not privately owned with a posted or statutory speed limit of 25 MPH or less.

**Sec. 58-80. - Compliance.**

Compliance with this ordinance is required to operate a Personal Transportation Vehicle or Modified Golf Cart on Public property in the City of Woodstock.

**Sec. 58-81.- Standards for Operating on Public Property.**

- A. Required Equipment. A Personal Transportation Vehicle and Modified Golf Cart (hereinafter collectively referred to as "PTVs") can Operate on Public property only if the following equipment is installed:
- (1) A braking system sufficient for the weight and passenger capacity of the PTVs, 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 motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the "off" position;
  - (4) Headlamps;
  - (5) Reflex reflectors;
  - (6) Tail lamps;
  - (7) A horn;
  - (8) A rearview mirror;
  - (9) Safety warning labels;
  - (10) Hip restraints and hand holds or a combination thereof; and
  - (11) Lap belts as necessary to accommodate certain riders as required by section 58-81 (B.5).

B. Operating Regulations. The PTVs shall adhere to the following provisions when Operated on Public property:

- (1) Operated only on streets with a posted speed limit of 25 miles per hour or less, or in accordance with designated routes that may be updated by the City Council by resolution;
- (2) All equipment required by Section 58-81 (A) shall remain operational and maintained in good working order at all times, except as exempted by Section 58-81 (C);
- (3) All Operators shall abide by all traffic regulations applicable to automotive traffic;
- (4) No Operator shall enter any intersection without yielding the right-of-way to any Vehicles, automobiles, or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard;
- (5) Lap belts shall be worn by all Operators and passengers age 15 or less, but are optional for Operators and passengers age 16 or older;
- (6) All Operators and passengers must remain seated at all times during operation of the PTV. No person shall sit on the lap of any operator or passenger during the operation of the PTV.
- (7) Only Persons possessing a valid driver's license pursuant to O.C.G.A. § 40-5-20 may Operate PTVs on Public property;
- (8) All laws and ordinances relating to alcohol and its use, including open container laws, shall apply to PTVs operating on Public property;
- (9) All Operators of PTVs shall park only in marked parking spaces, not in landscaped areas or on sidewalks, or walkways. A private property owner may designate specific parking areas for PTVs as long as the designated parking does not violate other provisions of the Code of Woodstock, Georgia. The City Council may from time to time designate PTV parking on Public property.

C. Incidental Usage. PTVs without some or all of the Required Equipment under Section 58-81 (A) may Operate on Public property under the following conditions:

- (1) Operation is limited to commercial use that is conducted between buildings within a common development that may also contain Public property (examples include the property manager of an apartment complex using a PTV to travel between buildings and must cross public streets to gain access, or a real estate agent carrying prospective home purchasers between a model home office and unit).
- (2) Operating within a platted subdivision, campus, or common development where

the Operator is traveling between destinations within the same (examples include traveling from a unit to the pool or amenity area, or a groundskeeper traveling between buildings in an office park or college campus).

- (3) Operation is limited to daylight hours except when proper headlamps and tail lamps are installed.
- (4) Compliance with all provisions of this ordinance is required except for Section 58-81 (A).

State Law reference- Georgia Code: 40-6-331.1. (a)

**Sec. 58-82. – Registration requirements.**

A. Registration Requirements for PTVs.

- (1) *Registration Generally.* Registration is required solely for the consistent tracking of PTVs operating on Public property in the City of Woodstock, to ensure compliance with this ordinance.
- (2) *Application.* Any Owner of a Personal Transportation Vehicle or Modified Golf Cart being operated on Public property in the city shall register the vehicle with the City of Woodstock on forms provided by the City. Registration includes the name and address of the Owner, make, model and serial number of the PTVs, and additional information as reasonably required.
- (3) *Registration Number.* Upon approval, the Owner shall be issued a decal with a registration number assigned to the PTVs. The Owner shall affix and maintain this decal to the rear fender directly behind the driver, visible to drivers viewing the back of the PTVs at all times. In the event the decal becomes worn or damaged and no longer legible, the Owner shall contact the city immediately to request a replacement decal.
- (4) *Fee.* The registration fee shall be established by City Council. Registrations shall not expire, however, upon the sale or transfer of the PTVs, the purchaser shall contact the City to transfer the registration number prior to operating the PTVs on a public street in the City.
- (5) *Penalty.* Failure to register PTVs shall be punishable in accordance with Section 1-7.

B. PTVs Compliance, Liability, and Insurance.

- (1) *Compliance.* The Owner shall attest that the PTV is in good working condition in compliance with the provisions of this ordinance. Owners shall sign a copy of this ordinance, attesting to compliance with all requirements herein.

- (2) *Liability.* A general release statement and/or disclaimer of any liability by the City for accidents involving the registered PTV shall be furnished by the Owner. All persons who operate or ride upon a 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 Woodstock 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.
- (3) *Insurance.* Any person who 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. Documentation of such coverage must be kept on the PTV or carried by the person operating the PTV or a passenger riding in the PTV.

#### **Sec. 58-83. - Exemptions**

The following uses are expressly exempt from compliance and the requirements of this ordinance:

- (1) All government-owned vehicles, including by city, state, and federal governments, except for the provisions under Section 58-81.
- (2) Operating PTVs exclusively on private property.
- (3) With express written permission from the City Manager, any nongovernment-owned vehicles associated with a special event or exigent circumstances.

#### **Sec. 58-84. - Unlawful operation**

A. Unless otherwise noted it is unlawful to Operate a PTV:

- (1) In a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger, or cause injury or damage to any Person or property;
- (2) In a manner, so as to violate the city's ordinances against loud and unnecessary noises (Section 58-39, et seq.) reference with Noise Ordinance;
- (3) To Operate on any sidewalk or trail segment of the city whereby the city holds ownership or easement rights with respect to such trail, including those existing on privately owned property;
- (4) To engage in racing of any form, except for special events approved by the city;

- (5) To block public access, except for special events approved by the city;
- (6) On any railroad right of way, except to cross at designated crossings;
- (8) In all other areas not generally intended for vehicular traffic.
- (9) On United States Department of the Army Corp of Engineers property, unless the operator has the written permission of the Allatoona Operations Project Manager, which such written permission shall be carried on the Person of the permittee at all times during operation of the PTVs on such property or unless such Person is an employee of the federal, state, Cherokee County or city government who is on duty and performing services for his or her governmental employer.

B. It shall be unlawful to operate a PTV on Public property, except as provided under Section 58-81 (C.)

**Sec. 58-85. - Organized events.**

Nothing in this article shall prohibit the use of PTVs or Modified Golf Carts within the city during city sanctioned organized events, if their use is permitted in writing by the City Manager or Police Chief for such event.

**Sec. 58-86. - Penalties.**

Any violation of this ordinance shall be punishable in accordance with Section 1-7.

**Secs. 58-87 – 58-110. – Reserved.**

**ARTICLE V. – ALL-TERRAIN VEHICLES**

**Sec. 58-111. - Definitions.**

The following words and phrases, when used in this article, shall have the meanings as set out herein:

*ATV trails* means the property designated and posted for lawful, authorized use by ATVs.

*All-terrain vehicles* ("ATV") means a motorized vehicle designed primarily for operation over natural terrain, to specifically include, but not be limited to, off-road motorcycles, three-wheelers, four-wheelers, and all other such vehicles with one or more wheels but excluding street legal vehicles operating on public road right-of-ways, golf carts and motorized wheelchairs.

*City sanctioned organized event* means, for the purposes of this article, an event that is sanctioned or approved by the mayor and council and for which the council has approved the use of ATVs in such event.

*Golf Cart* means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a

golf course. For such a vehicle to be considered a golf car or golf cart, its speed on a paved level surface shall not exceed 15 miles per hour. Golf carts shall not be operated outside of a golf course or on any road in conjunction with regular vehicular traffic.

*Motorized wheelchair* means a mechanized transport designed specifically for handicapped persons and being used by a handicapped person.

*Operate* means to ride in or on and control the operation of an ATV.

*Operator* means every person who operates an ATV.

*Owner* means a person, other than a person with a security interest, having a right of use regarding, property interest in or title to an ATV and entitled to the use and possession of the vehicle.

*Person* includes an individual, partnership, corporation, or other legal entity whether incorporated or not.

*Public road right-of-way* means the entire right-of-way of a public road, street or highway, including the traveled portions, banks, ditches, shoulders and medians of a roadway that is not privately owned.

*Public property* means any real property owned by or under control of a governmental entity, either through lease, ownership or public right.

#### **Sec. 58-112. - Intent.**

It is the intent of this article to limit the use of ATVs within the incorporated limits of the city.

#### **Sec. 58-113. - Unlawful operation.**

- (a) Unless otherwise noted, it is unlawful for any person to operate an ATV:
- (1) In a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger, or cause injury or damage to any person or property;
  - (2) On a public road right-of-way;
  - (3) In a manner so as to violate the city's ordinances against loud and unnecessary noises (section 58-39, et seq.) reference with Noise Ordinance.
  - (4) On private property without the express permission to do so by the owner and occupant of the property;
  - (5) On any public property, including, but not limited to, public school grounds, park property, playgrounds, recreational areas, public rights-of-way, cemeteries or any other public places;
  - (6) On United States Department of the Army Corp of Engineers property, unless the operator has the written permission of the Allatoona Operations Project Manager, which such written permission shall be carried on the person of the permittee at all times during operation of the ATV on such property or unless such person is an employee of



the federal, state, Cherokee County or city government who is on duty and performing services for his or her governmental employer;

- (7) On any trail segment of the city whereby the city holds ownership or easement rights with respect to such trail, including those existing on privately owned property.

**Sec. 58-114. - Age restrictions.**

No person shall operate an ATV in violation of the age requirements established by Georgia State Law.

**Sec. 58-115. - Organized events.**

Nothing in this article shall prohibit the use of ATVs within the city in city sanctioned organized events.

**Sec. 58-116. - Exceptions.**

This article shall not apply to:

- (1) Motorboats;
- (2) Any military, fire, or law enforcement vehicle;
- (3) Any farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility services and maintenance, for earth moving, and for like activities; and
- (4) Self-propelled lawnmowers, snow blowers, garden or lawn tractors, while such vehicles are being used exclusively for their designed purposes and used in a location consistent with their designed purpose.
- (5) Motorized wheelchairs.
- (6) Private property

**Sec. 58-117. - Additional requirements.**

This section shall apply to the operation of ATVs that are otherwise operating in compliance with this article:

- (1) No ATV shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard;
- (2) The operator of an ATV shall make every effort to be visible to oncoming traffic from any direction.

**Sec. 58-118. - Penalties.**

Any violation of this ordinance shall be punishable in accordance with Section 1-7.

Effective Date. This Ordinance shall take effect on March 1, 2019.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS \_ DAY OF \_\_, 2018.

1st Reading: August 27, 2018 2nd Reading: September 10, 2018\_\_

  
\_\_\_\_\_  
DONNIE HENRIQUES, MAYOR

  
\_\_\_\_\_  
RHONDA L. PEZZELLO, CLERK

