

STATE OF GEORGIA  
COUNTY OF GORDON  
CITY OF CALHOUN

ORDINANCE NO. 1044

**AN ORDINANCE TO AMEND, STRIKE OR CHANGE CERTAIN ARTICLES, DIVISIONS AND SECTIONS OF PART II - CODE OF ORDINANCES; CHAPTER 78 - SOLID WASTE TO ADD ARTICLE IV. SCRAP TIRE MANAGEMENT; TO REPEAL ALL CONFLICTING ORDINANCES OR ORDINANCE PROVISIONS, TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and Council for the City of Calhoun seek to amend and change certain provisions, definitions and regulations of *PART II - CODE OF ORDINANCES; CHAPTER 90 - TRAFFIC* to add a entirely new article, *ARTICLE VI. PERSONAL TRANSPORTATION VEHICLES (PTV) OPERATING ON MUNICIPAL STREETS*; and

**WHEREAS**, the Mayor and Council seek to protect the health safety and welfare of the residents of the City of Calhoun concerning the use of nontraditional vehicles on roadways within the city limits by regulating the operation of personal transportation vehicles or PTV, more commonly known as “golf carts;” and

**WHEREAS**, the Mayor and Council finds that this is best served through enacting local ordinance restricting the operation of personal transportation vehicles or (PTV) to certain low volume, low speed residential municipal streets, designating who may legally operate these vehicles on said streets, and the issuance of operational permits for such operation; and

**WHEREAS**, the Mayor and Council acknowledge that the authority to enact such regulations by local ordinance has been specifically granted by the General Assembly pursuant to OCGA §§ 40-6-330, 40-6-330.1, 40-6-331, and in accordance with OCGA §§ 40-6-363 through 40-6-369.1; and

**NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN HEREBY ORDAIN:**

**SECTION ONE:** *PART II - CODE OF ORDINANCES; CHAPTER 90 - TRAFFIC* shall be amended to now include *ARTICLE VI. PERSONAL TRANSPORTATION VEHICLES (PTV) OPERATING ON MUNICIPAL STREETS* as follows:

“ **Sec. 90-300. Definitions.**

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

(a) *Personal transportation vehicle or hereinafter simply "PTV"* means motorized vehicle that:

- (1) is self-propelled by a motor engine, gas or electric;
- (2) shall have no fewer than four (4) wheels;
- (3) shall possess an unladen weight of one thousand three hundred seventy-five (1,375) pounds or less; and
- (4) shall not be capable of operating at a speed in excess of more than twenty (20) miles an hour.

Such vehicles may also be traditionally referred to as "golf 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, utility terrain vehicle, or multi-purpose off-highway vehicle or other motorized conveyance designed for use on any surface other than a finished and paved surface.

(b) *Driver's license* means a valid license to operate a motor vehicle issued by the State of Georgia or any other state.

(c) *Learner's Permit* means a valid learners permit to operate a motor vehicle issued by the State of Georgia.

(d) *Motorized play vehicle* means a motorized vehicle that is self-propelled by a motor engine, gas or electric, and is not otherwise defined in this article as a PTV and includes, but is not limited to all-terrain vehicles, utility terrain vehicles, and or any two or four wheel motorized means of conveyance over unimproved or rugged terrain.

(e) *Proof of insurance means documented* (written) proof of liability insurance on the PTV insuring against personal injury and damage to property of any nature relative to the operation of a 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.

(f) *Residential municipal street* means a street whose sole purpose is to provide frontage for service and access to private residential lots defined as "Street, minor" by Appendix A – ZONING, Article III – Definitions, Section 3.2(58) and shown on the legislatively adopted map of municipal streets or other roadways adopted by the governing authority.

**Sec. 90-301. Adoption of all applicable laws as incorporated within Article.**

This article is enacted by City of Calhoun pursuant to the authority granted by OCGA § 40-6-371 and shall hereby incorporate by reference all applicable provisions of OCGA §§ 40-6-330 through 40-6-369.1 governing the operation of PTV as if fully set forth herein.

**Sec. 90-302. PTV operation only on designated municipal streets in residential neighborhoods.**

- (a) Provided all provisions of this article are followed, PTV as defined by O.C.G.A. § 40-1-1(43.1) and further by this article may be operated only on a residential municipal street within the City of Calhoun having a posted speed limit not to exceed twenty-five (25) miles per hour.
- (b) Use of a PTV is prohibited from traveling on or crossing State Routes, arterial roads, and residential collector roads within the municipal limits.

**Sec. 90-303. Authorized PTV operators.**

- (a) Those persons who are 17 years of age and older may operate a PTV on the designated municipal streets unless such person has had his or her license to operate a motor vehicle suspended or revoked by the state which issued said license in which case such person shall not be permitted to operate a PTV during the time of suspension or revocation.
- (b) Those persons who are 16 years of age and older may operate a PTV on the designated municipal streets unless such person has had his or her license to operate a motor vehicle suspended or revoked by the state which issued said license in which case such person shall not be permitted to operate a PTV during the time of suspension or revocation. In addition, said operation shall be similarly restricted to all requirements or limitations placed upon said driver pursuant to state law.
- (c) Those persons who are 15 years of age but not yet 16 years of age may drive a PTV on the appropriate residential municipal streets:
  - (1) If he or she does not have 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, then 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; or

- (2) 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 is unaccompanied by a licensed driver as provided in subsection (b)(1), or is unaccompanied by a parent, grandparent or legal guardian as provided in subsection (b)(1), then he or she may be accompanied in the vehicle by up to one other person who must be at least 15 years of age, or he or she may be accompanied by up to three immediate family members.

(c) No person under the age of 15 shall be permitted to operate a PTV on any of the public roads or designated municipal streets.

(d) It shall be unlawful for the parent, guardian, or other adult person, having the care and custody of a minor under the age of 17 years, to permit, whether knowingly or through negligent supervision, such minor to violate any provision of this chapter or Title 40 of the Official Code of Georgia Annotated.

**Sec. 90-304. Insurance required.**

The operator or owner of a PTV shall have written proof of insurance. Documentation of such coverage must be kept on the PTV or carried by the person operating the PTV.

**Sec. 90-305. Time of operation; equipment requirements.**

(a) A 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, tail lights, and brake lights that are visible from a distance of five hundred (500) feet. 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.

(b) A gasoline powered 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.

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

(d) All s (PTVs) regulated by this article shall be maintained in safe condition at all times.

**Sec. 90-306. Occupants.**

The number of occupants in a PTV shall be limited to the number of persons for whom factory seating is installed and provided on said PTV. The operator or any occupant shall be seated in the inside the PTV at all times, and no parts of the bodies of the operator or any occupant shall extend outside the perimeter of said PTV while being operated.

**Sec. 90-307. Traffic rules, designation of crossings, multi-use paths and school zones on or in which a PTV may be operated.**

The operator of the PTV shall comply with all traffic rules and regulations contained within Title 40 of the Official Code of Georgia Annotated , as well as all provisions of this article or other articles of the Code of Calhoun governing the operation of motor vehicles.

**Sec. 90-308. 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 underpasses;
- (d) Pedestrians should be given due consideration and reasonable right-of-way to ensure safe passage;
- (e) An audible warning shall be given by operators of PTV when approaching pedestrians from the rear; and
- (f) All laws and ordinances relative to alcohol and the use thereof, including open container laws, apply to the operator and occupants of PTV.

**Sec. 90-309. Prohibited use of motorized play vehicles.**

- (a) No motorized play vehicle 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 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.

**Sec. 90-310. Penalty.**

- (a) All violations of this ordinance shall be charged by use of a uniform traffic citation and jurisdiction for the adjudication of guilt and sentencing for same shall be the Calhoun Municipal Court.
- (b) Any violation of this article shall be charged against the registered owner of the PTV as a municipal ordinance violation, 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 \$1,000.00, 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 PTV shall be charged against the said operator according to the provisions of Title 40 of the Official Code of Georgia and this Code.
- (d) Any violation by a registered owner of a PTV may be additionally and separately charged against the owner according to the provisions of Title 40 of the Official Code of Georgia and this Code.

**Sec. 90-311. Exclusions.**

Owners or operators of 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.

**Sec. 90-312. Liability Disclaimer.**

This section is adopted to address the interest of public safety. PTV are not designed or manufactured to be used on public streets, and the City of Calhoun 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 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 Calhoun has no liability under any theory of liability and the city assumes no liability for permitting PTV on public streets and roads. Any person who operates a PTV is responsible for procuring liability insurance sufficient to cover the risk involved in using a PTV on the public streets and roads.

**Sec. 90-313. Operational permit required and affidavit of owner; fee.**

(a) The owner must obtain a permit for any PTV to be operated on any residential municipal street as outlined by Sec. 90-302 with the city once every five (5) years. The operational permit fee shall be established separately by the governing authority as part of the General Government Fee Schedule and shall provide for fees as allowed by state law.

(b) The mayor and city council shall approve by resolution the permitting policy and the permit form to issued, any necessary registration identification to be placed on the PTV, and shall provide for fees as allowed by state law.

(b) As part of the permitting process and subsequent renewals of same, each individual owner shall be required to sign an affidavit that:

- (1) the information provided by the owner on the permit application form is true and correct to the best of his or her knowledge;
- (2) that the owner will abide by all City of Calhoun laws and regulations regarding ownership and operation of a PTV, as well as any applicable state law; and
- (3) that at all times that said PTV is to be operated on a residential municipal street as authorized by Sec. 90-302, the permit shall be present in the PTV and be immediately made available to any member of law enforcement upon request.


**Secs. 90-314 — 90-320. Reserved.”**

**SECTION THREE:** This ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Calhoun, Georgia, the public health, safety, and welfare requiring it.

**SECTION FOUR:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION FIVE:** It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

**SO ADOPTED,** this the 25th day of July, 2022.

  
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JAMES F. PALMER, MAYOR  
CITY OF CALHOUN, GEORGIA

ATTEST:

  
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SHARON NELSON, CITY CLERK

Date of First Reading: 7/11/2022  
Date of Second Reading: \_\_\_\_\_  
Date of Public Hearing: 7/25/2022