

**CITY OF RINGGOLD
STATE OF GEORGIA**

ORDINANCE NO.: 2008-1013

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE USE OF MOTORIZED CARTS WITHIN THE CITY OF RINGGOLD; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Section IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ringgold, Georgia;

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Aldermen, thereof;

WHEREAS, the governing authority of the City of Ringgold, Georgia desires to enact provisions regulating the use of motorized carts within the City of Ringgold;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA, AS FOLLOWS:

SECTION 1

The Code of Ordinances, City of Ringgold, Georgia is hereby amended by inserting the following language prior to Section 66-1 of Chapter 66: "ARTICLE I GENERAL".

SECTION 2

The Code of Ordinances, City of Ringgold, Georgia is hereby further amended by adding the following subsequent to Section 66-4 of Chapter 66:

ARTICLE II MOTORIZED CARTS

Sec. 66-4: Findings; definition.

- (a) The Mayor and City Council find that all paved streets and unpaved recreational paths located within the territorial boundaries of the city and under its jurisdiction are designed and constructed so as to safely permit their use by operators of motorized carts, electric bicycles, and low speed motor vehicle ("LSMV"), except as stated elsewhere in this article.

(Ord. No. 2013-0708, § 1, 7-8-13)

- (b) 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 set to be straddled by the operator and with handlebars for steering control.

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 thirteen inches in diameter.

Dealer means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state.

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:

- (1) Have a power output of not more than 1,000 watts;
- (2) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and
- (3) 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 the load, plus the weight of any load thereon.

Low-speed motor vehicle or LSMV 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 break 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 break horsepower, every bicycle with a motor attached, and every 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 "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.

Sec. 66-5: Registration/transfer requirements.

- (a) *Motorized carts.* It shall be the duty of every owner of an electric or gasoline-powered motorized cart that is operated over the recreation paths and streets of the city and those areas accessible by the public, to register the cart with the city. A cart driver's license will be issued once the cart is registered; and a record of each motorized cart number, along with the name and address of the owner will be maintained by the City Manager's office. The license must be with the cart driver when operating the motorized cart. Failure to have a current registered cart driver's license shall be a violation of this section and will subject the owner of such cart to the penalties set forth in section 1-11 of this code.
- (1) *Resident Fee.* The registration fee for motorized carts owned by city residents will be \$10.00 for the current registration period and shall be effective until the next registration period. Registration periods occur every five (5) years, beginning in 2008. When registering a motorized cart with the city bring your driver's license and proof of insurance so a copy of them can be submitted with your registration paperwork.
- (2) *Non-Resident Fee.* The registration fee for motorized carts owned by non-residents of the city will be \$20.00 for the current registration period. In addition to the initial \$20.00 fee for the registration and cart driver's license, an annual registration/user fee of \$60.00 will be charged to non-residents. The non-resident fee is due by January 31 each year as long as the cart is registered in the city. The non-resident registration fee will be prorated for carts registered after January 31. When registering a motorized cart with the city bring your driver's license and proof of insurance so a copy of them can be submitted with your registration paperwork.
- (3) *Transfers.* Upon occurrence of the sale of a motorized cart to another person who will operate the cart over the recreation paths and streets of the city, the cart must be registered with the city by the new owner. If the cart is not registered by the new owner and is operated over the recreation paths and streets of the city, then the owner will be subject to the penalties set forth in Section 1-11 of this code. When registering a motorized cart with the city bring your driver's license and proof of insurance so a copy of them can be submitted with your registration paperwork.
- (4) *Special tourism events.* The mayor and council may, at its discretion, waive registration requirements for special events of a limited duration to which out-of-city residents may bring carts as participants.
(Ord. No. 2013-0708, § 2, 7-8-13)

(b) *Gasoline carts.*

- (1) Every gasoline powered motorized cart shall at all times be equipped with an exhaust system in good working order and in constant operation, 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, including the consideration of missing or broken brackets or hangers.
 - c. The engine and powered mechanism of every cart shall be so equipped, adjusted and tuned as to prevent the escape of excessive smoke or fumes.
- (2) It shall be unlawful for the owner of any gasoline powered motorized cart to operate or permit the operation of such cart which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, to render the device unserviceable by removal, alteration or which interferes with its operation.

(c) *Rental carts.* Cart dealers and distributors, as well as other commercial establishments, may rent carts to the public for use on the recreation paths and streets and those areas accessible by the public of the city. Each such establishment renting carts shall be required to register each such rental cart in accordance with subsections (a) and (b) of this section and shall maintain a written record of each person who rents each cart. Renters shall be required to furnish positive identification, shall be provided a copy of this article to read, and must be at least sixteen (16) years of age. The registration fee and transfer fees and regulations shall be the same as those in subsections (a) and (b).

(d) *Electric personal assistive mobility device (EPAMD).* EPAMDs shall be subject to the same registration requirements outlined above in subsections (a) and (c).

(e) *Age, number of registrants limited.* Only those persons eighteen (18) years of age or older may register a motorized cart. Cart registration may be in one person's name only, and the registration form must be signed by that person.

- (f) *LSMV*. No *LSMV* shall be operated on the paved recreational paths or streets located within the territorial boundaries of the city unless it is legally registered and insured according to laws of the state.

(Code 1980, § 19-31; Ord. No. 779, 12-20-2001; Ord. No. 786, 9-5-2002; Ord. No. 867, § 1, 1-19-2006; Ord. No. 873, § 1, 2-16-2006; Ord. No. 901, § 1, 4-19-2007; Ord. No. 924, § 1, 12-6-2007)

Sec. 66-6: Operation regulations.

- (a) Those persons who are 16 years of age and older with a valid license to operate a motor vehicle may drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city 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 motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city during the time of suspension or revocation.
- (b) Those persons who are at least 15 years of age with a valid instructional permit issued by the state pursuant to O.C.G.A. § 40-5-24, as may be amended, may drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the provided his or her instruction permit has not been suspended or revoked. Such persons shall be subject to the driving restrictions and conditions applicable persons holding an instruction permit to operate a noncommercial Class C vehicle as set out in O.C.G.A. § 40-5-24 and incorporated herein by reference.
- (c) No person under 15 years of age may drive a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city.
- (d) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the recreation paths, streets and those areas accessible by the public in the city. Where cart paths exist, they must be used in preference to parallel city streets.
- (e) Motorized carts may be operated on specified sidewalks at any time, but must always yield the right of way to pedestrians.
- (f) Motorized carts may be operated over those authorized streets, recreational paths and those areas accessible by the public only during daylight hours unless such motorized carts are equipped with functional headlights and taillights.
- (g) No motorized cart shall be permitted to operate over, along, or across Highway 41, Highway 151, Highway 2, and Highway 3 within the boundaries of the city, except where authorized crossings are provided.
- (h) No motorized cart shall be permitted to operate on the sidewalk abutting the northern right-of-way of Nashville Street between Depot Street and the crosswalk across Nashville Street at the intersection of Nashville Street and Jail Street.

- (i) It shall be unlawful for the owner of any motorized cart or LSMV or any other person operating, employing, permitting the use of or otherwise directing the use of such motorized cart or LSMV to operate or permit the operator of any motorized cart or LSMV to drive over the recreational paths, streets or those areas accessible by the public in the city in violation of this article.
- (j) Only persons possessing a valid license issued by the state, other state of the United States, or international agency that permits such person to operate a motor vehicle on the highways of the state may operate a LSMV on the paved recreational paths or streets located within the territorial boundaries of the city.
- (k) No LSMV shall be permitted to operate on, over, along, or across Highway 41, Highway 151, Highway 2, and Highway 3 within the boundaries of the city, except where authorized crossings are provided. No LSMV shall be permitted to operate on any street of which the posted speed limit exceeds 35 miles per hour. Except, as prohibited above, LSMVs shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour.
- (l) 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 recreational paths or streets located within the territorial boundaries of the city.
- (m) No EPAMD shall be permitted to operate on, over, along, or across Highway 41, Highway 151, Highway 2, and Highway 3 within the boundaries of the city, except where authorized pedestrian crossings are provided. No EPAMD shall be permitted to operate on any street of which the posted speed limit exceeds 35 miles per hour. Except, as prohibited above, EPAMDs shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour.
- (n) EPAMDs shall be equipped with the following: front, rear, and side reflectors which shall be visible from a distance of 300 feet when directly in front of lawful upper 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.
- (o) EPAMDs shall be equipped with the following: front, rear, and side reflectors which shall be visible from a distance of 300 feet when directly in front of lawful upper 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.

- (p) No person shall operate an EPAMD at a speed greater than seven miles per hour when traveling on any path or sidewalk, or 15 miles per hour on any other city right-of-way.
- (q) No person shall operate an EPAMD with more than a single user at any time.
(Ord. No. 2013-0812, § 1, 8-12-13)

Sec. 66-7: Recreation path users--Authorized.

Authorized users of asphalt & gravel recreation paths and sidewalks are as follows:

- (1) Pedestrians;
- (2) Non-motorized vehicles;
- (3) Roller skates, roller blades and skateboarders (daylight only);
- (4) Registered electric-powered golf carts;
- (5) Registered gasoline-powered golf carts;
- (6) Emergency and authorized maintenance vehicles;
- (7) Bicycles, traditional and electric (as defined in Section 66-4);
- (8) Electric and conventional wheelchairs; and
- (9) Electric vehicles designed to carry one person at a speed not to exceed 20 miles per hour, except as prohibited in Section 66-8.
- (10) LSMV vehicles provided that the vehicle is operated only in a mode or other restriction that does not allow the vehicle to exceed 20 miles per hour.
- (11) Registered EPAMDs.

Sec. 66-8: Same--Prohibited uses.

Prohibited uses of recreation paths are as follows:

- (1) Automobiles and trucks (except authorized maintenance vehicles);
- (2) Motorcycles;
- (3) Street and trail motorized bikes or vehicles (not to include electric bicycles);
- (4) Mini-bikes and mopeds;
- (5) Horses;
- (6) Go-carts;
- (7) Un-registered electric-powered golf carts or motorized carts;
- (8) Un-registered gasoline-powered golf carts or motorized carts;
- (9) Motorized skateboards or motorized scooters;
- (10) Motorized play vehicles;
- (11) Un-registered LSMVs;
- (12) Except, as permitted in Section 66-7, any vehicle designed by the manufacturer to be able to travel at speeds in excess of 20 miles per hour under its own power on a flat surface; and
- (13) Un-registered EPAMDs.

Sec. 66-10: Motorized play vehicle; authorizations; prohibitions; disclosure requirements.

- (a) No authorized 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.
- (c) No motorized play vehicle 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 (such as an enclosed warehouse or fenced parking lot with a locked gate). Motorized play vehicles may be operated on private commercial/industrial property meeting these restrictions with the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.
- (d) No person shall operate a motorized play vehicle 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 violate any of the provisions of this section.
- (f) It is unlawful for any vendor or merchant to sell motorized play vehicles without making disclosures required by this section. Any merchant or vendor who sells motorized play vehicles within the city shall:
 - (1) Post in a prominent place at each location where motorized play vehicles are on display, a notice, on a sign not less than 96 square inches and visible to the public, stating that operation of motorized play vehicles:
 - a. Are prohibited on any public street, public roadway, public sidewalk, public park, public parking lot, public trail, public shared multi-use path, public highway or any part of a highway, public bicycle path and all other public property in the city.

- b. Are allowed to be used on private residential property with owner's written permission.
 - c. Are allowed to be used on private commercial/industrial property only in areas inaccessible to normal pedestrian or vehicular traffic and only with the written permission of the owner/agent.
- (2) Provide a copy of such notice to each purchaser of a motorized play vehicle, either before or in connection with the purchase of a motorized play vehicle. If the purchaser is a minor, the minor's parent or legal guardian must sign a receipt of said notice.
 - (3) Any motorized play vehicle, owned by a governmental entity and which is operated in the performance of authorized duties or activities, is not exempt from the provisions of this section.
- (g) Temporary suspension of all or part of this section may be granted by the Mayor and Council for special events.

Sec. 66-11: Liability.

Each person using the recreation paths is liable for his own actions. Liability insurance coverage varies, and each person operating a golf cart on the recreation paths and public should verify their coverage.

Sec. 66-12: Penalties.

- (a) Any person who violates the terms of this article, except Section 66-3(b), (c), or (d), shall be punished, as provided in Section 1.11, except that any fine for a littering offense shall be doubled.
- (b) Any violation of Subsections 66-3(b), (c), or (d) 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:
 - (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; and
 - (3) For a third offense committed within one (1) 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 (2) years following the third conviction.

- (c) Any violation by an operator of a LSMV shall be charged against the operator according to the provisions of Title 40 of the Official Code of Georgia and this Code. Any violation by an owner of a LSMV shall be charged against the owner according to the provisions of Title 40 of the Official Code of Georgia and this Code.”

SECTION 3

If the provisions of any section, subsection, paragraph, sentence, clause or phrase shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, sentence, clause or phrase of this Ordinance.

SECTION 4

All other ordinances, which are in any way inconsistent with this Ordinance, are hereby repealed.

SECTION 5

The effective of this Ordinance is the date of enactment.

SO ORDAINED, this 13th day of October, 2008

CITY OF RINGGOLD, GEORGIA

JOE BARGER
Mayor, City of Ringgold

ATTEST:

Dan Wright
City Manager