

## MOTORIZED CART ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUHARLEE FOR THE PURPOSE OF AUTHORIZING THE USAGE OF MOTORIZED CARTS ON CERTAIN STREETS WITHIN THE CITY LIMITS AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE CITY COUNCIL OF EUHARLEE HELD ON OCTOBER 5, 2010.

WHEREAS, Euharlee's citizens have expressed an interest in and desire to operate recreational motorized vehicles on streets in certain subdivisions within the city limits; and

WHEREAS, Euharlee's City Council is authorized to establish the rules and regulations for operation of motorized vehicles within its borders; and

NOW THEREFORE, BE IT ORDAINED, that:

### SECTION I

#### SHORT TITLE

This Ordinance shall be known and may be cited as the "Euharlee Motorized Cart Ordinance."

### SECTION II

#### DEFINITIONS

"Motorized cart" means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less which cannot operate at a speed of more than 20 miles per hour.

### SECTION III

#### REGISTRATION REQUIREMENTS

(a) Motorized Carts. It shall be the duty of every owner of an electric or gasoline-powered motorized cart that is operated in an authorized driving zone, as set forth herein, to

register the cart with the city within five business days of the date of purchase. A numerical decal shall be issued upon registration; and a record of each motorized cart number, along with the name and address of the owner, shall be maintained by the city's police department. The decal must be affixed to the rear of the cart in a prominent, easily observable area at all times. The failure to have a current registration decal on a motorized cart shall be a violation of this section and subject the owner of such cart to a fine of \$50.

(1) Resident Fee. The annual registration fee for motorized carts owned by city residents shall be \$25.00, and the registration shall be valid from April 1<sup>st</sup> until March 31<sup>st</sup>. A \$10.00 late fee will be charged for renewals after March 31<sup>st</sup>.

(2) Nonresident Fee. In addition to the initial \$25.00 fee for the registration and decal, an annual registration/user fee of \$60.00 shall be charged to nonresidents of the city. The nonresident fee is due by March 31<sup>st</sup> each year until such time as the cart is sold or otherwise disposed of. This nonresident registration/user fee shall be prorated for carts purchased after March 31<sup>st</sup> of the first calendar year of ownership, unless the nonresident had previously paid the registration/user fee the same calendar year, in which case the \$25.00 registration fee would be required to register and obtain a decal for the new cart.

(3) Registration Deadline. If the cart is not registered within five business days of purchase, a \$10.00 penalty will be applied in addition to the registration fee; and the cart shall be considered an unregistered cart after the five business-day period.

(4) Transfers. Upon occurrence of a sale of the cart to another person who shall operate the cart over in the city, the registration must be transferred to the new owner within five business days of the change in ownership at a cost of \$5.00, and if the new owner is not a city resident, the nonresident registration/user fee for the balance of the year shall be due from the new owner. If the registration is not transferred within five business days, a \$20.00 penalty will be applied in addition to the \$5.00 transfer charge; and the cart shall be considered an unregistered cart after the five business-day period. Dealers acquiring a registered cart exclusively

for resale (non-rental) shall not be required to pay the transfer charge, but shall notify the city of the transfer within five business days of receiving the cart, and of the ultimate disposition of the cart within ten business days of sale.

(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 on 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) Use of Funds. All funds collected for registration of motorized carts pursuant to this ordinance shall be deposited in the City's general fund.

#### SECTION IV

#### OPERATION REGULATIONS

(a) Those persons who are 16 years of age and older may drive a motorized cart in an authorized driving zone 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 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 in authorized driving zones if they maintain a valid learner's permit and are accompanied by a person 16 years or older with a valid driver's license.

(c) All operators shall abide by all traffic regulations applicable to vehicular traffic when driving in authorized driving zones.

(d) Motorized carts shall not be operated on sidewalks except as provided in Section V, Paragraph (a).

(e) No motorized cart shall be permitted to operate over, along, or across any street that has a speed limit in excess of 25 mph, except where authorized crossings are provided.

(f) Motorized carts may be operated over those authorized streets only during daylight hours unless such motorized carts are equipped with two operating headlights (one on each side of the front of the motorized cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.

(g) Motorized carts must be equipped with a rear view mirror, which shall be a permanent fixture on the vehicle.

(h) The number of occupants in a motorized cart shall not exceed the number of individual seats installed in the vehicle. The operator and all occupants shall be seated in the motorized cart and no part of the body of the operator or occupant(s) shall extend outside the perimeter of the motorized cart while it is in motion.

(i) Motorized carts shall not be operated on private property without the permission and consent of the property owner.

(j) Penalties for improper or unlawful operation of a motorized cart shall be the same as for like violations of any motor vehicle.

## SECTION V ZONING PROCESS

(a) Authorized Driving Zones. The City zoning department shall establish and maintain a map subdividing the city into separate zones identified as "authorized driving zones" for motorized carts. For any homeowner within an authorized driving zone who has a driveway

exiting on to a street with a speed limit in excess of 25 mph (“High Speed Road”), the map shall identify an authorized auxiliary sidewalk upon which the homeowner shall be permitted to drive the motorized cart when traveling to and from the authorized driving zone to his/her home.

(b) Request. A citizen may seek approval for the operation of motorized carts within the authorized driving zone in which he/she resides by submitting a letter to the zoning department. Once the letter has been received, the zoning department will send the requesting citizen and the homeowner’s association, if one exists, a copy of the map identifying the applicable authorized driving zone.

(c) Approval. Following a citizen request, the zoning department shall approve an authorized driving zone and notify the city police department of same upon receipt of one of the following:

- (1) A letter, signed by an authorized representative from the homeowner’s association(s) within the authorized driving zone, confirming the association’s approval of the request; or
- (2) A petition signed by 70% of the homeowners in the authorized driving zone approving the request for an authorized driving zone.

(d) Authorized Crossings. Upon approval of an authorized driving zone that is bisected by a High Speed Road, the zoning department shall identify one or more authorized crossings for the High Speed Road. The zoning department shall install on the High Speed Road advisory plaques at a distance of 500 feet on either side of the the crossing alerting drivers that they are approaching a crossing for motorized carts.

SECTION VI  
EFFECTIVE DATE

This Ordinance shall become effective immediately.

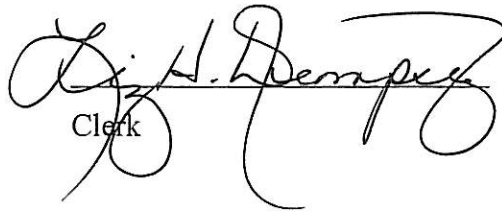
SECTION VII  
REPEALER

All Ordinances or Resolutions or parts of such said Ordinances or Resolutions in conflict with this Ordinance, and not preserved hereby, are hereby repealed upon the effective date of this Ordinance.

SO ADOPTED this 5<sup>th</sup> day of October, 2010.

ATTEST:

EUHARLEE, GEORGIA

  
Clerk

  
Mayor