

**FORSYTH COUNTY, GEORGIA  
ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 78 OF THE CODE OF FORSYTH COUNTY, GEORGIA (“TRAFFIC AND VEHICLES”) TO PROVIDE FOR PERSONAL TRANSPORTATION VEHICLE USE ON DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. Section 40-6-331 authorizes local government authorities to designate certain public streets or portions thereof that are under its regulation and control for the combined use of personal transportation vehicles and regular vehicular traffic or the use of personal transportation vehicles and no other types of motor vehicles and to establish the conditions under which personal transportation vehicles may be operated upon such streets or portions thereof; and

**WHEREAS**, Forsyth County has experienced an increase in the number of requests for use of personal transportation vehicles upon public streets within the County; and

**WHEREAS**, the Forsyth County Board of Commissioners finds that the designation of certain public streets or portions thereof for the use of personal transportation vehicles and the regulation of personal transportation vehicles will provide for the health, safety and welfare of the citizens of Forsyth County; and

**NOW THEREFORE**, be it resolved and ordained by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of same as follows:

**SECTION ONE.**

Chapter 78 – TRAFFIC AND VEHICLES – of the Code of the County of Forsyth County, Georgia, is hereby amended by adding a new article, ARTICLE III – PERSONAL TRANSPORTATION VEHICLES – to read as follows:

**ARTICLE III – PERSONAL TRANSPORTATION VEHICLES**

**Sec. 78-40. – Definitions.**

The following terms, words, and phrases, when used in this article, shall have the meanings ascribed to them in this article. In the event that any definitions used in this article conflict with those contained in O.C.G.A. 40-1-1 *et seq.*, the definitions contained in O.C.G.A. 40-1-1 *et seq.*, as amended, shall control.

*County* means the County of Forsyth County, Georgia.

*Personal transportation vehicle* or *PTV* means any motor vehicle:

- (i) With a minimum of four wheels;
- (ii) Capable of a maximum level ground speed of less than 20 miles per hour;
- (iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and
- (iv) Capable of transporting not more than eight persons.

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 (as that term is defined in O.C.G.A. Section 40-1-1) or multipurpose off-highway vehicle (as that term is defined in O.C.G.A. Section 40-1-1).

*Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use by any person afoot.

*Valid motor vehicle driver's license* means any current and valid license to operate a motor vehicle issued under the laws of the State of Georgia, or other state of the United States of America which permits persons to operate motor vehicles on the public roads of the state.

**Sec. 78-41. – Driving privileges.**

Only those persons possessing a valid motor vehicle driver's license may operate and drive a personal transportation vehicle ("PTV") on designated public roads and/or public pathways of the County.

**Sec. 78-42. – Operating regulations.**

(a) No PTV shall be operated over or along any public road or public pathway of the County unless that public road or public pathway has been designated for PTV use by the County and appropriate signs giving notice are posted along the route.

- (1) Designated public roads shall be limited to public roads within the County which have a speed limit of twenty-five (25) miles per hour or less, have been approved by a qualified traffic engineer as capable of accommodating PTVs without adversely impacting traffic safety or the travel needs of commuters and other users, and have been designated by the County for use of PTVs. Designated public pathways shall be limited to public pathways of the County which have been designated by the County to accommodate PTVs.

(2) The Board of Commissioners shall have sole discretion and authority to designate, by ordinance, public roads and public pathways for PTV use.

(3) Where a subdivision has an incorporated property owner's association, requests for designation of public roads or public pathways for PTV use within that subdivision shall come from the property owners' association. In the absence of an incorporated property owners' association, requests by individual residents will be considered. Where public roads or public pathways are designated for PTV use upon request from an incorporated property owner's association, the property owner's association shall bear the cost of providing and posting signs giving notice of PTV designation along such routes, in accordance with County specifications.

(4) The County shall erect signs on every state highway at the point in which that highway intersects the boundaries of the County to warn approaching motorists that PTVs are authorized for use on public streets within the County.

(b) All operators of PTVs shall abide by all state and local traffic and vehicular laws and the regulations of this ordinance when using designated roads or pathways in the County.

(c) Where designated public pathways exist for PTVs, they shall be used in preference to parallel designated roads.

(d) No PTV shall cross County roads, except at PTV crossing areas designated for that purpose by the County. The County shall post appropriate signs indicating PTV crossings and directing PTVs to cross only at designated crossings.

(e) No PTV shall cross state roads, except at PTV crossing areas designated for that purpose by the Department of Transportation and which are constructed as an active grade crossing. The County shall post appropriate signs indicating PTV crossings and directing PTVs to cross only at designated crossings.

(f) PTVs shall not be operated on sidewalks at any time.

(g) PTV owners and operators shall maintain their PTVs in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the PTV is in operation on designated roads or pathways.

(h) The maximum occupancy of a motorized cart traveling on designated roads or pathways shall be one person per designated seat. No PTV may be operated when the number of passengers exceeds the passenger capacity as set by the manufacturer of the PTV.

(i) PTVs may operate on designated roads or pathways at night only when utilizing functional head lamps and tail lamps.

(j) PTVs are required to park in designated automobile parking areas or designated PTV parking areas when parking in public areas.

(k) All laws and ordinances related to alcohol and its use, including open container law, which apply to traffic on the streets of the County shall apply to PTVs.

(l) All operators and passengers of a PTV must remain seated while the PTV is in motion.

(m) No person may sit in the operator's lap while a PTV is in motion.

(n) PTVs shall not be operated within any County parks.

(o) Each owner or operator of a PTV is liable for his or her own actions. Any person who operates or owns a PTV is responsible for procuring liability insurance and verifying coverage in terms enough to cover risk involved in using such PTV on designated public roads or pathways of the County.

(p) Whenever a PTV is in operation, the operator is required to have the following within the PTV:

(1) Copy of the valid PTV registration; and

(2) Documentation from the liability insurance provider demonstrating that the PTV is insured as required in this article.

(q) PTVs shall be limited to pulling one trailer or cargo platform and be limited to hauling weight no greater than the carrying capacity of the PTV as determined by the manufacturer.

(r) It shall be unlawful for the owner of any PTV or any other person operating, permitting the use of, or otherwise directing the use of a PTV, to operate or permit the operation of any PTV in violation of this section.

**Sec. 78-43. – Equipment requirements.**

(a) All PTVs shall be equipped with the following which shall be in good working order:

(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 motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the "off" position;

(4) Head lamps;

- (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) Lighted turn signal.

**Commented [JC1]:** This language is taken directly from state statute O.C.G.A § 40-6-330.1 ("Hip restraints and hand holds or a combination thereof.").

**Commented [JC2]:** This final requirement of a lighted turn signal is not mandated by state statute; however, it has been proposed as an additional "optional" requirement for Board consideration.

(b) It shall be a violation of this article for a PTV to be operated upon designated roads or pathways without the required equipment.

**Sec. 78-44. – Registration requirements.**

(a) There shall be a fee of \$15.00 to register each and every PTV for use on designated roads or pathways within the County to cover the costs of implementing and maintaining this article. It shall be the duty of every owner of a PTV operated on designated roads or pathways within the County to register the PTV with the County Planning Department, Engineering Department, or other within ten (10) business days of the date of ownership.

**Commented [JC3]:** Registration office to be determined by the Board of Commissioners.

(b) Registration expires five (5) years from the date of issuance and must be renewed by the date of expiration and in accordance with the provisions of this article.

(c) Every application for registration or re-registration shall contain the following information:

- (1) Make, model and the vehicle identification number or serial number;
- (2) Name, address and contact phone number of the owner;
- (3) The owner’s current valid motor vehicle driver’s license number;
- (4) Proof of liability insurance;
- (5) Written verification from the owner on a form approved by the County that the PTV meets the equipment requirements of this article; and
- (6) Acknowledgement of understanding of County regulations concerning PTVs.

(c) Registration may be in one person’s name only, and the registration form must be signed by that person.

(d) Upon registration with the County, each PTV shall be issued a decal from the County signifying such registration. The registration decal must be affixed to the driver's side of the PTV in such a manner as to be visible at all times and shall remain permanently with such PTV unless the PTV is sold or transferred or the registration is destroyed.

(e) The registration and decal issued by the County shall be non-transferrable. Upon the sale or transfer of a PTV to a new owner, the new owner shall, within ten (10) business days of the date of ownership, re-register the PTV as if registering for the first time.

(f) By registering a PTV with the County the owner verifies that the PTV is qualified to be classified as such under state law and this Code.

(g) Any establishment renting PTVs to the public for use on designated public roads or pathways shall be required to register each such PTV in accordance with this section and shall maintain a written record of each person who rents each PTV. Renters shall be required to furnish positive identification, shall be provided a copy of this article to read, and must possess a valid motor vehicle driver's license. The registration fee and transfer fees and all regulations, along with all licensing and operation regulations, shall be consistent with the provisions of this article.

**Sec. 78-45. – Hazardous activities.**

(a) PTVs shall not be used in hazardous activities on any public roads or pathways. Such hazardous activities include, but are not limited to, the following:

- (1) Racing of any kind; and
- (2) Operation of two or more abreast in a single lane.

(b) Blocking of public access to any public roads, pathways, rights-of-way or other public property of the County shall be prohibited, except for permitted events.

**Sec. 78-46. – Limitation.**

(a) This article shall not apply to PTVs designated 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 made available to members or the public on a rental basis, provided that such PTVs are used only on the premises of such golf courses or other such organized entities.

(b) This article shall not apply to PTVs operated on private property.

(c) This article shall not apply to PTVs operated by delivery personnel for a commercial delivery company within a residential subdivision as set forth under O.C.G.A. Section 40-6-331(e).

(d) Nothing in this article shall be construed to authorize the use of all-terrain vehicles on designated roads or pathways within the County.

**Sec. 78-47. – Enforcement.**

(a) The provisions of this article shall be enforced by the Forsyth County Sheriff’s Office.

(b) It shall be unlawful for any person or entity to fail to comply with the requirements of this article. Any person who violates the terms of this article shall be punished as provided in Section 1-12.

**SECTION TWO, REPEALER.**

All ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are repealed.

**SECTION THREE, SEVERABILITY.**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. Should any section, paragraph, sentence, clause or phrase of this ordinance be rendered invalid by any court of law, the remaining sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by action of the governing authority of Forsyth County.

**SECTION FOUR, EFFECTIVE DATE.**

This ordinance shall become effective immediately upon its adoption by the Board of Commissioners.

SO RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

**FORSYTH COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Ralph J. Amos, Chairman

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Cindy Jones Mills, Vice Chairman

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Brian R. Tam, Secretary

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Jim Boff, Member

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Todd Levent, Member

Attested to:

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County Clerk