

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC; TO ADD ARTICLE III, PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR THE USE AND OPERATION OF PERSONAL TRANSPORTATION VEHICLES ON CITY STREETS; TO PROVIDE FOR THE REGISTRATION OF PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR OPERATIONAL AND EQUIPMENT REQUIREMENTS FOR PERSONAL TRANSPORTATION VEHICLES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, many of the public streets of the City of Perry are designated for traffic flow at twenty-five (25) miles per hour or less; and

**WHEREAS**, the flow of such streets will not be obstructed or impeded by the use of personal transportation vehicles (also known as PTVs); and

**WHEREAS**, personal transportation vehicles may serve a number of legitimate needs to the public including fuel conservation, reduction in noise pollution, and tourism; and

**WHEREAS**, O.C.G.A. Section 40-6-331 authorizes a local governing authority to designate certain public streets or portions thereof by ordinance for the combined use of personal transportation vehicles and regular vehicular traffic and to regulate the condition under which PTVs may be operated;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:**

1.

By adding **ARTICLE III. – PERSONAL TRANSPORTATION VEHICLES** to read as follows:

**ARTICLE III. – PERSONAL TRANSPORTATION VEHICLES**

**Section 18-76. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the following meanings ascribed to them:

*Driver* means the person driving and having physical control over a Personal Transportation Vehicle.

*Personal Transportation Vehicle (PTV)* means any motor vehicle:

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

The term does not include any 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 or multipurpose off-highway vehicle.

*Owner* means the person holding title to the PTV who has a majority ownership interest in the PTV.

*Parking area* means those areas accessible to the public by motor vehicular traffic and which are designated for the temporary parking of motor vehicles, usually in places referred to as parking lots.

*Authorized street* means a public roadway of the City of Perry by whatever name (e.g. road, alley, avenue, street, boulevard, etc.) that:

- (a) Has a posted speed limit of 25 miles per hour or less;
- (b) Is not designated as part of either the State or federal highway system; and
- (c) Has not been designated as an unauthorized street by ordinance or resolution by the City Council.

*Unauthorized street* means a public roadway of the City of Perry by whatever name (e.g. road, alley, avenue, highway, route, boulevard, etc.) that has been designated by the City Council by ordinance or resolution as an unauthorized street.

### **Section 18-77. Registration Permit.**

Before any PTV may be operated over an authorized street or parking area of the City of Perry it shall be registered and permitted by the City of Perry Police Department. If the PTV is compliant with local and State law, then a decal shall be issued from the Police Department signifying its registration. The registration requirements include the following specifics:

- (a) Only those persons 18 years of age or older may register a PTV;
- (b) The person registering the PTV must be the Owner of the PTV;
- (c) The registration permit received from the Perry Police Department shall be maintained in the PTV at all times and shall be produced for inspection upon request.
- (d) The registration application shall be made on a form supplied by the City and shall contain the following information:
  - 1) Name and address of owner.
  - 2) Model, make, name and PTV identification number.
  - 3) Current driver's license number of owner.
  - 4) Such other information as the City may require.
- (e) The registration application shall be accompanied by a fee not to exceed \$15.00, as determined by Mayor and Council and listed in the City's fee schedule.
- (f) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of Georgia law for operational motor vehicles.
- (g) The registration shall be effective for a period of three (3) years unless sooner revoked or the PTV is transferred to a new owner. If the registered owner transfers ownership of the PTV, the registration permit must be returned to the City of Perry Police Department.
- (h) It shall be the PTV owner's responsibility to ensure that the information on the application remains current and accurate.

The City Council may, at its discretion, waive registration requirements for City sponsored special events of a limited duration.

### **Section 18-78. Revocation.**

The registration permit may be revoked if:

- (a) The permit holder no longer has a valid driver's license.
- (b) The owner or driver of a PTV fails to abide by the rules and regulations of this article.
- (c) The owner or driver of a PTV fails to abide by the traffic laws in use for a PTV on an authorized street or parking area.

### **Section 18-79. Transfer.**

Upon transfer of ownership of the PTV to a person who intends to operate it over the authorized streets and parking areas, the new owner must register the PTV as outlined herein above. Such registration by the new owner must occur within ten (10) days of the transfer of ownership.

### **Section 18-80. Operation Regulations.**

- (a) It shall be unlawful to operate a PTV on any street within the City of Perry that is not an authorized street.
- (b) Only those persons who hold a valid motor vehicle driver's license and who are 16 years of age or older may drive a PTV on the authorized streets and parking areas of the City.
- (c) All drivers of PTVs shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the City.
- (d) Current proof of liability insurance coverage shall be maintained in the PTV when operated and available for inspection upon request.
- (e) A PTV shall not be operated to transport more than eight (8) persons.
- (f) A PTV shall not be operated on the sidewalks at any time.
- (g) Every driver of a PTV shall be granted all the rights and shall be subject to all of the rules of the road and duties applicable to the driver of any other vehicle.
- (h) All PTVs are entitled to the full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any PTV of the full use of a lane.
- (i) The driver of a PTV shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (j) The driver of a PTV operating on an authorized street may cross a state or federal route only at intersections that have been designated for such purposes by the Georgia Department of Transportation.
- (k) All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the City shall also apply to drivers and occupants of PTVs.
- (l) All drivers and passengers must remain seated at all times during the operation of the PTV. No person may sit on the driver's lap during the operation of the PTV.
- (m) All drivers transporting a child under six (6) years of age shall provide for the proper restraint of such child with a safety belt and/or a child passenger restraining system appropriate for such child's height and weight and approved by the United States Department of Transportation under provisions of Federal Motor Vehicle Safety Standard 213.

### **Section 18-81. Vehicle Standards and Equipment.**

Each PTV shall meet the following design standards and shall be equipped with the following operational equipment:

- (a) A minimum of four (4) wheels;
- (b) Capable of a maximum level ground speed of no more than 20 mph;
- (c) A maximum gross vehicle weight, empty and unladen, of 1,375 pounds;
- (d) A maximum transport capacity of eight (8) persons;
- (e) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
- (f) A reverse warning device functional at all times when the directional control is in the reverse position;
- (g) 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;
- (h) Head lamps;

- (i) Reflex reflectors;
- (j) Tail lamps;
- (k) Rear slow-moving vehicle emblem or amber strobe light;
- (l) A horn;
- (m) A rearview mirror;
- (n) Safety warning labels; and
- (o) Hip restraints and hand holds or a combination thereof; Safety belts are required when transporting a child under the age of six (6) as provided in Section 18-80.

Each PTV shall be maintained in working order and kept in good condition and shall be subject to inspection by city officials and/or the City of Perry Police Department at reasonable times and intervals.

**Section 18-82. Liability.**

Nothing in this article shall be construed as an assumption of liability by the City of Perry for any injuries to persons or property which may result from the operation of a PTV or by the failure of the City to revoke said permit. Adoption of this ordinance is not to be relied upon as a determination by the City of Perry that operation of a PTV on public roads is safe or advisable if done in accordance with this Article. By regulating such operation, the city is merely addressing safety issues. All persons who operate or ride in PTVs on public roads do so with their own judgement and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians.

**Section 18-83. Penalties.**

Any person who violates the terms of this article shall be punished as follows:

In addition to whatever violations of the driver of a PTV may be subject to pursuant to Georgia law and/or Code of the City of Perry, the registered owner of the PTV shall be subject to the following civil penalties and shall be cited to appear in the Municipal Court of Perry:

- (1) For the first offense a fine of not less than \$50.00; and if not timely paid, revocation of the permit.
- (2) For the second offense, a fine of not less than \$100.00; and if not timely paid, revocation of the permit.
- (3) For the third offense, the registration for the PTV shall be revoked. In the event the registration is revoked under this section, the PTV cannot thereafter be re-registered by the same owner or any family member for a period of two (2) years.

**Sections 18-84 – 18-99. Reserved.**

**BE IT ORDAINED** by the City Council of Perry, and it is ordained by the authority of the same, that this Ordinance shall become effective upon installation of the required signage in accordance with O.C.G.A. Section 40-6-331(c).

**BE IT FURTHER ORDAINED** that all ordinances, or parts of ordinances in conflict herewith be, and the same are hereby, repealed.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE.]**

SO ENACTED this 15<sup>th</sup> day of November, 2022.

CITY OF PERRY, GEORGIA



By:   
Randall Walker, Mayor

Attest:   
Annie Warren, City Clerk

1<sup>st</sup> Reading: November 1, 2022  
2<sup>nd</sup> Reading: November 15, 2022