

ORDINANCE NO. 851

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED SO AS TO ADOPT REGULATIONS REGARDING THE USE AND SALE OF MOTORIZED PLAY VEHICLES ON CITY STREETS AND PAVED RECREATIONAL PATHS AND PROPERTY; TO REPEAL CONFLICTING ORDINANCES EXCEPT AS HEREIN EXPRESSLY PROVIDED; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the sale of miniature motorcycles and motorized scooters has increased dramatically within the last twenty-four (24) months; and

WHEREAS, the purpose and intent of this ordinance is to provide for the regulation of motorized play vehicles in order to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of motorized play vehicles alike. The City Council finds that the increase prevalence of motorized play vehicles and growing concerns about their safe use requires local regulation in order to protect the public safety; and

WHEREAS, residents of the city are currently using motorized play vehicles on it's public and private streets, highways, rights of ways, multi-use path systems, trails and parks; and

WHEREAS, City Council finds it in the public interest to prohibit the operation of motorized play vehicles, except within certain private property areas; and

WHEREAS, this ordinance promotes and protects the public safety, health and welfare of the citizens of Peachtree City and is intended to prevent accidents which may result in physical injuries to pedestrians, bicyclists, motor vehicle drivers and operators of motorized play vehicles.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. That Section 78-91 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its entirety and inserting in lieu thereof a new Section 78-91 to read and to be codified as follows:

Sec. 78-91. Findings; definitions.

(a) The city council finds that all streets and paved 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.

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

(1) "***All-terrain vehicle***" means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

(2) "***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 13 inches in diameter.

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

(4) "***Electric bicycle***" means a device with two or three wheels which 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:

(A) Have a power output of not more than 1,000 watts;

(B) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and

(C) 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.

(5) "***Electric personal assistive mobility device***" or "EPAMD" means a self-balancing, two nontandem wheeled device designed to transport only one person and

having an electric propulsion system with average power of 750 watts (1 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.

(6) "**Gross weight**" means the weight of a vehicle without load plus the weight of any load thereon.

(7) "**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.

(8) "**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 brake 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.

(9) "**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.

(10) "**Motor driven cycle**" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, every bicycle with a motor attached, and every moped.

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

(12) "**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".

(13) "**Motorized skateboard**" means a self propelled device, including Segways, that has a motor, gas or electric, a deck upon which a person may ride, not equipped with a seat, and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in this code as a motor vehicle", "motorcycle", "motorized play vehicle", "motor scooter", "electric personal assistive mobility device" or "motorized wheelchair".

(14) "**Motorized wheelchair**" means a self-propelled wheelchair that is used by a physically disabled person for mobility.

(15) "**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.

Section 2. That Section 78-95 of the Code or Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its entirety and inserting in lieu thereof a new Section 78-95 to read and to be codified as follows:

Sec. 78-95. Recreation paths – 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) Minibikes 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) Electric or gasoline powered scooters;
- (10) Motorized play vehicles;
- (11) Un-registered LSMVs; and
- (12) Except as permitted in Section 78-94, 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.

Section 3. That Article III, Motorized Carts, of Chapter 78, Traffic of the Code or Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by adding a new Section 78-96.1 to read and to be codified as follows:

Sec. 78-96.1. Motorized Play Vehicle; Prohibitions; Disclosure Requirements.

(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) Except for private parking lots, motorized play vehicles may be operated on any private property with the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either. No

motorized play vehicles may be operated on any private parking lot, regardless of whether or not said operator has received written permission from the owner.

(c) 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.

(d) The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this section.

(e) 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 of Peachtree City.

(B) are allowed to be used on private property with owner's written permission, except private parking lots,.

(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 exempt from the provisions of this ordinance.

(f) Temporary suspension of all or part of this Ordinance may be granted by the City Council for special events.

Section 4. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 5. The repeal provided for in Section 4 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or pending.

Section 6. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 7. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This 21st day of July, 2005.

Stephen D. Brown, Mayor

Attest: _____
City Clerk