

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 278

AN ORDINANCE to designate certain public streets within the City of Lookout Mountain, Georgia, for the combined use of motorized carts and regular vehicular traffic, and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

Section 1. Findings and Intent. This ordinance is adopted in the interest of public safety. Motorized carts and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads (hereafter "public roads"), and the City of Lookout Mountain in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Lookout Mountain that the operation of motorized carts or other similar vehicles on public roads is safe or advisable if done in accordance with this ordinance. By regulating such operation, the City of Lookout Mountain is merely addressing safety issues. All persons who operate or ride in motorized carts or other similar vehicles on public roads do so based on their own judgment 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. Notwithstanding any law to the contrary, the City of Lookout Mountain has no liability in negligence, nuisance or under any other cause of action for injuries or losses resulting from the use of motorized carts or other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property. Any person who operates motorized carts or other similar vehicles is responsible for procuring appropriate insurance as may be required by Georgia law and this ordinance.

Section 2. Definitions. As used in this ordinance, the following words and phrases have the meanings set forth below:

Motorized cart means a motor vehicle having no less than four wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour. A golf cart satisfying the foregoing requirements is included in the definition of “motorized cart.”

Unladen weight means the weight of a vehicle without load as per the manufacturer’s specifications for such vehicle.

Valid motor vehicle driver’s license means any current and valid certificate issued by the State of Georgia or another state of the United States of America, which permits persons to operate motor vehicles on the public roads of the state.

Section 3. Operation of Motorized Carts on Certain City Streets.

(a) Pursuant to the authority granted by Official Code of Georgia Annotated Section 40-6-331, the City of Lookout Mountain hereby designates all municipal streets of the City of Lookout Mountain, other than Lula Lake Road to the north of its intersection with Hardy Road and to the south of its intersection with Wood Nymph Trail, as being for the combined use of motorized carts and regular vehicular traffic. Motorized carts may cross any municipal streets that are part of the City of Lookout Mountain’s municipal street system at any municipal street crossing or intersection but, as provided below, may not cross any county or state road except at the intersection of Cinderella Road with Red Riding Hood Trail (Georgia Highway 157).

(b) The authorizations granted by Section 3(a) above apply only to municipal streets of the City of Lookout Mountain. Motorized carts may not be operated on any county or state road or highway within the City of Lookout Mountain and, except as provided in the following sentence, may not cross any county or state road or highway within the City of Lookout

Mountain, even if the motorized cart is traveling on a municipal street at the time of such crossing. Notwithstanding the foregoing, based upon the specific authorization and approval of the Georgia Department of Transportation, motorized carts may cross Georgia Highway 157 at its intersection with Cinderella Road, but it is specifically ordained that motorized carts may not cross or travel upon any other county or state road or highway within the City of Lookout Mountain.

Section 4. Regulatory Requirements.

(a) All motorized carts operating within the City of Lookout Mountain will be subject to all traffic control laws, regulations, signs and devices of the City of Lookout Mountain, Walker County, and the State of Georgia. All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the City of Lookout Mountain, shall also apply to drivers and occupants of motorized carts.

(b) Motorized carts may only be operated on the municipal streets of the City of Lookout Mountain (other than Lula Lake Road to the north of its intersection with Hardy Road and to the south of its intersection with Wood Nymph Trail) and in driveways and parking lots where the operator of the motorized cart has been invited or has permission to be. Motorized carts may not be operated on pedestrian pathways, sidewalks, or multiuse pathways and may not be operated on any other publicly owned property other than the municipal streets of the City of Lookout Mountain (other than Lula Lake Road). Motorized carts may not be operated in or be driven across any yard other than the yard of the motorized cart's owner.

(c) Motorized carts may only be operated on the streets of the City of Lookout Mountain during full daylight and may not be operated during the period from 30 minutes before sunset to 30 minutes after sunrise.

(d) Each person driving a motorized cart in the City of Lookout Mountain must be at least sixteen (16) years of age and must possess a valid motor vehicle driver's license issued by the State of Georgia or by the driver's state of residence; provided, however, that a person at least fifteen (15) years of age who possesses a valid learner's permit issued by the State of Georgia pursuant to O.C.G.A. § 40-5-24 may operate a motorized cart if accompanied in the front seat by a person at least twenty-one (21) years of age who possesses a valid motor vehicle driver's license.

(e) Each occupant of a motorized cart must remain seated at all times in the seats provided for occupants and must be secured by his or her own seat belt at all times when the motorized cart is in motion. The number of occupants in any motorized cart may not exceed the number of seat belts permanently installed on the motorized cart. Children's car seats used on motorized carts must be approved by the manufacturer for use with lap belts only, without the necessity of a shoulder strap. Children's car seats may only be used in the front seats of motorized carts and in middle, forward-facing seats. Under no circumstances may children's car seats be used in rear-facing seats on the back of a motorized cart.

(f) Motorized carts must at all times be maintained in a manner which ensures an unobstructed view from the driver's seat looking forward and to the rear.

(g) All motorized carts operating in the City of Lookout Mountain must have four (4) wheels. Motorized carts must be equipped with head lamps, stop lamps, turn signal lamps, tail lamps, two reflex reflectors on the rear of the vehicle, and a vehicle serial number. The required reflex reflectors may be included as part of the housing for the tail lamps or may be separate.

(h) Motorized carts operating in the City of Lookout Mountain must be capable of traveling at a minimum speed of 15 miles per hour. The registration process contemplated by

Subparagraph (j) below will include verification that the motorized cart is capable of traveling at least 19 miles per hour.

(i) Gasoline-powered motorized carts are specifically prohibited.

(j) The owner of each motorized cart to be operated within the City of Lookout Mountain must register such motorized cart with the City Clerk before the motorized cart may be operated within the City. Registration will be on such forms as may be requested by the City Clerk, and such forms shall include, at a minimum, the owner's name(s) and address, the type of motorized cart (e.g. golf cart), the vehicle serial number, the insurance carrier providing liability insurance for the motorized cart, and the insurance policy number. Proof of liability insurance with policy limits equal to the minimum limits required for other motor vehicles in the State of Georgia must be provided to the City Clerk as a condition of registration. Each such registration must be renewed annually. A registration fee of \$15.00 per year will be charged.

(k) Two numerical decals will be issued to the owner of the motorized cart upon each registration and renewal under Section 3(j) above. Such decals shall be affixed to the right front and right rear of each motorized cart and must be easily visible as proof of current registration. A record of each motorized cart's serial number, current decal number, name and address of the owner, and liability insurance policy number will be maintained by the City Clerk.

Section 5. Violations. The Chief of Police or any police officer of the City of Lookout Mountain may issue citations for violations of this ordinance, which violations shall be punishable by fines of not less than \$25.00 nor more than \$500.00 for each violation. In determining the amount of the fine to be assessed for a violation, the City Judge may consider (a) whether the motorized cart was being operated on any road or highway not authorized by this ordinance or had crossed a county or state road or highway at a prohibited location, (b) whether

there was a violation of this ordinance's requirements regarding seatbelts, (c) whether any minor children were on the motorized cart at the time the violation occurred, and/or (d) whether the motorized cart was being operated without being properly registered as required by Section 3(i) above. If motorized carts owned by any person are the subject of three (3) violations of this ordinance, the registrations for all motorized carts owned by that person shall be immediately and automatically revoked, and that person may not thereafter register or operate any motorized cart within the City of Lookout Mountain.

Section 6. Sunset Provision. This ordinance shall be effective only for a period of one (1) year from the date of its approval and adoption on second reading. If before the expiration of said one-year period this ordinance is not renewed and continued by the affirmative action of the City Council of Lookout Mountain, this ordinance shall be of no force and effect and shall be considered repealed. At such time, if this ordinance has not been renewed and continued by the affirmative action of the City Council of Lookout Mountain, motorized carts (as defined either in this ordinance or in the laws of the State of Georgia) shall not be operated on any public street within the City of Lookout Mountain except and to the extent that such operation is specifically permitted by the laws of the State of Georgia. Nothing in this Sunset Provision shall limit the right of the City Council of Lookout Mountain to repeal this ordinance prior to the expiration of said one-year period if the City Council determines that such repeal is in the best interest and public welfare of the City of Lookout Mountain.

Section 7. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this ordinance are for any reason held to be unconstitutional or invalid, the validity of

the remaining portions of this ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

Section 8. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

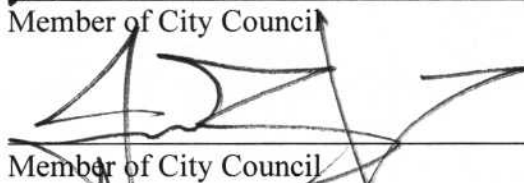
Section 9. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 10. Effective Date. This ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.


APPROVED on first reading on July 17, 2014.



Member of City Council



Member of City Council



Member of City Council



Member of City Council

Member of City Council

Alexander W. Dotson
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on July 31, 2014.

[Signature]
Member of City Council

[Signature]
Member of City Council

David J. Russell
Member of City Council

A. Elizabeth Selig
Member of City Council

Ernest Taylor Morrison Watson
Member of City Council

Alexander W. Dotson
Mayor of Lookout Mountain, Georgia

ATTEST:
Candy Roll
City Clerk

