

ORDINANCE _____
CITY OF SUGAR HILL

AN ORDINANCE TO CREATE A MOTORIZED CARTS ORDINANCE IN
ACCORDANCE WITH O.C.G.A. § 40-6-290 TO § 40-6-369.1

The City Council of the City of Sugar Hill (“the city”), Georgia hereby ordains that the Code of the City of Sugar Hill, Georgia shall be amended as follows:

Section 1:

By adding a new Article to Chapter 72 to be numbered Article III and to be entitled Motorized Carts, which article shall read as follows:

CHAPTER 72. TRAFFIC AND VEHICLES

ARTICLE III. MOTORIZED CARTS

Sec. 72-71. Title.

This Article shall be known as the “City of Sugar Hill Motorized Carts Ordinance” and may be cited hereinafter as “this article.”

Sec. 72-72. Findings and Intent.

- (a) The city council finds that certain designated public roadways, neighborhood streets, rights-of-way, and other public property 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 and personal transportation vehicles, except as stated elsewhere in this article.

- (b) This ordinance is adopted to:
 - a. address the interest of public safety;
 - b. designate public roads, rights-of-way, and other public property to be used by such motor vehicles;
 - c. provide for places of crossing highways and public roads;
 - d. provide definitions;
 - e. provide for registration requirements;
 - f. provide for licensing requirements;
 - g. provide for rules of operation;
 - h. provide for required maintenance and equipment;
 - i. provide for insurance requirements;
 - j. provide for severability;
 - k. provide an effective date;

1. repeal all ordinances and parts of ordinances in conflict herewith; and for other purposes.
- (c) All persons who operate or ride in motorized carts and other similar vehicles on public roadways do so with their own judgment and at their own risk, and must be observant of, and attentive to their own safety and the safety of others, including their passengers, other motorists, bicyclists, and pedestrians. The owner or operator of a motorized cart is liable for his or her own actions.
- (d) Notwithstanding any law to the contrary, the City of Sugar Hill has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized cart sand other similar vehicles on roadways, streets, sidewalks, rights-of-way or other public property under this article.

Sec. 72-73. Definitions.

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

- (a) *All-Terrain Vehicle (ATV)* means a motorized vehicle originally manufactured for off-highway use which is equipped with three or more nonhighway tires, is 80 inches or less in width with a dry weight of 3,500 pounds or less, and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
- (b) *Designated right-of-way or other public property* means all public rights-of-way and public property of the city except public property excluded by this article, by this section, or by state law.
- (c) *Golf cart* means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per hour.
- (d) *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, including personal transportation vehicles and golf carts.
- (e) *Operator.* Any person who operates or is in actual physical control of a motorized cart or other vehicle.
- (f) *Pedestrian* means any person afoot.
- (g) *Personal Transportation Vehicle (PTV)* means any motor vehicle with a minimum of four wheels, capable of a maximum level ground speed of less than 20 miles per hour with a maximum gross vehicle unladen or empty weight of 1,375 pounds and capable of transporting not more than eight persons. The term does not include mobility aids, including power wheelchairs and scooters, which 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.

- (h) *Proof of insurance* means written proof of liability insurance on the motorized cart insuring against personal injury and damage to property of any nature relative to the operation of motorized cart on designated city streets in an amount not less than required in this article.
- (i) *Registration decal* means a decal that bears a sequence of numbers, letters, or both and is issued by the city to identify an officially registered motorized cart.
- (j) *Roadway*. Any street, highway, or public road with the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Sugar Hill, Georgia.
- (k) *Sidewalk* means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians.
- (l) *Valid motor vehicle driver's license* means any current and valid certificate issued by the State, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the State.
- (m) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Sec. 72-74. Nomenclature.

Any golf cart or personal transportation vehicle, as defined by this article, also qualifies as a motorized cart, and shall be considered a motorized cart under this article and be subject to the requirements, including registration, equipment, and inspections for motorized carts under this article.

Sec. 72-75. Registration.

- (a) It shall be the duty of every owner of an electric or gasoline-powered motorized cart that is operated over the roadways and those areas accessible by the public within the corporate limits of the City of Sugar Hill to register the motorized cart with the city within ten (10) business days of the date of purchase. Two numerical decals 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 Marshal's Office. The decals must be affixed to the sides of the cart in such a manner as to be fully visible at all times. The failure to have a current registration and decal on a motorized cart shall be a violation of this section and subject the owner of such cart to the penalties set forth in this article.

(b) *Registration eligibility.*

- (1) Any owner or operator registering a motorized cart with the city agrees to abide by all of the requirements of state law and this code. By registering a motorized cart with the city, the owner or operator verifies that the vehicle qualifies to be classified as such under state law and this code.
- (2) *Age, number of registrants limited.* Only those persons eighteen (18) years of age or older may register a motorized cart. Cart registration may be in one person's name only, and the registration form must be signed by that person.
- (3) *Special tourism events.* The City Council may, at its discretion, and by resolution, waive registration requirements for special events of a limited duration to which out-of-city residents may bring motorized carts as participants. Such special events shall last no longer than four calendar days.

(c) *Registration requirements.*

- (1) Registration with the City of Sugar Hill shall include a record of the make, model, any vehicle identification number or serial number on such motorized cart, the name and address of the owner, a contact phone number, proof of liability insurance, and any other such information as the city shall require, all of which shall be maintained by the City Marshal's Office.
- (2) A registration decal shall be issued by the City evidencing registration which shall be valid for one year and must be renewed annually.
- (3) The failure to have a current registration decal affixed to a motorized cart operated on a public road shall be a violation of this article and subject the owner of such motorized cart penalties set out in subsection (d) of this section below.
- (4) *Homeowner relocation.* In the event that a registered motorized cart owner changes his/her address or contact information after the motorized cart is registered, that owner shall have sixty (60) days to provide their new contact information to the City Marshal's Office. If the ownership information is not updated within sixty (60) days of relocation, a Twenty Dollar (\$20.00) penalty will be applied, and the cart shall be considered an unregistered cart after the sixty (60) - day period.

(d) *Fees.*

- (1) *Registration fee.* The registration fee shall be Fifteen Dollars (\$15.00) per year for each cart. Registered carts shall display the required numbered decal issued by the finance division.
- (2) *Penalties.* Failure to pay the annual registration by January 31 will result in a Twenty Dollar (\$20.00) penalty and the cart shall be considered an unregistered

cart after January 31 until such time as the annual fees and penalties are paid. If a cart is not registered within ten business days of purchase, a Twenty Dollar (\$20.00) penalty will be applied in addition to the registration fee; and the cart shall be considered an unregistered cart after the ten (10) -business-day period. If the registration is not renewed within the designated renewal period of a registration year, a Twenty Dollar (\$20.00) penalty will be applied in addition to the registration fee.

Sec. 72-76. Sale or transfers.

- (a) Upon occurrence of a sale of the cart to another person who shall operate the cart over the public roadways of the city, the registration must be transferred to the new owner within ten (10) business days of the change in ownership at a cost of Fifteen Dollars (\$15.00).
- (b) If the registration is not transferred within ten (10) business days, a Twenty Dollar (\$20.00) penalty will be applied in addition to the Fifteen Dollars (\$15.00) transfer charge; and the cart shall be considered an unregistered cart after the ten-business-day period.
- (c) The decal issued by the city shall be non-transferrable from the motorized cart for which it was obtained.

Sec. 72-77. Operator Licensing Regulations.

- (a) Only those persons possessing a valid motor vehicle driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the public roadways of the state may operate motorized carts on designated public roadways within the territorial boundaries of the city.
- (b) Those persons who are 16 years of age and older may drive a motorized cart on public roadways and those areas accessible by the public of the city 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 on public roadways and those areas accessible by the public of the city during the time of suspension or revocation.

Sec. 72-78. Operation Regulations.

- (a) Operators of motorized carts must adhere to all traffic laws and regulations applicable to motor vehicles.
- (b) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roadways, streets and those areas accessible by the public in the city only during daylight hours unless such motorized carts are equipped with functional headlights and taillights.
- (c) Motorized carts may be operated on roadways with a posted speed limit of 25 miles per hour or less.

- (d) Motorized carts may only be driven on designated public roadways in the city. The designated public roadways shall include all Public Roads designated by the city manager.
- (e) Motorized carts shall not be operated or parked on sidewalks, playgrounds, greenspace, City right-of-way (aside from public streets), or front yards or as determined by the city manager at any time.
- (f) Motorized carts may cross public roads only at crossings or intersections designated for that purpose by the city. Motorized carts and personal transportation vehicles may cross any street, road or highway which is part of the state highway system only at crossings or intersections designated for that purpose of the Georgia Department of Transportation. Motorized carts may cross over a State Highway but are not allowed to travel on a State Highway.
- (g) Except as prohibited by law, motorized carts shall be permitted to cross over streets of which the posted speed limit exceeds 25 miles per hour as long as the motorized cart is traveling from one street with a posted speed limit of 25 miles per hour or less to another street with a posted speed limit of 25 miles per hour or less. No motorized cart may cross any street, road or highway which is part of the state highway system unless such crossing is made at a crossing or intersection designated for that purpose by the Georgia Department of Transportation (GDOT). At this time, the GDOT approved highway crossings are at the following locations: *(list locations)*
- (i) No motorized cart shall be permitted to operate over, along, or across Georgia Highway 20, Peachtree Industrial Boulevard, Sugar Hill Greenway, or **[Location]** within the boundaries of the city except where authorized crossings are provided.
- (j) No all-terrain vehicle shall be permitted to operate on any public roadways, sidewalks, rights-of-way, or other public property of the city.
- (k) All operators of motorized carts and personal transportation vehicles shall ensure that an unobstructed view from the driver's seat to the rear is maintained at all times the vehicle is in operation on public roads.
- (l) Pedestrians should be given due consideration and reasonable right-of-way.
- (m) All laws and ordinances related to alcohol and its use, including open container laws, which apply to traffic on public roads, shall also apply to drivers and occupants of motorized carts.
- (n) Seat belts shall be worn by all occupants at all times the vehicle is moving.
- (o) All operators and passengers of motorized carts and other motor vehicles shall remain seated at all times during the operation of the vehicle. No parts of the bodies of any operator or passenger shall extend outside the perimeter of the vehicle while it is being operated.

- (p) The number of occupants in motorized carts shall be limited to the number of people for whom factory seating is installed and provided. The maximum occupancy of motorized carts shall be one person per designated seat.

Sec. 72-79. Required Maintenance and Inspections.

- (a) 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:
 - (1) 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.
 - (2) The exhaust system in its own shall be securely fastened, including the consideration of missing or broken brackets or hangers.
 - (3) The engine and power mechanism of every gasoline-powered motorized cart shall be so equipped, adjusted, and tuned, as to prevent the escape of excessive smoke or fumes.
- (b) It shall be unlawful for the owner of any gasoline-powered motorized cart to operate or permit the operation of such gasoline-powered motorized cart on which any device controlling or abating atmospheric conditions, which is placed on the gasoline-powered motorized cart by the manufacturer, to render the device unserviceable by removal, alteration, or other interference with its operation.
- (c) All gasoline-powered motorized carts shall be maintained in such condition so that they are incapable of "backfiring" or otherwise operating so as to make loud noises; or create noise as a result of an operators equipping the gasoline-powered motorized cart with a certain device.
- (d) All gasoline-powered motorized carts shall be maintained in working order and kept in good condition and shall be subject to inspection by city officials at reasonable times and intervals.

Sec. 72-80. Required Equipment.

- (a) Any motorized cart operated on a public roadway shall have installed (and at all times maintained) the following fully operational equipment:
 - (1) A braking system sufficient for the weight and passenger capacity of the vehicle;
 - (2) A reverse warning device functional at all times when the directional control is in the reverse position;
 - (3) A main power switch which shall render the power circuit inoperative when the switch is in the "off" position or the key or other activating device is removed, such key or other activating device only being removable in the "off" position;

- (4) Head lights;
- (5) Tail lights;
- (6) Brake lights;
- (7) Horn;
- (8) Rearview mirror;
- (9) Reflex reflectors;
- (10) Hip restraints (seat belts) for every seat and hand holds, or a combination thereof;
- (11) Hand holds;
- (12) Turn signals;
- (13) Windshield;
- (14) Safety warning labels;
- (15) A parking brake;
- (16) At a minimum, all factory installed safety systems and a charge indicator for low battery; and
- (17) Slow moving vehicle reflective triangle to be placed on the rear of the motorized cart. The triangle shall be no less than 14 inches by 16 inches in size.

(b) Head lights and tail lights must remain illuminated at all times during the operation of a motorized cart.

Sec. 72-81. Insurance.

- (a) Any person who operates or owns motorized carts and other similar vehicles is responsible for procuring appropriate liability insurance and verifying coverage in terms enough to cover risk involved in using such motorized carts on designated public roadways, rights-of-way, or other public property of the city.
- (b) The owner or operator of a motorized cart shall keep proof or evidence of required minimum insurance coverage in the vehicle at all times during the operation of vehicle as required by state law.

Sec. 72-82. Hazardous Activities and Special Rules.

- (a) No individual or group shall engage in hazardous activities on public roadways and those areas accessible by the public. Such hazardous activities, and the special rules pertaining to them, include but are not limited to the following:
 - (1) Racing of any form, except for special events approved by the city;
 - (2) Reckless or aggressive driving, or loitering; and
 - (3) Blocking of public access, except for special events approved by the city.

Sec. 72-83. Penalties.

- (a) Any person who violates the terms of this article shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in the Code of the City of Sugar Hill, Georgia.

(b) In addition to enforcing violations against the operator of a motorized cart, any violation of this article shall be charged against the registered owner of the motorized cart and the following fines and penalties shall be levied against the registered owner of the vehicle as follows:

- (1) For the first offense, a fine of not less than Two Hundred Dollars (\$200.00).
- (2) For the second offense, a fine of not less than Five Hundred Dollars (\$500.00).
- (3) For a third offense committed within one year of conviction for a second offense for a motorized cart, a fine of One Thousand Dollars (\$1,000.00), and the registered owner's motorized cart registration shall be revoked. The registered owner cannot thereafter register a motorized cart for use in the city for a period of two years following the third conviction.

(c) Further, the City may revoke any registration if the applicant no longer has a valid driver's license, or if the owner or operator fails to abide by this article or by State law.

Section 2:

All ordinances, regulations, or parts of the same that are in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 3:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4:

Except as specifically amended as set forth above, all other sections and provisions of the city code shall remain in full force and affect. Further, all other sections and provisions of the city code shall remain materially unchanged and in full force and affect.

IT IS SO ORDAINED this _____ day of February, 2026.

Those voting in favor:

Those voting in opposition:

Joshua Page, Council Member Post 1

Joshua Page, Council Member Post 1

Gary Pirkle, Council Member Post 2

Gary Pirkle, Council Member Post 2

Meg Avery, Council Member Post 3

Meg Avery, Council Member Post 3

Alvin Hicks, Council Member Post 4

Alvin Hicks, Council Member Post 4

Samantha Piovesan, Council Member Post 5

Samantha Piovesan, Council Member Post 5

ATTEST:

Jane Whittington, City Clerk

Submitted to Mayor: _____ / _____ / _____

Approved by Mayor, this _____ day of _____ 2026.

Brandon Hembree, Mayor