



CITY OF  
**Swainsboro** GEORGIA  
*Crossroads of the Great South*

**City Council Meeting**

**September 08, 2014**

The regular meeting of the Mayor and City Council, held Monday, September 08, 2014 at 6:00 P.M. at Swainsboro City Hall

**Members Present:** Collins, Parker, Stroud, Edenfield, Stafford, & Faulkner

**Members Absent:**

**Prayer of Invocation:** Rev. Paul Leigh, Sr. Pastor First Baptist Church

Motion to accept minutes from the previous meeting was made.

**Motion: by Parker Seconded: by Stroud 6-0**

Mayor Schwabe recognized Gary Hackett Jr as the September 2014 Hometown Hero. Rev. Hackett runs a community center to mentor the youth of our community. Mayor Schwabe stated it was with respect and pride that he presents this award to Rev. Hackett for his achievements.

**A. Consensus Business**

None

**B. New Business**

1. Adm. Lawson presented the budget as requested by council at the previous workshop. The budget included a milage DECREASE from 19.262 to 19.140, a \$2.00 add on fee for the new inert landfill as required by EPD, and NO INCREASE in water rates. Motion was made to accept the 2015 budget as presented.

**Motion: by Parker Seconded: by Stroud 6-0**

2. Committee members Stafford, Collins and Edenfield presented a draft ordinance for council to look at concerning motorized carts and other low speed vehicles. The ordinance reads as follows;

**MOTORIZED CART ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF SWAINSBORO BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLE USE ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF OTHER VEHICLES ON DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY TO BE USED BY SUCH MOTOR VEHICLES; TO PROVIDE FOR PLACES OF CROSSING HIGHWAYS AND PUBLIC ROADS; TO PROVIDE FOR REGISTRATION REQUIREMENTS; TO PROVIDE FOR LICENSING REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**SECTION ONE**

Chapter 58 of the Municipal Code of the City of Swainsboro is amended by adding a new Article, to be numbered Article IV, which shall include the following language:

Article IV

Sec. 58-85. Short Title.

This Article shall be known as the “City of Swainsboro Community Transportation Vehicle Ordinance.”

Sec. 58-86. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices 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 Swainsboro 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 Swainsboro that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles 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 motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with 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 Swainsboro has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Swainsboro.

Sec. 58-87. Definitions.

The following words and phrases when used in this Article shall have the definitions respectively ascribed to them in this Article.

*All-Terrain Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

*Rough Terrain Vehicle (RTV) or Utility Terrain Vehicle (UTV)* – A Side by Side vehicle that is a small 2-person or 4-person four-wheel drive off road vehicle, often utilizing truck-like features for working, instead of recreation.

*Bicycle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

*Dealer* shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

*Electric personal assistive mobility device (EPAMD)* shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.6).

*Gross Weight* means the unladen weight of the vehicle plus the weight of any load thereon.

*Low-Speed Vehicle (LSV)* shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

*Moped* shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

*Motorized Cart* shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

*Motor Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

*Pedestrian* shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

*Personal Transportation Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

*Public Road* means 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 Swainsboro, including streets and alleys.

*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.

*Recreation Path* means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the later lines of a railway, and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by motorized carts, personal transportation vehicles, EPAMD vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City Council.

*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, 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.

*Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 58-88. Nomenclature.

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

Sec. 58-89. Personal Transportation Vehicle Equipment.

- (a) All personal transportation vehicles shall have a braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake, a reverse warning device functional at all times when the directional control is in the reverse position, 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, head and tail lamps (when utilized during darkness), hand holds and a displayed slow moving motor placard.
- (b) All personal transportation vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of Article 1, Chapter 8, Title 40 of the Official Code of Georgia Annotated.
- (c) If equipped on motorized cart, seat belts must be worn.

Sec. 58-90. Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, recreation paths, rights-of-way or other public property of the city.
  - (1) The designated public roads shall include all public roads within the jurisdiction of the city which have a speed limit of thirty-five (35) miles per hour or less or on other public roads as the Mayor and City Council shall approve, and as the Mayor and City Council shall deem appropriate for use as designated public road for use by motorized carts.
  - (2) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Chapter, by this subsection, or by state law, and does not include the following: City Parks
- (b) Motorized carts shall not be operated on sidewalks at any time.
- (c) No person shall operate a motorized cart on a public road of the City of Swainsboro unless that road is designated for motorized cart use by this Article.
- (d) 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 Department of Transportation.
- (e) Motorized cart owners shall maintain their motorized carts in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the motorized cart is in operation on public roads.
- (f) The maximum occupancy of a motorized cart traveling on public roads, sidewalks, paths, rights-of-way or other public property shall be one person per designated seat.
- (g) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, recreation paths, rights-of-way or other public property of the city. Where recreation paths exist for motorized carts they must be used in preference to parallel roads with the exclusion of privately held paths.

Sec. 58-91. Personal Transportation Vehicle, Low- Speed Vehicle, *Rough Terrain Vehicle (RTV) or Utility Terrain Vehicle (UTV)* and All-Terrain Vehicle Operation Regulations.

- (a) Personal transportation vehicles which are not also motorized carts may only be driven on designated recreation paths, rights-of-way or other public property of the city.
  - (1) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Chapter, by this subsection, or by state law, and does not include the following: City Parks
- (b) Only personal transportation vehicles which also qualify as a motorized cart may be operated on the public roads within the territorial boundaries of the city. Such personal transportation vehicles must comply with all of the requirements for motorized carts under state law and this Article.
- (c) Personal transportation vehicles and low-speed vehicles shall not be operated on sidewalks at any time.
- (d) Personal transportation vehicles which do not also qualify as motorized carts may only be operated on designated recreation paths, rights-of-way within the boundaries of the city and may only cross public roads which are part of the City of Swainsboro street system at Department of Transportation designated crossings of the state highway system.
- (e) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, paths, rights-of-way or other property accessible to the public in the city. Where paths exist for personal transportation vehicles they must be used in preference to parallel roads with the exclusion of privately held paths.
- (f) No low-speed vehicle shall be permitted to operate on any public road within the territorial boundaries of the city where the posted speed limit exceeds 45 miles per hour. Except as prohibited by law, low-speed vehicles shall be permitted to cross over streets of which the posted speed limit exceeds 45 miles per hour as long as the low-speed vehicle is traveling from one street with a posted speed limit of 45 miles per hour or less to another street with a posted speed limit of 45 miles per hour or less.
- (g) Personal transportation vehicles which are not also motorized carts may operate on recreational paths, rights-of-way and other public property at night only when utilizing head lamps and tail lamps.

Sec. 58-92. Motorized Cart Operator Licensing Regulations.

- (a) 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 highways of the state may operate and drive a motorized cart on designated public roads, recreation paths, rights-of-way or other permitted public property of the city.
- (b) Those persons who are twelve (12) years of age or older but do not hold a valid motor vehicle driver's license may drive a motorized cart on the designated public roads, recreation paths, rights-of-way or other public property of the city if they are accompanied by a person at least eighteen (18) years of age who holds a valid motor vehicle driver's license.
- (c) No person under the age of twelve (12) years shall be permitted to operate a motorized cart on designated public roads, recreation paths, rights-of-way or other public property of the city.
- (d) Those persons who are sixteen (16) years of age and older, possessing a valid photo identification card indicating their age may drive a motorized cart on designated public roads, recreation paths, rights-of-way or other public property of the city without possessing a valid motor vehicle driver's license.

Sec. 58-93. Liability.

- (a) The owner or operator of a motorized cart is liable for his or her own actions and takes full responsibility for damages occurred by all drivers of this vehicle.

Sec. 58-94. Hazardous Activities and Special Rules.

- (a) Blocking of public access to any public roads, sidewalks, recreation paths, rights-of-way or other public property of the city shall be prohibited, except for permitted events.
- (b) All operators and passengers of motorized carts, low-speed vehicles, personal transportation vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.

Sec. 58-94. 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 Swainsboro, Georgia.
  - (b) In addition to enforcing sanctions against the operator, all fines and penalties shall be levied against the operator of the vehicle as follows:
    - (1) For the first offense, will be a written warning;
    - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$25.00; and
    - (3) For a third offense committed within one year of conviction for a second offense for a vehicle, a fine of not to exceed \$50.00;
    - (4) For all additional offenses committed within one year of conviction for a third offense for a vehicle, a fine of not to exceed \$300.00, set by the municipal court judge, to include the possibility of the privilege to operate a vehicle as described in this article being revoked.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

This constitutes as a first reading for this proposed ordinance.

3. Council heard a request from Charla B. Nail with Southeastern Technical College requesting the city to grant Swainsboro Tech a temporary one time permit to give away beer at the September 24<sup>th</sup> Business After Hours Event. She stated that the state allows a special one time special event permit to allow the distribution of alcoholic beverages with the consent of the local government. Mrs. Nail is requesting the city give a letter stating they have no objections to applying for the state permit. Motion was made to issue a letter with no objections to the permit.  
**Motion: by Edenfield Seconded: by Faulkner Passed 3-3 Mayor voted for approval  
 Opposed; Stroud, Parker, & Faulkner**

4. Council heard the application, for advertisement only, of Satish Chandrakant Patel dba Excel Petroleum LLC/Sunoco 350 East Main St. for beer and wine package only. Motion was made to grant request for application.

**Motion: by Faulkner Seconded: by Stafford 6-0**

5. Council heard the application, for advertisement only, of Bobby Jenkins dba BJ's Sports Bar 112 South Central St. for beer and wine consumption on the premises. Motion was made to grant request for application.

**Motion: by Edenfield Seconded: by Collins 6-0**

### **C. Old Business**

#### **D. Committee Reports**

**Police:** Councilperson Stafford gave the August Police Report.

**Public Works:** Councilperson Parker reported he has identified two houses in Ward 5 that needed to be removed and he would be getting with the Building Inspector.

**Fire:** Councilperson Collins reported everything routine. The work has begun on the new Fire Station.

**Recreation:** Councilperson Faulkner reported the Recreation Dept. has started football and soccer and the Splash in Sport was a big success this summer.

**Airport:** No Report

**Executive:** No Report

**Water & WW:** Councilperson Edenfield reported that the sampler at the waste water treatment plant was not operating and a new one needed to be purchased. He presented the following bids;

Teledyne ISCO - \$5,137.85

Hach Company - \$5,170.00

USA Blue Book - \$6,492.30

Motion was made to accept the low bid and purchase the sampler.

**Motion: by Stroud Seconded: by Parker 6-0**

**Downtown Development:** DDA Director Lynn Brinson had no report.

**Administrative:** No Report

**Building Inspection:** Building Inspector Bruce Kirby presented pictures of the property located at 214 College St. He stated that he had received numerous complaints from the neighborhood and found the property to be in violation of city ordinances. He then notified the landowner about cleaning up the property. It has been over 30 days and he has received no response from the land owner. He was requesting the council to consider a resolution abating the address as a nuisance. Motion was made to adopt a resolution as to abatement of certain property located at 214 College St. as a nuisance.

**Motion: by Parker Seconded: by Stafford 6-0**

**Mayor :** Mayor Schwabe asked all citizens to be in remembrance of 9/11 this week and join rescue personnel at Patriots Square on Thursday for the remembrance.

**Meeting was adjourned.**

**Submitted: Al L Lawson, City Administrator**