

(Published in the Cawker City Ledger December 12, 2019)

ORDINANCE NO. 728

AN ORDINANCE AMENDING AND RESTATING CHAPTER 14, ARTICLE 5, ALL TERRAIN, WORK-SITE UTILITY, MICRO UTILITY VEHICLES AND GOLF CARTS, OF THE CODE OF THE CITY OF GLEN ELDER AND REPEALING ORDINANCE 718.

Be it Ordained by the Governing Body of the City of Glen Elder, Kansas:

Section 1. Chapter 14, Article 5, All Terrain, Work-Site Utility, and Micro Utility Vehicles and Golf Carts, of the Code of the City of Glen Elder, Kansas, is hereby amended and restated as follows:

14-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) All-terrain vehicle means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, and having a seat to be straddled by the operator. As used in this subsection, "nonhighway tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b) Golf cart means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

(c) Micro utility truck means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(d) Special purpose vehicle means all-terrain vehicle, golf cart, micro utility truck and work-site utility vehicle, either individually or collectively.

(e) Work-site utility vehicle means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck.

14-502. OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION.

(a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, provided the operator has a valid driver's license.

(1) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required for motorcycles.

(2) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(3) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(4) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(5) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(b) **Golf carts** may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, provided the operator has a valid driver's license.

(1) No golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour.

(2) No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway with a posted speed limit greater than 30 miles per hour.

(3) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) **Micro utility trucks** may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, provided the operator has a valid driver's license.

(1) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(2) No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

(d) **Work-site utility vehicles** may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, provided the operator has a valid driver's license.

(1) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.

(2) No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.

14-503. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.

(a) No person shall operate a special purpose vehicle on any public highway, street,

road or alley within the corporate limits of the city unless such person has a valid driver's license.

(b) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(c) Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

14-504. SAME; ADDITIONAL REQUIREMENTS.

(a) Special purpose vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any special purpose vehicle of the full use of a lane.

(b) The operator of a special purpose vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a special purpose vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Special purpose vehicles shall not be operated more than two (2) abreast in a single lane.

(e) No person riding upon a special purpose vehicle shall attach himself, herself or the special purpose vehicle to any other vehicle on a roadway.

14-505. ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS UNDER AGE 18. No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

14-506. SPECIAL PURPOSE VEHICLES; INSURANCE REQUIRED; PENALTY.

(a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, as adopted by the City of Glen Elder, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

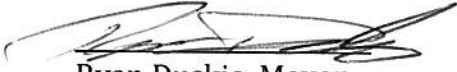
(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

14-507. PENALTY. Unless specifically provided for herein, a violation of this article shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 2. Ordinance number 718 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Passed by the Governing Body of the City of Glen Elder, Kansas, this 2nd day of December, 2019.



Ryan Duskie, Mayor

ATTEST: 
Jerri Senger, City Clerk

