

(First published in the Times Sentinel _____, 2013)

THE CITY OF GARDEN PLAIN, KANSAS

ORDINANCE NO. 642

AN ORDINANCE AUTHORIZING THE OPERATION OF CERTAIN WORK-SITE UTILITY VEHICLES AND GOLF CARTS WITHIN PUBLIC RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN PLAIN, KANSAS; PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; AND, REPEALING SECTIONS 114.4 AND 114.5 OF THE 2012 EDITION OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 638

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, KANSAS:

Section 1. OPERATION.

(a) Work-Site Utility Vehicles.

(1) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas.

(2) 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. No work-site utility vehicle shall be operated on any interstate highway, federal highway, or state highway.

(3) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the City of Garden Plain, Kansas shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(b) Golf Carts.

(1) Golf carts may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the City of Garden Plain, Kansas; provided, however, that 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. 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 or a street or highway with a posted speed limit greater than 30 miles per hour.

(2) No golf cart shall be operated on any public highway, street, road or alley between sunset

and sunrise.

(3) Every person operating a golf cart on the public highways, streets, roads and alleys of the City of Garden Plain, Kansas shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 2. VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person under the age of 16 years old shall operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas. No such person shall operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas without a valid driver's license. 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.

Section 3. DEFINITIONS.

- (a). "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.
- (b). "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.
- (c). "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.

Section 4. PENALTY. A violation of this Ordinance 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 2012 Edition of the Standard Traffic Ordinance, and amendments thereto.

Section 5. DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

(a) It shall be illegal to operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.

(b) For purposes of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

Section 6. INSURANCE REQUIRED; PENALTY.

(a) Every owner of a work-site utility vehicle or golf cart operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas shall provide liability coverage in accordance with Section 200 of the 2012 Edition of the Standard Traffic Ordinance, and amendments thereto, 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 2012 Edition of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles and golf carts operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas.

Section 7. REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

Before operating any work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas, the vehicle shall be registered with the City of Garden Plain, Kansas, upon inspection by its police department, and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, and a brief description of the vehicle to be registered (including make, model, and serial number, if applicable). Proof of insurance, as required in Section 6, shall be furnished at the time of application for registration. The annual registration shall be renewable on January 1st of each year. The annual registration for a work-site utility vehicle or golf cart to be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas shall be \$30.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferrable.

Section 8. REPEAL. Sections 114.4 and 114.5 of the 2012 Edition of the Standard Traffic Ordinance, as adopted pursuant to Ordinance No. 638 of the City of Garden Plain, Kansas are hereby repealed.

Section 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 6th day of February, 2013.

Approved by the Mayor this 6th day of February, 2013.

MAYOR, LARRY LAMPE

SEAL

ATTEST:

CITY CLERK, RONDA MOLLENKAMP