

ORDINANCE NO. 1307

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, ALL-TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF HILLSBORO, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE NO. 1184 AND 1185 ALONG WITH SECTIONS 114.1, 114.2, 114.4 AND 114.5 OF THE 2019 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1305

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

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES. (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

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

(c) Every person operating a work-site utility 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.

Section 2. SAME; DEFINITION. "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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.

Section 3. OPERATION OF MICRO UTILITY TRUCKS. (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) 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. 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.

(c) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all the duties applicable to a driver of a motor vehicle imposed by law.

Section 4. SAME; DEFINITION. "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.

Section 5. OPERATION OF ALL-TERRAIN VEHICLES. (a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, no all-terrain vehicle shall be operated on any interstate highway, federal highway or state highway.

(b) Every person operating an all-terrain 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 motor vehicle imposed by law.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

Section 6. SAME; DEFINITION. "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.

Section 7. OPERATION OF GOLF CARTS. (a) Golf carts may be operated upon the public

highways, streets, roads and alleys within the corporate limits of the city; 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.

(b) Every person operating a golf cart 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 motor vehicle imposed by law.

Section 8. SAME; DEFINITION. "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 9. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. (a) It shall be illegal to operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow-moving vehicle emblem on the rear of the vehicle.

(b) For the purpose 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 10. OPERATION OF LAWN MOWERS. Lawn mowers may be operated upon the public Streets, roads and alleys within the corporate limits of the city in so far as the lawn mower and operator are engaged in mowing work or traveling to or from mowing work. No lawn mower shall travel upon any highway except to cross safely by the most direct path of travel. There shall be no requirement for permit, insurance, age or driver's license for operation of a lawn mower.

Section 11. LIGHTING EQUIPMENT. No work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart shall be operated on any public highway, street, road or alley unless equipped with lights and equipment as required for motorcycles by Sections 183, 185, 186, and 187 of the 2019 Standard Traffic Ordinance, as amended and updated hereafter. Golf carts operated within the City of Hillsboro Kansas S-1 Zoning District shall be exempt from the provisions of this section.

Section 12. MUFFLERS. All vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739 and amendments thereto.

Section 13. VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has 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 14. PENALTY. Unless specifically provided for herein, 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 2019 Standard Traffic Ordinance, as amended and updated hereafter, or such other similar provision as the city may then have in effect.

Section 15. INSURANCE REQUIRED; PENALTY. (a) When operated upon the public highways, streets, roads and alleys within the corporate limits of the city every owner of a work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart shall provide liability coverage in accordance with Section 200 of the 2019 Standard Traffic Ordinance as amended and updated hereafter, 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 2019 Standard Traffic Ordinance, as amended and updated hereafter, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles, micro utility truck, all-terrain vehicle or golf cart.

Section 16. REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

(a) Before operating any work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart. The license fee shall be \$50 per calendar year. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(b) Application for registration of a work-site utility vehicle shall be made by the owner, or owner's agent, in the office of the police chief. 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, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 14 shall be furnished at the time of application for registration.

(c) Prior to the issuance of the registration and license, each applicant for a work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart license shall first present such vehicle for an official inspection. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed in the police department.

(d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.

(e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee and the payment of a fee of \$20, shall issue a new license in accordance with the provisions of this section.

(g) It shall be unlawful for any person to:

- 1) Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart, as defined herein, which is not registered, and which does not have attached thereto and displayed thereon the license assigned thereto by the city for the current registration year.
- 2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$200 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

- 3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- 4) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any work-site utility vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
- 5) Carry or display a registered number plate or plates or registration decal upon any work-site utility vehicle not lawfully issued for such vehicle.
- 6) Any person convicted of a violation of any of the provisions of it, shall for the first conviction thereof be punished by a fine of not more than \$500; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$1,500; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$2,500.

Section 17. ROADWAYS LANED FOR TRAFFIC. (a) All work-site utility vehicles, micro utility trucks, all-terrain vehicles, or golf carts are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any work-site utility vehicle, micro utility truck, all-terrain vehicle, or golf cart of the full use of a lane.

(b) The operator of a work-site utility vehicle, micro utility truck, all-terrain vehicle or golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a work-site utility vehicle, micro utility truck, all-terrain vehicle, or golf cart between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Work-site utility vehicles, micro utility trucks, all-terrain vehicles, or golf carts shall not be operated two (2) or more abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

Section 18. CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon a work-site utility vehicle, micro utility truck, all-terrain vehicle, or golf cart shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

Section 19. OPERATION OF ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS. (a) 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.

(b) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

Section 20. REPEALER. Ordinance No. 1184 and 1185 along with Sections 114.1, 114.2, 114.4 and 114.5 of the 2019 Standard Traffic Ordinance, as adopted in Ordinance No. 1035 is hereby repealed.

Section 21. PUBLICATION; EFFECTIVE DATE. This ordinance shall be published one time in the official city newspaper, Hillsboro Star Journal, and shall take effect and be in force from and after February 17th, 2020.

Passed by the city council on this 21st day of January 2020 and signed by the mayor on the 21st day of January, 2020

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

[SEAL]

On January 21st, 2020, the City of Hillsboro, Kansas adopted Ordinance 1307. A complete copy of this ordinance is available at www.cityofhillsboro.net or at City Hall, 118 E. Grand. This summary is certified by Josh Boehm, City Attorney.

_____/s/_____
Josh Boehm, Hillsboro City Attorney