

**Ordinance No. 1528**

**AN ORDINANCE, AMENDING THE CITY CODE OF ANDOVER TO INCLUDE CHAPTER 18, ARTICLE 5, GOLF CARTS/UTILITY VEHICLES/ATV'S, SECTIONS 18-501-507; AUTHORIZING THE OPERATION OF GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND ALL TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE CITY LIMITS OF ANDOVER, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF.**

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, BUTLER COUNTY, KANSAS:

**18-501 DEFINITIONS.** As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

- (a) "Golf Cart" means any 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 and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.
- (b) "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.
- (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.
- (d) "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 non-highway tires, and having a seat to be straddled by the operator. As used in this definition, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.
- (e) "Special purpose vehicle" means golf cart, work-site utility vehicle, micro-utility vehicle and all-terrain vehicle, either individually or collectively.

**18-502 OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS;  
SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION:**

- (a) Golf Carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:
1. No golf cart may be operated upon Andover Road or any public highway, street, road and alley with a posted speed limit in excess of 25 miles per hour, however, that the provisions of this subsection shall not prohibit a golf cart from crossing any public highway, street, road or alley.
  2. No golf cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.
  3. 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 emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.
- (b) Micro-Utility Trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:
1. No micro-utility truck may be operated upon Andover Road or any public highway, street, road and alley with a posted speed limit in excess of 25 miles per hour, however, that the provisions of this subsection shall not prohibit a micro-utility truck from crossing any public highway, street, road or alley.
  2. 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.
- (c) Work-Site Utility Vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:
1. No work-site utility vehicle may be operated upon Andover Road or any public highway, street road and alley with a posted speed limit in excess of 25 miles per hour, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing any public highway, street, road or alley.
  2. No work-site utility vehicle shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
  3. It shall be illegal to operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

- (d) All-Terrain Vehicles may be operated upon the public highway, streets, roads and alleys within the corporate limits of the city, except as follows:
1. No all-terrain vehicle may be operated upon Andover Road or any public highway, street, road and alley with a posted speed limit in excess of 25 miles per hour, however, that the provisions of this subsection shall not prohibit an all-terrain vehicle from crossing any public highway, street, road or alley.
  2. No all-terrain vehicle may be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motorcycles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
- (e) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.
- (f) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

**18-503 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, unrestricted, 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.
- (b) Every person under the age of 18 shall be required to wear a helmet if operating or riding an all-terrain vehicle.
- (c) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.
- (d) 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.

**18-504 SAME; INSURANCE REQUIRED; PENALTY:**

- (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted 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 the most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

**18-505 SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY:**

- (a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.
- (b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. 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).
- (c) A one-time registration fee for a special purpose vehicle shall be Twenty-Five dollars (\$25.00) and proof of insurance, as required in Section 4, shall be furnished at the time of application for registration.
- (d) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag 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.
- (e) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee of Twenty-Five dollars (\$25.00) before the Special Purpose vehicle may be operated on a public road.
- (f) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.
- (g) It shall be unlawful for any person to:
  - 1. Operate, or for the owner thereof knowingly to permit the operation, upon a public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.
  - 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 \$50.00 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 mark of identification upon any special purpose 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 special purpose vehicle not lawfully issued for such vehicle.
6. Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; 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 \$300.00.

**18-506 PENALTY.** Unless specifically provided for herein, a violation of this section 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 Article 20 of the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provision as the city may then have in effect.

**18-507 EXEMPTIONS.** Special purpose vehicles which are owned or leased by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of Section 18-502 not related to equipment or lighting. Special purpose vehicles which are owned or leased by golf courses, when used for the purpose of loading and unloading of golf equipment on streets immediate adjacent to the golf course are exempt from the restrictions of Section 18-502 not related to equipment or lighting.

That this ordinance shall take effect and be in force from and after its publication once in the official newspaper.

PASSED AND APPROVED ON THIS 8<sup>th</sup> day of January, 2013



ATTEST:

Ben Lawrence, Mayor

Susan C. Renner, City Clerk

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 8<sup>th</sup> day of January, 2013; that the record of the final vote on its passage is found on page 4 of the minutes from January 8, 2013; that it was published in the Augusta Daily Gazette on the 12<sup>th</sup> day of January, 2013.

City Clerk [Signature]