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ORDINANCE NO. 1355

AN ORDINANCE AUTHORIZING THE OPERATION OF UTILITY ALL-TERRAIN VEHICLES, GOLF CARTS, MICRO UTILITY TRUCKS, AND WORK-SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF PHILLIPSBURG, KANSAS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF; PROHIBITION OF SPORT ALL-TERRAIN VEHICLES ON THE STREETS AND ALLEYS WITHIN THE CORPORATE LIMITS OF THE CITY OF PHILLIPSBURG, KANSAS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEAL OF SECTIONS 14-222 & 14-223 OF ORDINANCE 1344 OF THE CODE TO THE CITY OF PHILLIPSBURG, KANSAS; AND REPEAL OF SECTIONS 1 AND 2 OF ORDINANCE 1346 OF THE CITY OF PHILLIPSBURG, KANSAS.

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

SECTION 1. DEFINITIONS.

As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to same in this section, except when the context requires otherwise, to-wit:

(a) "Utility All-Terrain Vehicle" is defined as 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, a designed seat straddled by the operator, manufactured with some or all of the following: low fenders, rack on the back, quiet mufflers, and four-wheel drive. Utility all-terrain vehicle does not include sport all-terrain vehicle.

(i) "Nonhighway Tire" is defined as applicable to Utility All-Terrain Vehicle only, 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" is defined as 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" is defined as 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, is equipped

with four or more tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side by side, has a fully enclosed manufactured metal or metal reinforced cab, has front and rear bumpers, and may be equipped with a bed or cargo box for hauling materials. Micro utility truck does not include a work-site utility vehicle.

(d) "Work-Site Utility Vehicle" is defined as 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.

(e) "Special Purpose Vehicle" is defined as Utility All-Terrain Vehicle, Golf Carts, Micro Utility Truck, Work-Site Utility Vehicle, individually or collectively. Special purpose vehicle does not include sport all-terrain vehicle.

(f) "Sport All-Terrain Vehicle" is defined as any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,000 pounds or less, traveling on four nonhighway tires, a designed seat straddled by the operator, manufactured with some or all of the following: high fenders; no driving lights; no turn signals; no brake lights; no rack; loud exhaust; and two-wheel drive. Sport all-terrain vehicle does not include utility all-terrain vehicle.

SECTION 2. OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS, AND SPECIAL CONDITIONS AND RESTRICTIONS APPLICABLE THERETO; AND PROHIBITION OF SPORT ALL-TERRAIN VEHICLES ON CITY STREETS AND ALLEYS, AND PENALTIES FOR VIOLATION THEREOF.

(a) Utility All-Terrain Vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the City of Phillipsburg, Kansas, provided the following restrictions are complied with, to-wit:

(i) No utility all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with head light, turn signal lights, and brake light.

(ii) A person operating a utility 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 a utility all-terrain vehicle, unless such utility 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 utility all-terrain vehicle at the rear of the operator.

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

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

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

(vi) Utility all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any utility all-terrain vehicle of the full use of a lane. This subsection shall not apply to utility all-terrain vehicles operated two (2) abreast in a single lane.

(vii) The operator of a utility all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(viii) No person shall operate a utility all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(ix) Utility all-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(x) Subsections (vi) and (vii) shall not apply to police officers in the performance of their official duties.

(xi) No person riding upon a utility all-terrain vehicle shall attach himself/herself or the utility all-terrain vehicle to any other vehicle on a roadway.

(xii) No operator of a utility all-terrain vehicle shall allow any person to attach himself/herself to the utility all-terrain vehicle for towing purposes.

(xiii) No person under the age of 18 years shall ride upon a utility 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.

(xiv) No person shall operate or ride as a passenger on a utility all-terrain vehicle , unless 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 utility all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(b) Golf carts may be operated upon the public highways, streets, roads within the corporate limits of Phillipsburg, Kansas.

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

(ii) No golf cart may be operated upon 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.

(iii) All operators of a golf cart upon a highway, street, road and alley in the City of Phillipsburg, Kansas, must display thereon affixed to the rear of the golf cart a orange flag on a six foot pole.

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

(v) No person riding upon a golf cart shall attach himself/herself or the golf cart to any other vehicle on a roadway.

(vi) No operators of a golf cart shall allow any person to attach himself thereof to the golf cart for towing purposes.

(c) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(i) 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.

(ii) 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.

(iii) No operator of a micro utility truck shall allow any person to attach himself/herself to the micro utility truck for towing purposes.

(d) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(i) 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.

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

(iii) No operator of a work-site utility truck shall allow any person to attach himself/herself to the work-site utility vehicle for towing purposes.

(e) Sport all-terrain vehicles are prohibited and shall not be operated on any highway, street, road, or alley within the City of Phillipsburg, Kansas. Violation of this Subsection (e) of Section 2 is punishable by a fine of not more than \$500.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment.

### SECTION 3. VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.

(a) No person shall operate a special purpose vehicle (Utility All-Terrain Vehicle, Golf cart, Micro Utility Truck, and Work-site Utility 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 and is 18 years of age or older. Violation of this section is punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six months or by both such fine and imprisonment.

### SECTION 4. INSURANCE REQUIRED; PENALTY.

(a) Every owner of a special purpose vehicle within the City of Phillipsburg, Kansas, shall provide liability coverage in accordance with Section 200 of the 2008 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 2008 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

SECTION 5. 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 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

SECTION 6. REPEALER.

That Sections 14-222 and 14-223 of Ordinance 1344 of the Code to the City of Phillipsburg, Kansas, entitled "All Terrain Vehicles; Definitions" and "Same; Operation" are hereby repealed. That Sections 1 and 2 of Ordinance No. 1346 of the City of Phillipsburg, Kansas, entitled "Micro Utility Vehicles"; "Definitions" and "Operation" are hereby repealed.

SECTION 7. PUBLICATION; EFFECTIVE DATE.

That this ordinance shall take effect and be in full force from and after its publication in the official newspaper of the City of Phillipsburg, Kansas.

PASSED BY THE CITY COUNCIL THE 8th day of September, 2009.

APPROVED BY THE MAYOR THIS 8th day of September, 2009.

(SEAL)

ATTEST:

  
Brenda L. Chance  
Brenda L. Chance, City Clerk  
City of Phillipsburg, Kansas

Fred E. Robinson  
Fred E. Robinson, Mayor  
City of Phillipsburg, Kansas