

(First published in the Phillips County Review on January 30 \_\_\_\_, 2008.) It

ORDINANCE NO. 1341

AN ORDINANCE REGARDING THE OPERATION OF WORK-SITE UTILITY VEHICLES WITHIN THE CORPORATE CITY LIMITS OF PHILLIPSBURG, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

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

Section 1. DEFINITIONS.

A. "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, a fully enclosed metal or metal reinforced cab, front and rear bumpers, and may be equipped with a bed or cargo box for hauling materials.

B. "Work" is defined as follows:

- a. Performing a particular job, task, or undertaking, as either an owner/proprietor or while engaged in the employment of another, in some form of business or industry, as a means of earning one's livelihood; and/or,
- b. Volunteer functions in support of nonprofit activities such as, but not limited to, Festivals, Rodeos, Sports Events, Educational Events and/or maintenance of Educational, Sports, or Public Park facilities.

Section 2. OPERATION.

(a) The operation of any work-site utility vehicle shall be allowed within the City limits of Phillipsburg, Kansas, provided the "Work-site utility vehicle" is used for "Work" as defined above and the following restrictions are complied with, to-wit:

(i) No person shall operate a work-site utility vehicle within the City of Phillipsburg, Kansas, unless the operator is at least sixteen years of age, and possesses a valid driver's license.

(ii) No person shall operate a work-site utility vehicle within the City of Phillipsburg, Kansas, unless such work-site utility vehicle is covered by liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 et.seq., as amended. Any person operating an all-terrain vehicle upon a highway or upon property open to use by the public within the City of Phillipsburg, Kansas, shall display, upon demand, evidence of financial security to a law enforcement officer. The law enforcement officer shall issue a citation to any persons who fails to display evidence of financial security upon such demand. No person shall be convicted of violating this subsection if such person produces in court within 10 days of the date of arrest or issuance of the citation, evidence of financial security for the all-terrain vehicle operated.

(iii) Every person operating a work-site utility vehicle shall be subject to all of the duties and responsibilities applicable to drivers of any motor vehicle as adopted by the City of Phillipsburg Kansas, periodically and generally entitled, "Standard Traffic Ordinance for Kansas Cities".

(iv) No person shall operate a work-site utility vehicle on any public highway, street, road, alley, with in the corporate limits of the City of Phillipsburg, Kansas, unless such person has a valid driver's license.

(v) The operator of a work-site utility vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(vi) No person shall operate a work-site utility vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

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

(b) It shall be unlawful for any person to violate any of the provisions of this ordinance.

(c) That any person entering a plea of guilty or no contest or upon being convicted of violating this ordinance shall be adjudged guilty of a traffic infraction and may be sentenced to pay a fine which shall be fixed by the Court, not exceeding \$500.00.

Section 3. 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 21st day of January, 2008.

APPROVED BY THE MAYOR THIS 21st day of January, 2008.



(SEAL)

ATTEST:

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

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Doug R. Driggs, Mayor  
City of Phillipsburg, Kansas