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2008.) 1t

ORDINANCE NO. 1346

AN ORDINANCE REGARDING THE OPERATION OF MICRO UTILITY TRUCKS WITHIN THE CORPORATE CITY LIMITS OF PHILLIPSBURG, KANSAS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF; AND REPEALING SECTIONS 14-224 & 14-225 OF ORDINANCE 1344 OF THE CODE TO THE CITY OF PHILLIPSBURG, KANSAS

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

Section 1. DEFINITION.

"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 144 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.

Section 2. OPERATION.

(a) The operation of any micro utility truck shall be allowed within the City limits of Phillipsburg, Kansas, provided the following restrictions are complied with, to-wit:

(i) No person shall operate a micro utility truck on any public highway, street, road, alley, 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 micro utility truck within the City of Phillipsburg, Kansas, unless such micro utility truck 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 a micro utility truck 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 person 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 micro utility truck operated.

(iii) Every person operating a micro utility truck 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) The operator of a micro utility truck shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(v) No person shall operate a micro utility truck between lanes of traffic or between adjacent lines or rows of vehicles.

(vi) No operator of a micro utility truck shall allow any person to attach himself or herself to the micro utility truck 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 Sections 14-224 and 14-225 of Ordinance 1344 of the Code to the City of Phillipsburg, Kansas, entitled "Work Site Utility Vehicles; Definitions" and "Same; Operation" are hereby repealed.

Section 4. 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 4th day of August, 2008.

APPROVED BY THE MAYOR THIS 4th day of August, 2008.



Doug R. Driggs, Mayor
City of Phillipsburg, Kansas

(SEAL)

ATTEST:

Brenda L. Chance

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