

ORDINANCE NO.947

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 THE CITY OF OBERLIN; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE No. 826 & SECTIONS 114.1, 114.2, 114.4 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE No. 944.

Be it Ordained by the Governing Body of the City of Oberlin, 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 public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles. 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; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a 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. 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 3. 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 4. SAME; 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 Section 201 of the 2023 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 5. SAME; 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 shall provide liability coverage in accordance with Section 200 of the 2023 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 2023 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.

Section 6. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

Before operating any work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. 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 5 shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle shall be \$25. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferrable.

Section 7. 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 8. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a micro utility truck 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 9. 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 10. SAME; 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 Section 201 of the 2023 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 11. SAME; 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 micro utility truck shall provide liability coverage in accordance with Section 200 of the 2023 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 2023 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of micro utility trucks.

Section 12. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

Before operating any micro utility truck on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. 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 11 of this ordinance shall be furnished at the time of application for registration. The annual registration fee for a micro utility vehicle shall be \$25. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferable.

Section 13. 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) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required for motorcycles.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 14. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate an all-terrain 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. 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 15. 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 16. SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of an all-terrain vehicle shall provide liability coverage in accordance with Section 200 of the 2023 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 2023 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of all-terrain vehicles.

Section 17. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY. Before operating any all-terrain vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. 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 16 shall be furnished at the time of application for registration. The annual registration fee for an all-terrain vehicle shall be \$25. The full amount of the license fee shall be required regardless of the time of year that the application is made. The registration of an all-terrain vehicles shall be non-transferable.

Section 18. SAME; ROADWAYS LANED FOR TRAFFIC. (a) All 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 all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

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

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

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

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

Section 19. SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon an all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

Section 20. SAME; 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 21. SAME; PENALTIES. Unless specifically provided herein, a violation of any provision in 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 2023 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 22. 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) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with:

- 1) Lights as required for motorcycles by Sections 183 through Section 188 of the 2023 Standard Traffic Ordinance, and amendments thereto; and

2) A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.

(c) 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 23. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a 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 24. 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 25. SAME; PENALTY. Unless specifically provided 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 Section 201, of the 2023 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 26. SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the 2023 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 2023 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 27. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. 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 28 shall be furnished at the time of application for registration. The annual registration fee for a golf cart shall be \$25. The full amount of the license fee shall be required regardless of the time of year that the application is made. Registration of golf cart shall be non-transferable.

Section 28. REPEALER. Ordinance No.826 and Sections 114.1, 114.2, 114.4 and 114.5 of the 2023 Standard Traffic Ordinance, as adopted in Ordinance No.944 is hereby repealed.

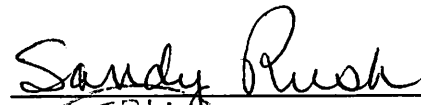
Section 29. PUBLICATION; EFFECTIVE DATE. This ordinance shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication. take effect and be in force from and after (insert an effective date that follows the date of publication).

Passed by the city council on this 4th day of January, 2024, and signed by the mayor on the 4th day of January 2024 .



Mayor

ATTEST:



City Clerk

