

ORDINANCE NO. 1706

AN ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF NEODESHA, KANSAS, BY ADDING NEW ARTICLE 3 ENTITLED OPERATION OF MICRO UTILITY TRUCKS AND WORK-SITE UTILITY VEHICLES BY TAXING ENTITIES; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND GOLF CARTS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTIONS 114.2 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1698.

Be it Ordained by the Governing Body of the City of Neodesha, Kansas:

Section 1. Chapter 34 of the Code of Ordinances of the City of Neodesha, Kansas is hereby amended by adding a new Article 3 which reads as follows:

ARTICLE III. – CONDITIONS FOR OPERATION OF MICRO UTILITY TRUCKS AND WORK-SITE UTILITY VEHICLES BY TAXING ENTITIES; PROHIBITING ALL-TERRAIN VEHICLES, GOLF CARTS AND CERTAIN OTHER VEHICLES AND PROVIDING PENALTIES FOR VIOLATIONS

Section 34-40. - DEFINITIONS.

For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **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, having a seat designed to be straddled by the operator. As used in this subsection, 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.
- (b) **City** means the City of Neodesha, Kansas.
- (c) **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 and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.
- (d) **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 or recreational off-highway vehicle.
- (e) **Motor vehicle** means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.
- (f) **Motorized Bicycle** means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:
 - 1. A motor which produces not more than 3.5 brake horsepower;
 - 2. A cylinder capacity of not more than 130 cubic centimeters;
 - 3. An automatic transmission; and
 - 4. The capability of a maximum design speed of no more than 30 miles per hour.
- (g) **Motorized Scooter** shall be defined as a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor.
- (h) **Pocket Bike** shall be defined as every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and which the headlights are lower than 24 inches, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.
- (i) **Public Highway** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

- (j) **Recreational Off-Highway Vehicle** means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more non-highway tires, having a non-straddle seat and steering wheel for steering control.
- (k) **Special Purpose Vehicle** means micro utility trucks, and work-site utility vehicles.
- (l) **Taxing Entity** means any division of local government created by or pursuant to state statute and operated for public purposes.
- (m) **Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.
- (n) **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. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

Section 34-41. - OPERATION OF MICRO-UTILITY TRUCKS.

- (a) Subject to the restrictions and conditions hereinafter indicated, taxing entities may operate micro utility trucks 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.
- (c) 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.
- (d) Every person operating a micro utility truck 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 34-42. - OPERATION OF WORK-SITE UTILITY VEHICLES.

- (a) Subject to the restrictions and conditions hereinafter indicated, taxing entities may operate work-site utility vehicles 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 before sunrise or after sunset (or 7 p.m., whichever occurs earlier) 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; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal 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 34-43. – PROHIBITION OF OPERATION OF ALL-TERRAIN VEHICLES, GOLF CARTS, MOTORIZED BICYCLES, MOTORIZED SCOOTERS, AND POCKET BIKES.

- (a) The operation of all-terrain vehicles, golf carts, motorized bicycles, motorized scooters, and pocket bikes on the streets, roads and alleys within the corporate limits of the City of Neodesha, Kansas is prohibited.

Section 34-44. – DISPLAY OF SLOW MOVING VEHICLE EMBLEM.

- (a) It shall be illegal to operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.
- (b) For the purpose of this section, slow moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

- (c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

Section 34-45. – VALID DRIVER’S LICENSE REQUIRED; PENALTY.

No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Neodesha 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 34-46. – SAME; INSURANCE REQUIRED; PENALTY.

- (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2018 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect, 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 2018 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 34-47. – 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 and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the special purpose vehicle. The license fee shall be as established in Section 16-34, payable in advance to the City Clerk, Neodesha, Kansas. The full amount of the license fee shall be required regardless of the time of year that the application is made.
- (b) Application for registration of a special purpose vehicle shall be made by the owner, or owner’s agent, in the office of the Chief of Police. 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 34-46 shall be furnished at the time of application for registration.
- (c) Prior to the issuance of the registration and license, each applicant for special purpose vehicle license shall first present such vehicle for an official inspection. The inspection shall verify that the special purpose vehicle has sufficient brakes, and has been equipped with head lights, tail and brake lights, turn signal equipment, rear view mirror, and a slow moving vehicle sign emplaced on the rear of the vehicle.
- (d) If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed in the police department.
- (e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any special purpose vehicle licensed under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license 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.
- (f) In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment as established in Section 16-34, shall issue a new license in accordance with the provisions of this section.
- (g) It shall be unlawful for any person to:
 - 1. Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any special purpose vehicle, as defined herein,

- which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City for the current registration year.
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 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 other 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.

Section 34-48. – SAME; PENALTY.

Except as specifically provided for otherwise 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, 2018 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 34-49. – EMERGENCY OPERATIONS.

In support of police and fire emergency operations, the Chief of Police shall have the authority to authorize the use of any Special Purpose Vehicles, and the Registration and Licensing requirement in Section 34-47 shall be waived.

Section 2. SECTIONS 114.2 AND 114.5 OF THE 2018 STANDARD TRAFFIC ORDINANCE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH REPEALED. Section 114.2 and 114.5 of the 2018 Standard Traffic Ordinance, as adopted by Ordinance No. 1698, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 14th day of November, 2018.

/s/Terry M. Harper

Terry M. Harper, Mayor

ATTEST:

/s/Bobby Busch

Bobby Busch, City Clerk

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