

ORDINANCE NO. 377

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, RECREATIONAL OFF-HIGHWAY VEHICLES, GOLF CARTS, ALL-TERRAIN VEHICLES, POCKET BIKES, AND MOTORIZED SCOOTERS ON THE CITY STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF FOWLER, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 352 OF THE CITY OF FOWLER, KANSAS.

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

SECTION 1. Definitions. For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) "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.
- (b) "Motor Vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.
- (c) "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.
- (d) "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.
- (e) "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.
- (f) "Golf Cart" means a motor vehicle that has no 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.
- (g) "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.

- (h) “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.
- (i) “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.
- (j) “Special Purpose Vehicle” means Work-Site Utility Vehicles, Micro Utility Vehicles, Recreational Off-Highway Vehicles and Golf Carts.
- (k) “City” means the City of Fowler, Kansas.

SECTION 2. Work-Site Utility Vehicles.

- (a) Subject to the restrictions and conditions hereinafter indicated 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 and this ordinance.

SECTION 3. 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.
- (c) No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of the 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 and this ordinance.

SECTION 4. 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.
- (b) 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.

- (c) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.
- (d) 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 vehicle imposed by law and this ordinance.

SECTION 5. All-Terrain Vehicles.

- (a) Subject to the restrictions and conditions hereinafter indicated all-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No all-terrain 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. No all-terrain vehicle shall be operated on any interstate highway, federal highway or state highway.
- (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 vehicle imposed by law and this ordinance.

SECTION 5. Pocket Bikes; Motorized Scooters.

- (a) Subject to the restrictions and conditions hereinafter indicated pocket bikes and motorized scooters may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No pocket bike or motorized scooter 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. No pocket bike or motorized scooter shall be operated on any interstate highway, federal highway or state highway.
- (c) Every person operating a pocket bike or motorized scooter 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 and this ordinance.

SECTION 6. 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 7. Valid Driver’s License Required; Penalty.

- (a) In addition to other requirements of the 2008 Standard Traffic Ordinance, and amendments thereto, or similar Ordinance in effect, no person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Fowler 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 8. Same; Insurance Required; Penalty.

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

SECTION 9. 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 rear of the special purpose vehicle. The license fee shall be Fifty Dollars (\$50.00) per calendar year, payable in advance to the City Clerk , Fowler, Kansas. For the purpose of this section, calendar year starts on January 1st and ends December 31st of every year. 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 City Clerk. 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 VIN number, if applicable). Proof of liability insurance, as required in Section 8 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 official inspections will be conducted by the Chief of Police or City Clerk. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of liability insurance and payment of the fees herein provided, a license tag shall be issued to the owner. 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 with the City Clerk.
- (d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.
- (e) The license issued hereunder is **NOT** transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of the 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 of a fee of Fifty Dollars (\$50.00), 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 10. 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 not contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

SECTION 11. Publication; Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication by summary in the Meade County News.

ADOPTED AND APPROVED THIS 11th DAY OF AUGUST, 2016.

BRETT COPELAND, Mayor

ATTEST:

JAMIE BOESE, City Clerk

On August 11th, 2016, the City of Fowler, Kansas, passed Ordinance No. 377. An ordinance authorizing the operation of work-site utility vehicles, micro utility trucks, recreational off-highway vehicles, golf carts, all-terrain vehicles, pocket bikes, and motorized scooters on the city streets within the corporate limits of the City of Fowler, Kansas; providing for related matters, including penalties for violation thereof; and repealing Ordinance No. 352 of the City of Fowler, Kansas. A complete copy of the ordinance is available at www.fowlerkansas.com or in the office of the city clerk, 508 N. Main, free of charge. This summary is certified by the city attorney to be legal, accurate and sufficient.