

ORDINANCE NO. 392

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, RECREATIONAL OFF-HIGHWAY VEHICLES, AND GOLF CARTS 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. 377,

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) "Special Purpose Vehicle" means All-Terrain Vehicles, Work-Site Utility Vehicles, Micro Utility Vehicles, Pocket Bikes, Motorized Scooters, Recreational Off-Highway Vehicles and Golf Carts.
- (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) "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) "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.
- (i) "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.

- (j) "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.
- (k) "City" means the City of Fowler, Kansas.

SECTION 2. OPERATION WITHIN CITY LIMITS. Subject to the restrictions and conditions hereinafter indicated special purpose vehicles may be operated upon the streets, roads and alleys within the corporate limits of the City.

SECTION 3. LIMITATIONS ON OPERATION. No special purpose vehicle shall be operated on any street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for such vehicle. At a minimum, a special purpose vehicle must have operational front and rear facing lights.

SECTION 4. VALID DRIVER'S LICENSE REQUIRED, PENALTY. No person shall operate a special vehicle on any 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 5. SAME; INSURANCE REQUIRED; PENALTY. Every owner of a special purpose vehicle shall provide liability coverage in accordance with the 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. All provisions of the 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 6. COMPLIANCE WITH OTHER ORDINANCES. Every driver of a special purpose vehicle must abide by and comply with the provisions of Ordinance No. 332, incorporating by reference the Standard Traffic Ordinance, and amendments thereto, or similar Ordinance in effect.

SECTION 7. MAXIMUM NUMBER OF PASSENGERS. It shall be illegal to operate a special purpose vehicle with passengers in excess of that allowed or recommended by the manufacturer of said special purpose vehicle.

SECTION 8. DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. It shall be illegal to operate a special purpose vehicle on any 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. 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. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

SECTION 9. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

- (a) Before operating any special purpose vehicle on any, 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 Thirty-five Dollars (\$35.00) 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 6 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 Thirty-five Dollars (\$35.00), 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 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 the Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

SECTION 11. REPEAL. Ordinance No. 377 to the City of Fowler, Kansas, is hereby repealed.

SECTION 12. 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 by the Governing Body, this 19th day of October, 2020.

ATTEST:

MARK DIERKING, Mayor

JAMIE BOESE, City Clerk

On October 19, 2020, the City of Fowler, Kansas, passed Ordinance No. _____. An ordinance authorizing the operation of work-site utility vehicles, micro utility trucks, recreational off-highway vehicles, and golf carts 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. 377. 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.

CLAY A. KUHN
City Attorney