

ORDINANCE NO. 2166

AN ORDINANCE AUTHORIZING THE OPERATION OF SPECIAL PURPOSE VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF BURLINGAME; PROVIDING FOR RELATED MATTERS INCLUDING PENALTIES FOR VIOLATION THEROF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 1980 AND ORDINANCE NUMBER 2136.

NOW BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS, to wit:

Section 1. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(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 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.

(b) "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.

(c) "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.

(d) "Special purpose vehicle" means all-terrain vehicle, golf cart, micro utility truck and work-site utility vehicle, either individually or collectively.

(e) "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.

Section 2. OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION.

(a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no all terrain vehicle shall be operated on any interstate highway, federal highway or state highway.

(1) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.

(2) 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 a 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.

(3) 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.

(4) 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.

(5) 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.

(b) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) 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.

(2) 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 with a posted speed limit greater than 30 miles per hour.

(3) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) 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.

(2) 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) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.

(2) No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway.

Section 3. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.

(a) No person shall operate a special purpose 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.

(b) Every person operating a special purpose 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 4. ALL-TERRAIN VEHICLES; ADDITIONAL REQUIREMENTS.

(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.

(f) 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 5. 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 6. 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, 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, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 7. SAME; REGISTRATION; FEE, APPLICATION, INSPECTION. Before operating any special purpose 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 6 shall be furnished at the time of application for registration. The annual registration fee for a special purpose vehicle shall be \$25.00. The full amount of the registration fee shall be required regardless of the time of year that the application is made. The registration issued hereunder is not transferrable.

Section 8. 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, 2009 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

An entry or a plea of guilty or no contest or a conviction of violation under this ordinance by an individual with a prior entry or plea of guilty or no contest or conviction of violation under this ordinance shall result in a suspension of the registration of any special purpose vehicles owned by said individual.

Section 9. REPEALER. Ordinance number 1980 and ordinance number 2136 are hereby repealed.

Section 10. PUBLICATION; EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage by the governing body, approval by the Mayor, and publication in the official city newspaper.

PASSED by the Council and **APPROVED** by the Mayor this _____ day
of _____, 20__.

Raymond L. Hovestadt, Mayor

ATTEST:

Patti Gilbert, City Clerk

[SEAL]