

**ORDINANCE NO. 2024-11-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE OPERATION OF SPECIAL PURPOSE VEHICLES INCLUDING GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO-UTILITY TRUCKS, AND ALL-TERRAIN VEHICLES, ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING REGISTRATION AND PENALTIES FOR VIOLATION THEREOF, THUS REPEALING ORDINANCE NO. 2023-03-4576.**

**WHEREAS**, on March 21, 2023, The City of Arkansas City Governing Body approved Ordinance No. 2023-03-4576, which authorized the operation of worksite utility vehicles, micro utility trucks, all-terrain vehicles, and special purpose vehicles on the city streets, within the corporate limits of the City of Arkansas City; providing for related matters, including penalties for violation thereof, but did not warrant or provide specific allowances for golf carts; and

**WHEREAS**, citizens and local businesses have since come forward requesting the city staff and the governing body consider adding provisions for and permitting the use of golf carts within the city limits of Arkansas City, Kansas.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS, CITY, KANSAS:**

**SECTION ONE: DEFINITIONS.** As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

- (a) "Special Purpose Vehicle" means golf cart, work-site utility vehicle, micro-utility vehicle, and all-terrain vehicle, either individually or collectively.
- (b) "Golf Cart" means a motor vehicle that has not less than four wheels in contact with the ground, an unladen weight of not more than 2,000 pounds, is designed to be and is operated at not more than 30 miles per hour and is designed to carry not more than six persons including the driver.
- (c) "Work-Site Utility Vehicle" (UTV) means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 2,000 pounds and is equipped with four or more low pressure tires, a steering wheel and bench for 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.
- (d) "Micro-Utility Truck" (MUT) means any motor vehicle which is not less than 48 inches in width, has an overall length including the bumper not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 2,000 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.
- (e) "All-Terrain Vehicle" (ATV) 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, and having a seat to be straddled by the operator. As used in this definition, 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.

**SECTION TWO: OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION.**

- (a) All Special Purpose Vehicles with the exception of ATV's may be operated upon the public streets, roads, and alleys within the corporate limits of the city, except as follows:
- 1) No Special Purpose Vehicle may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. Nor shall they be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a Special Purpose Vehicle from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.
  - 2) Special Purpose Vehicle may only be operated on any public street, road, or alley between sunrise and sunset, unless such vehicle is equipped with lights, reflectors and other equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
  - 3) It is unlawful to operate any special use on any levee system or city owned property without special permission from the city.
- (b) All-Terrain Vehicles (ATV's) may not be operated upon the public streets, roads and alleys within the corporate limits of the city, except as follows:
- 1) Special approval is required for ATV operation and will only be granted for special events.
  - 2) No ATV may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. Nor shall they be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a Special Use Vehicle from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.
  - 3) ATV's may only be operated upon any public street, road or alley between sunrise and sunset, unless such vehicle is equipped with lights and reflectors as required for motorcycles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
  - 4) It is unlawful to operate any ATV on any levee system or city owned property without special permission from the city.

### **SECTION THREE: REQUIRED EQUIPMENT.**

- (a) All Special Use Vehicles with a few exceptions for ATV's shall be equipped with the following before applying to register with the City of Arkansas City, subject to Article 17 of Chapter 8 of the Kansas Statutes Annotate, and amendments thereto (Ref. Section 2 above):
- 1) Head lamps;
  - 2) Tail lamps;
  - 3) Rear reflectors;
  - 4) Stop lamps;
  - 5) Turn signals;
  - 6) Mirror on left side of vehicle;
  - 7) Mirror on right side or center of vehicle;
  - 8) Safety belts and shoulder harnesses (required for ATV's only if originally equipped by manufacturer);

- 9) Mufflers or noise suppressing systems; and
- 10) Windshield or proper eye protection.

**SECTION FOUR: SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY, DUTIES AND RESPONSIBILITIES.**

- (a) No person shall operate a special purpose vehicle on any public street, road, or alley within the corporate limits of the city unless such person has a valid, unrestricted, 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 under the age of 18 years shall be required to wear a helmet if operating or riding an all-terrain vehicle.
- (c) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.
- (d) Every person operating a special purpose vehicle on the public streets, roads and alleys of the city shall be subject to all the duties applicable to a driver of a vehicle as included in the Standard Traffic Ordinance, this city ordinance, and others as imposed by law.

**SECTION FIVE: SAME; INSURANCE REQUIRED; PENALTY.**

- (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted 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 the most currently adopted Standard Traffic Ordinance with regard to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

**SECTION SIX: SAME REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.**

- (a) Before operating any special purpose vehicle on any public street, road, or alley within the corporate city limits, the vehicle shall be registered with the City of Arkansas City, Kansas. Registration shall not be allowed until the vehicle is prepared with the required equipment in accordance with Section Three of this ordinance above.

The following must also be provided and met.

- 1) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, to the office of the City Clerk.
- 2) 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). Proof of insurance, as required by Section 4, shall be furnished at the time of application submittal.
- 3) The City Clerk shall cause the application to be transferred over to the Police Department for inspection. Participants are urged not to drive their unlicensed vehicle in town for inspection. On-site inspections may be possible where the vehicle is stored if within close proximity to or inside the city limits of Arkansas City, KS.
- 4) Once the vehicle has passed inspection, a one-time registration fee for a special purpose vehicle shall be twenty-five dollars (\$25) payable in the Finance Utility Billing Department located at City Hall to obtain a registration decal or tag.

- 5) The issued valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.
  - 6) The registration decal or tag issued hereunder is not transferable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag 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/her possession.
  - 7) In the event a registration decal or tag is lost, stolen, or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee of twenty-five dollars (\$25) before the special purpose vehicle may be operated on a public road.
  - 8) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate, or alter such registration decal or tag during the time in which the same is operative.
- (b) 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 or alley within the corporate limits of the city a special purpose vehicle which is not registered, and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.
  - 2) Display, cause or permit to be displayed, or to have 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 violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$50.00 and forfeiture of the item. 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 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.
  - 6) Any person convicted of a violation of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

**SECTION SEVEN: SAME; PENALTY.** Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic violation. 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 Article 20 of the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provision as the city may then have in effect.

**SECTION EIGHT: EXEMPTIONS.** Special purpose vehicles which are owned or leased by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for the other specific purpose as required in the performance of a job are exempt from the restrictions of Section two of this ordinance not related to equipment or lighting. Special purpose vehicles which are owned or leased by golf courses, when used for the purpose of loading and unloading golf equipment on streets immediately adjacent to the golf course are exempt from the restrictions of Section Two of this ordinance.

**SECTION NINE: PUBLICATION; EFFECTIVE DATE.** This Ordinance, or a summary thereof, shall be published once in the official city newspaper, and shall take effect and be in force from and after said publication.

**ADOPTED AND ORDAINED** by the Governing Body of the City of Arkansas. City, Kansas on this 19<sup>th</sup> day of November 2024.

(Seal)

\_\_\_\_\_  
Mayor Warren , Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2024-11 \_\_\_\_\_ of the City of Arkansas City, Kansas adopted, by the governing body on November 19, 2024, as the same appears of record in my office.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Tiffany Parsons, City Clerk