

ORDINANCE NO. 2023-03 ____

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE 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, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF, TO THE CITY 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) "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, include fuel and fluids, of more than 800 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.
- (b) "Micro-Utility Truck" means any motor vehicle which is not less than 48 inches in width, has an overall length including bumper, on 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.
- (c) "All-Terrain Vehicle" means any motorized non-highway vehicle 50 inches or less in width, have 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.
- (d) "Special Purpose Vehicle" means golf cart, work-site utility vehicle, micro-utility vehicle and all-terrain vehicle, either individually or collectively.

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

- (a) Micro-Utility Trucks may be operated upon the public streets, roads, and alleys within the corporate limits of the city, except as follows:
 - (1) No micro-utility truck may not be operated upon US 77 Bypass within the limits of Arkansas City; however, the provisions of this subsection shall not prohibit a micro-utility truck from crossing the US 77 Bypass.
 - (2) No micro-utility truck shall be operated on any public 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.
 - (3) No micro-utility truck will be operated on city owned property or levee system.
- (b) Work-Site Utility Vehicles may be operated upon the public streets, roads, and alleys within the corporate limits of the city, except as follows:

- (1) No work-site utility vehicle may be operated upon the US 77 Bypass within the limits of Arkansas City; however, the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing US 77 Bypass.
- (2) No work-site utility vehicle shall be operated upon any public street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
- (3) No work-site vehicle will be operated on city owned property or levee system.
- (c) All-Terrain Vehicles may be operated upon the public streets, roads and alleys within the corporate limits of the city upon special approval, except as follows:
 - (1) Special approval is required for all-terrain vehicle operation and will only be granted for special events.
 - (2) No all-terrain vehicle may be operated upon the US 77 Bypass within the limits of Arkansas City; however, the provisions of this subsection shall not prohibit an all-terrain vehicle from crossing the US 77 Bypass.
 - (3) No all-terrain vehicle may be operated upon any public street, road or alley between sunset and sunrise 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) No all-terrain vehicle will be allowed to operate on city owned property and levee system.
- (d) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.
- (e) All special purpose vehicle shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

SECTION THREE: 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 imposed by law.

SECTION FOUR: 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 regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

SECTION FIVE: 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 limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.
- (b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. 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).
- (c) A one-time registration fee for a special purpose vehicle shall be twenty-five dollars (\$25) and proof of insurance, as required in Section 4, shall be furnished at the time of application for registration.
- (d) 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.
- (e) 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.
- (f) 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.
- (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 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 6. 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 7. 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 (*Operation of special purpose vehicles on city streets – add number*) 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 of golf equipment on streets immediate adjacent to the golf course are exempt from the restrictions of Section (*Operation of special purpose vehicles on city streets – add number*).

SECTION EIGHT: PUBLICATION; EFFECTIVE DATE. This Ordinance, or a summary thereof, shall be published one time 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 21st day of March 2023.

(Seal)

Diana L. Spielman, Mayor

ATTEST:

Tiffany Parsons, Deputy 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 the Ordinance No. 2023-03-____ of the City of Arkansas City, Kansas adopted by the governing body on March 21, 2023 as the same appears of record in my office.

DATED: _____

Tiffany Parsons, Deputy City Clerk