

OPERATION OF CITY-OWNED
AND -OPERATED ALL-TERRAIN
VEHICLES FOR CITY PURPOSES.

(First Published in *The Horton Headlight* on the ____ day of _____, 2008, 1x)

ORDINANCE NO. 1083

AN ORDINANCE PROVIDING FOR THE USE OF MUNICIPALLY-OWNED and -OPERATED ALL-TERRAIN VEHICLES FOR THE PURPOSE OF CONDUCTING NOXIOUS WEED SPRAYING, SNOW REMOVAL, AND ANY OTHER PURPOSES DEEMED NECESSARY FOR THE PERFORMANCE AND DELIVERY OF MUNICIPAL SERVICES.

WHEREAS, the Governing Body of the City of Horton, Kansas, has determined that it is necessary to own and operate an all-terrain vehicle, for the performance of conducting noxious weed spraying, snow removal and other necessary municipal services purposes; and

WHEREAS, the Kansas Legislature passed and the Governor of Kansas signed into law Senate Bill 8 (2007), which prohibited the operation of all-terrain vehicles within the corporate city limits of any city unless authorized by such city, 2007 Kan. Sess. Laws Ch. 140, §7; and

WHEREAS, Chapter 140, §7 of the 2007 Kansas Session Laws (S.B. 8) provides that cities may authorize certain uses of all-terrain vehicles within the corporate territorial limits of the cities.

NOW, THEREFOR, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS:

SECTION 1. OPERATION OF MUNICIPALLY-OWNED AND -OPERATED ON CITY STREETS. (a) All-terrain vehicles, which are owned by the City of Horton, Kansas (the "City"), may be operated by agents of the City who meet the other requirements of this Ordinance, upon the streets, roads and alleys within the corporate territorial limits of the City, for the performance and delivery of municipal services.

(b) The term *municipal services*, for purposes of this Ordinance, are defined as services that are necessary for the protection of the health, safety or welfare of the residents of the City of Horton, Kansas, including, but not limited to, the spraying of noxious weeds, mosquito fogging, and snow removal; and such other services as may be deemed necessary by the City Administrator, in consultation with the Governing Body, for the safe and efficient operations of the City.

SECTION 2. REQUIREMENTS AND RESTRICTIONS. (a) Each municipal agent who operates a municipally owned all-terrain vehicle on public streets, roads and alleys in conformance with the provisions of this Ordinance shall:

- (1) Be subject to all of the duties applicable to a driver of a vehicle imposed by law;
- (2) Ride only upon the permanent and regular seat attached thereto, and such agent-operator shall not carry any other person nor shall any other person ride on a all-terrain vehicle, unless

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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) Operate municipal all-terrain vehicle(s) in conformance with the terms hereinbefore defined by this ordinance; and

(4) 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.

(b) No municipal agent who operates an all-terrain vehicle on municipal streets, roads and alleys, and who is otherwise in conformance with the provisions of this Ordinance, shall:

(1) Operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars; or

(2) 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.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in The Horton Headlight, the official city newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS, THIS 3rd DAY OF MARCH, 2008.

Tim Lentz, Mayor
City of Horton, Kansas

ATTEST:

Candy Schmitt, City Clerk
City of Horton, Kansas