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ORDINANCE NO 1127

AN ORDINANCE AMENDING SECTIONS 114.4 AND 114.5 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" EDITION OF 2012 AS ADOPTED BY ORDINANCE 1126 OF THE CITY OF HORTON, KANSAS, AUTHORIZING THE OPERATION OF GOLF CARTS AND WORK SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF HORTON, AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF

Be it Ordained by the Governing Body of the City of Horton, Kansas:

Section 1. STANDARD TRAFFIC ORDINANCE

The following sections of the Standard Traffic Ordinance for Kansas Cities, Edition of 2012, as adopted by Horton City Ordinance 1126 relating to the following matters, are hereby amended as follows:

“SECTION 114.4: OPERATION OF GOLF CARTS.

A. Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that 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. 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.

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

C. Every person operating a golf cart 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.

D. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person is 18 years of age or older and has a valid driver's license.

E. Every owner of a golf cart who intends to operate it on any public highway, street, road or alley within the corporate limits of the City of Horton, Kansas shall provide liability insurance coverage in accordance with Section 200 of the 2012 Standard Traffic Ordinance and amendments thereto and K.S.A. 40-3101 et. seq. and amendments thereto.

F. REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY:

(1) Before operating any golf cart on any public highway, 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 vehicle. The license fee shall be Twenty-Five Dollars (\$25.00) per calendar year, payable in advance to the City in care of the Horton City Clerk. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(2) Application for registration of a golf cart shall be made by the owner, or owner's agent, in the office of the Horton 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 serial number, if applicable). Proof of insurance, as required in Section E shall be furnished at the time of application for registration.

(3) Upon completion of the registration application, establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. 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 in the police department.

(4) 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.

(5) The license issued hereunder is non-transferrable.

(6) It shall be unlawful for any person to:

(a) Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any golf cart 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.

(b) 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 violation of this subsection (b) shall constitute an unclassified misdemeanor punishable by a fine not to exceed \$500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

(c) 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 lending or permitting the use thereof.

(d) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any golf cart. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(e) Carry or display a registered number plate or plates or registration decal upon any golf cart not lawfully issued for such vehicle.

G. "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 six persons, including the driver.

H It shall be illegal for any person to operate a golf cart on any public highway, street, road or alley with more passengers than the golf cart is designed to seat.

I. Unless specifically provided 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, 2012 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

J. It shall be illegal to operate a golf carts vehicle on any public highway, 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.

K. 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.

L. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.”

“B. SECTION 114.5: OPERATION OF WORK SITE UTILITY VEHICLES.

A. Work site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no work site utility vehicle may be operated upon any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work site utility vehicle from crossing a federal or state highway.

B. No work site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.

C. Every person operating a work site utility 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.

D. No person shall operate a work site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person is 18 years of age or older and has a valid driver’s license.

E. Every owner of a work site utility vehicle who intends to operate it on any public highway, street, road or alley within the corporate limits of the City of Horton, Kansas shall provide liability insurance coverage in accordance with Section 200 of the 2012 Standard Traffic Ordinance and amendments thereto and K.S.A. 40-3101 et. seq. and amendments thereto.

F. REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY:

(1) Before operating any work site utility vehicle on any public highway, 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 vehicle. The license fee shall be Twenty-Five Dollars (\$25.00) per calendar year, payable in advance to the City in care of the Horton City Clerk. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(2) Application for registration of a work site utility vehicle shall be made by the owner, or owner's agent, in the office of the Horton 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 serial number, if applicable). Proof of insurance, as required in Section E shall be furnished at the time of application for registration.

(3) Upon completion of the registration application, establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. 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 in the police department.

(4) 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.

(5) The license issued hereunder is non-transferrable.

(6) It shall be unlawful for any person to:

(a) Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any work site utility vehicle 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.

(b) 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 violation of this subsection (b) shall constitute an unclassified misdemeanor punishable by a fine not to exceed \$500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

(c) 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 lending or permitting the use thereof.

(d) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any work-site utility vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(e) Carry or display a registered number plate or plates or registration decal upon any work-site utility vehicle not lawfully issued for such vehicle.

G. **“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.

H It shall be illegal for any person to operate a work site utility vehicle on any public highway, street, road or alley with more passengers than the work site utility vehicle is designed to seat.

I. Unless specifically provided 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, 2012 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

J. It shall be illegal to operate a work site utility vehicles vehicle on any public highway, 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.

K. 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.

L. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.”

Section 2. Any ordinance or part thereof in conflict with this ordinance is hereby repealed.

Section 3. PUBLICATION; EFFECTIVE DATE: This ordinance shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 1st day of October, 2012.

MAYOR

ATTEST:

CITY CLERK