

ORDINANCE NO. 1061

AN ORDINANCE AMENDING PARTS OF THE CITY OF
CLEARWATER CODE AT CHAPTER 34 ARTICLE IV
SPECIAL PURPOSE VEHICLES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER,
SEDGWICK COUNTY, KANSAS, THAT:

Section 1. Amending Section 34-108, 34-110, 34-111, 34-138, 34-139 of the Code

Section 34-108, 34-110, 34-111, 34-138, 34-139 of the Code of the City of Clearwater,
Kansas is hereby amended to read as follows:

Section 34-108 DEFINITIONS

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 state statute allows. K.S.A 8-1495

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.

Slow-moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

Special purpose vehicle means golf cart, work-site utility vehicle and work-site utility vehicle, either individually or collectively.

Work-site utility vehicle means any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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. K.S.A 8-1493

Section 34-110 GOLF CARTS

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

- b) 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. K.S.A. 8-15,108
- c) 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.
- d) Every person operating a golf cart 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.
- e) No golf cart may be operated on a sidewalk, walking path, or public greenspace.
- f) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required by law for motorcycles, as outlined in Chapter 8, Article 18 of the Kansas Statutes Annotated.
- g) It shall be illegal to operate a golf cart 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; the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.
- h) Golf carts without a top or lid over the carriage area must have a safety reflective flag attached to the rear of the vehicle that extends between 5' and 6' off the rear bumper area.

Section 34-111 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.
- 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, as outlined in Chapter 8, Article 18 of the Kansas Statutes Annotated.
- c) No work-site utility vehicle shall be operated on any interstate highway, 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.
- d) No work-site utility vehicle may be operated on a sidewalk, walking path, or public greenspace.
- e) 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.

- f) Work-site utility vehicles must have original equipment manufacturer (OEM) exhaust system.

Section 34-138 VALID DRIVER'S LICENSE REQUIRE; PENALTY; DUTIES AND RESPONSIBILITIES

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, subject to the restrictions imposed by statute upon that license, and have reached a minimum of 16 years of age. 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.

Section 34-139 REGISTRATION AND LICENSE; INSURANCE; FEE; APPLICATION; INSPECTION; PENALTY

- a) Before operating any special purpose 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 as provided in the city fee schedule, payable in advance to the police chief or other person designated by the city to collect said fee. The full amount of the license fee shall be required regardless of the time of year that the application is made.
- 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 chief. 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).
- c) Prior to the issuance of the registration and license, each applicant for a special purpose vehicle license shall first present such vehicle for an official inspection. If, upon inspection such vehicle is found to be in safe mechanical condition, and 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.
- d) 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.
 - 1) All provisions of the most current 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

- e) 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.
- f) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license 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 possession.
- g) In the event a license is lost or destroyed, the police chief or other person designated by the city, upon proper showing by the licensee and the payment of a fee as provided in the city fee schedule, shall issue a new license in accordance with the provisions of this section.
- h) Violation and penalties
- 1) 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 special purpose 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 shall constitute an unclassified misdemeanor punishable by a fine of not less than \$25.00 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 so 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 special purpose vehicle. Licenses shall be kept clean and placed as required by law to be plainly visible and legible.
 - e. Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

- f. Any person convicted of a violation of any of the provisions of it, shall for the first conviction thereof be punished by a fine of not more than \$50.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$100.00; 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 \$500.00.

Section 2. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Adopted by the City Council this 13th day of October 2020.

Approved by the Mayor this 13th day of October 2020.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY ZOLLINGER