

ORDINANCE NO. 2606

AN ORDINANCE AMENDING ORDINANCE NO. 2604 PROVIDING FOR THE OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANUTE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHANUTE, KANSAS:

Section 1: OPERATION OF GOLF CARTS AND UTILITY VEHICLES.

- (a) Golf carts and utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart or utility vehicle 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 or 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 golf cart or utility vehicle from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.
- (b) No golf cart or utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.
- (c) No golf cart or utility vehicle shall be operated on any public sidewalk.
- (d) Every person operating a golf cart or 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 or a vehicle imposed by law.

Section 2: VALID DRIVERS LICENSE REQUIRED; PENALTY.

No person shall operate a golf cart or utility vehicle on any public highway, street, road or alley within the corporate limits of the City unless such person has a valid drivers license and is 18 years of age or older. Violation of this section is punishable by a fine of not more than \$500.00 (Five Hundred Dollars) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

Section 3: DEFINITION.

A "golf cart" means a motor vehicle that has not less than three (3) wheels in contact with the ground, an unladed 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 four (4) persons, including the driver.

A "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 160 inches, has an unladen weight, including fuel and fluids, of more than 1500 pounds, can exceed 40 miles per hour and originally manufactured. This definition does not include an ATV which is a vehicle designed with a seat to be straddled and which are not authorized to be on the city streets.

Section 4: PENALTY.

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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

Section 5: DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

- (a) It shall be illegal to operate a golf cart or utility 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.
- (b) For the purpose of this section, a slow-moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- (c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.
- (d) The golf cart and utility vehicle shall display a bright orange triangle flag no less than 84 inches off ground level on the rear of the vehicle.

Section 6: INSURANCE REQUIRED; PENALTY.

- (a) Every owner of a golf cart and/or a utility vehicle shall provide liability insurance coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 3101, *et seq.*, and amendments thereto.
- (b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto shall be applicable to all owners and operators of golf carts and utility vehicles.

Section 7: REGISTRATION AND LICENSE; FEE, APPLICATION; INSPECTION; PENALTY.

- (a) Before operating any golf cart or utility vehicle on a 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 golf cart or utility vehicle. The License fee shall be Fifty Dollars (\$50.00) per calendar year, payable in advance to the City Clerk. 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 golf cart or utility vehicle shall be made by the owner, or owner's agent, in the office of the 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 6 shall be furnished at the time of application for registration.
 - (c) Prior to the issuance of the registration and license, each applicant for a golf cart or utility vehicle license shall first present such vehicle for an official inspection. If upon inspection and completion of the registration application such vehicle is found to be in a safe mechanical condition, and upon 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 accounted for and then filed in the police department.
 - (d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such licenses during the time in which the same is operative.
 - (e) The license issued hereunder is not transferable. In the event of sale or other transfer or 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.
 - (f) In the event a license is lost or destroyed, the City Clerk upon proper showing by the licensee and the payment of a fee of Fifty Dollars (\$50.00) shall issue a new license in accordance with the provisions of this section.
 - (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, highway, or alley within the corporate limits of the City any golf cart or utility vehicle, as defined herein, 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.
 - (2) 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 (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$100.00 (One Hundred Dollars) 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 other mark of identification upon any golf cart or utility 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 golf cart or utility vehicle not lawfully issued for such vehicle.
- (6) Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than Five Hundred Dollars (\$500.00).

Section 8.

If the golf cart or utility vehicle is not equipped with headlights, brake lights or tail lights the operator must give hand signals to indicate they are stopping or turning.

Section 9.

Other than to cross it is a violation of this ordinance for a golf cart or utility vehicle to be operated on any of the following streets:

- (1) North Lincoln.
- (2) Santa Fe Avenue.
- (3) 39 Highway.
- (4) Cherry Street.
- (5) 14th Street.
- (6) 35th Street.

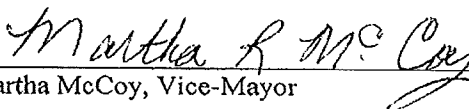
Section 10: REPEALER.

Sections 114.2 and 114.4 of the Standard Traffic Ordinance, as adopted by Chapter 10.04 is hereby repealed.

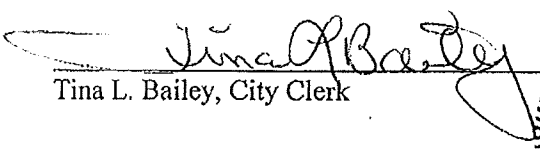
Section 11: PUBLICATION; EFFECTIVE DATE.

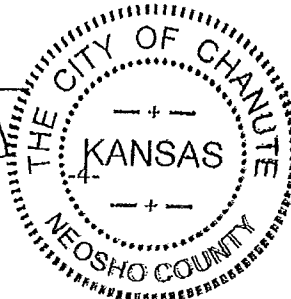
This ordinance shall be published one time in the official City newspaper, *The Chanute Tribune*, and shall take effect and be in force from and after said publication.

PASSED AND APPROVED by the Governing Body of THE CITY OF CHANUTE, KANSAS, this 27th day of May, 2014.


Martha McCoy, Vice-Mayor

ATTEST:


Tina L. Bailey, City Clerk



APPROVED AS TO FORM:



David S. Brake, City Attorney