

ORDINANCE 2016-09

AN ORDINANCE ADOPTING POLICIES AND PROCEDURES PROVING FOR THE OPERATION OF GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF LEOTI.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS, AS FOLLOWS:

SECTION 1. OPERATION OF GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES.

- a. Golf carts and recreational off-highway vehicles may be operated upon the public streets, roads, and alleys within the corporate limits of the city; provided, however, that no golf cart or recreational off-highway vehicle may be operated upon any public street, road or alley with a posted speed limit in excess of 30 miles per hour. No golf cart or recreational off-highway vehicle shall be operated on any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart or recreational off-highway 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 recreational off-highway vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.
- c. No golf cart or recreational off-highway vehicle shall be operated on any public sidewalk.
- d. Every person operating a golf cart or recreational off-highway 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 DRIVER'S LICENSE REQUIRED; PENALTY.

- a. No person shall operate a golf cart or recreational off-highway 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 and is 18 years of age or older. Violation of this section is punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.
- b. All provisions of Section 196 of the Standard Traffic Ordinance, and amendments thereto shall be applicable to all owners and operators of golf carts and recreational off-highway vehicles.
- c. All provisions of Section 197 of the Standard Traffic Ordinance, and amendments thereto shall be applicable to all owners and operators of golf carts and recreational off-highway vehicles.

SECTION 3. DEFINITION.

A "golf cart" means a motor vehicle that has not less than three (3) 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 four (4) persons, including the driver.

A "recreational off-highway vehicle" means any motor vehicle more than 50 but not greater than 64 inches in width, having a dry weight of 2,000 pounds or less, traveling on four or more non-highway tires. This definition DOES NOT include an All-Terrain Vehicle (ATV) which is a vehicle designed with a seat to be straddled and which is not authorized to be on 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 FLAG TO INDICATE SLOW MOVING VEHICLE.

- a. The golf cart and recreational off-highway 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 recreational off-highway 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. 40-3101, *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 recreational off-highway vehicles.

SECTION 7. REGISTRATION AND LICENSE; FEE, APPLICATION; PENALTY.

- a. Before operating any golf cart or recreational off-highway vehicle on a public 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 recreational off-highway vehicle. The license fee shall be Forty Dollars (\$40) per calendar year, payable in advance to the Office of 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 recreational off-highway 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, and a photo of the vehicle to be registered. 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 recreational off-highway vehicle license shall first present 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.
- f. In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment of a "Lost License Fee" of Twenty Dollars (\$20.00), shall issue a new license in accordance with the provisions of this section.
- g. It shall be unlawful for any person to:
 - i. 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 recreational off-highway 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.
 - ii. 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 (ii) shall constitute an unclassified misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
 - iii. 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.
 - iv. Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any golf cart or recreational off-highway vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

- v. Carry or display a registered number plate or plates or registration decal upon any golf cart or recreational off-highway vehicle not lawfully issued for such vehicle.
- vi. 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). Unless, otherwise stated, a violation of this section is a traffic infraction.

SECTION 8.

If the golf cart or recreational off-highway vehicle is not equipped with headlights, turn signals, brake lights and/or tail lights, the operator must give hand signals to indicate they are stopping or turning.

SECTION 9. EXEMPTION.

Section 4 of the 2016-10 Ordinance is hereby exempt from Sections 1 through 8 of this ordinance.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall be in full force and effect January 1, 2017, and after its passage by the Governing Body of the City and its summary publication in the official City newspaper the *Leoti Standard*.

PASSED AND APPROVED by the Governing Body of The City of Leoti, Kansas, this 19th day of December, 2016.

Cheryl Green, Mayor

ATTEST:

Ashley Woods, City Clerk

Published: January 4, 2017