

ORDINANCE NO. 1649

AN ORDINANCE AUTHORIZING THE OPERATION OF UTILITY TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF OSAGE CITY, KANSAS, PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1: DEFINITION:

"Utility terrain vehicle" means any motor vehicle designed for off road and on road use which is not less than 48 inches wide, has an overall length, including bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds and is equipped with four or more non-highway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, can exceed 25 miles per hour as originally manufactured and may be equipped with a metal roll bar.

SECTION 2: OPERATION OF UTILITY TERRAIN VEHICLES.

- (a) Utility terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city. However, no such vehicle shall be operated upon any public sidewalk or other public property without prior written approval from the city.
- (b) No such vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless it is being used for agricultural purposes. No such 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 utility terrain vehicle from crossing a federal or state highway.
- (c) Every person operating such 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) Seatbelts are required for all drivers and passengers of such vehicles. The number of occupants of such

vehicles is limited to the number of factory installed seats with seatbelts.

- (e) No passengers shall be allowed which require the use of a car seat under the laws of the State of Kansas.
- (f) Passengers under the age of eighteen (18) must wear an approved helmet.
- (g) Utility terrain vehicles are entitled to a full lane of traffic and no motor vehicle shall be driven in such a manner to deprive any utility terrain vehicle of full use of the lane. The operator of a utility terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken. No person shall operate a utility terrain vehicle between lanes of traffic or between the adjacent lines or rows of vehicles.
- (h) All such vehicles shall be equipped with lights as required by law for motorcycles which shall be used any time the vehicle is operated on the roadway.

SECTION 3: SAME: REQUIRED EQUIPMENT.

Every utility terrain vehicle shall be equipped with the following:

- a) Windshield or eye protection
- b) Muffler or noise suppression system
- c) Safety/Seat belts or harnesses
- d) Mirror on the right side of the vehicle or an inside center rear view mirror
- e) Mirror on the left side of the vehicle
- f) Turn signals
- g) Stop lamps
- h) Rear reflectors
- i) Head lamps

SECTION 4: SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY.

No person shall operate a utility terrain 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. 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 5: SAME; INSURANCE REQUIRED; PENALTY:

- a) Every owner of a utility terrain vehicle shall provide liability coverage in accordance with Section 200 of the 2020 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 2020 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of utility terrain vehicles.

SECTION 6: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY:

- a) Before operating any utility terrain 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 utility vehicle. The license fee shall be Twenty-Five dollars (\$25.00) 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 utility terrain 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) and proof of ownership. Proof of insurance, as required in Section 5 shall be furnished at the time of application for registration.
- c) Prior to the issuance of the registration and license, each applicant for a utility terrain vehicle license shall first present such vehicle for an official inspection to the police department. If, upon inspection and completion of the registration application, such vehicle is found to be in 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 recorded and then filed in the police department.

- d) 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.
- e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle licensed 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, shall issue a new license in accordance with the provisions of this section for no additional fee.
- 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 utility terrain 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.
 - 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 work-site 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 utility vehicle not lawfully issued for such vehicle.

SECTION 7: SAME; PENALTY.

Any person upon entry of a plea of guilty or no contest or upon being convicted of a violation of any of the provisions of this ordinance, shall for the first conviction thereof be punished by a fine of not more than \$250.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$500.00; 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 \$1,000.00 and/or a jail term of not more than 30 days.

SECTION 8: This ordinance shall take effect and be in force from and after its passage by the Governing Body and approval By the Mayor and publication in the official City newspaper.

PASSED by the Governing Body and **APPROVED** by the Mayor of Osage City, Kansas, this 24th day of November, 2020.

/s/Dale Schwieger, President of Council

ATTEST:

/s/ Teresa Fultz, City Clerk