

(First published in *The Tiller and Toiler* January 12 , 2023)

ORDINANCE NO. 1615

**AN ORDINANCE AUTHORIZING THE OPERATION OF CERTAIN WORK-SITE UTILITY VEHICLES, MICRO UTILITY VEHICLES, GOLF CARTS, ALL TERRAIN VEHICLES AND LAWN MOWERS AND CERTAIN ELECTRIC BIKES WITHIN PUBLIC RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF LARNED, KANSAS; DEFINING TERMS; ALLOWING ACCESS TO CERTAIN STREETS; REGULATING PERMITS THERETO AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.**

*BE IT ORDAINED AND ENACTED by the Governing Body of the City of Larned, Kansas:*

**SECTION 1.** Section 10.70.010 of the Larned Municipal Code is amended to read as follows:

10.70.010 Definitions. (a) A "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 vehicle.

(b). "Micro Utility vehicle" means any motorized 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 vehicle" does not include a work-site utility vehicle.

( c) "Golf cart" means a 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 four persons, including the driver. The golf cart vehicle may be either gasoline powered or powered by electric batteries.

(d) "Class 2 Electric Fat Tire Bike/ Turf Bike means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and

produces zero emissions or pollution when stationary or operating. This definition does not include a motorized skateboard or stand on motorized scooter as prohibited in Ordinance 10.04.060.

(e) Class 2 low-speed electric bicycle means a bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.

**SECTION 2.** Section 10.70.020 of the Larned Municipal Code is amended to read as follows:

**10.07.020** Operation of Vehicles.

(a) The vehicles defined in Section 10.70.010 may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Larned, Kansas, provided however, none of the five (5) types of vehicles defined in Section 10.70.010 can be operated on a street denominated as an interstate highway, federal highway or state highway.

(b) Every person operating one of the five (5) types of vehicles in Section 10.70.010 on the public highways, streets, roads and alleys of the City of Larned, Kansas shall be subject at all times to all of the rules of the road and the duties applicable to a driver of a vehicle imposed by law.

(c) Unless the vehicles regulated and permitted to be operated by Section 10.70.010 through Section 10.70.090 of this ordinance are equipped with lights as required by law for motorcycles, such vehicles shall be operated only between one hour after sunrise and one hour before sunset.

(d) Consistent with 2022 STO 116, no vehicles may be allowed to operate on city sidewalks.

**SECTION 3.** Section 10.70.030 of the Larned Municipal Code is amended to read as follows:

**10.07.030 . VALID DRIVER'S LICENSE AND PERMIT REQUIRED; PENALTY.** No person under the age of 18 years of age shall operate any vehicle regulated and defined by Section 10.70.010 on any public highway, street, road or alley within the corporate limits of the City of Larned, Kansas and such persons shall possess a valid driver's license at the time a permit is sought by the operator or owner. Driving the vehicles described in Section 10.70.010 without a valid driver's license shall be punished in Municipal Court the same as if the driver were operating a motor vehicle without a valid driver's license. Driving a vehicle defined in Section 10.70.010 without a valid permit is an unclassified misdemeanor and shall be punished in Municipal Court and fined in an amount between \$50 and no more than \$150 for a first offense.

**SECTION 4.** Section 10.70.040 of the Larned Municipal Code is amended to read as follows:

10.07.040. PENALTY. A violation of Sections 10.70.010 through 10.70.090 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 the applicable subsection of city ordinances or the most recent Edition of the Kansas Standard Traffic Ordinances enacted by the City, and amendments thereto, whichever is applicable.

**SECTION 5.** Section 10.70.050 of the Larned Municipal Code is amended to read as follows:

**10.07.050. DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.** It shall be illegal to operate any of the vehicles defined in Section 10.70.010 on any public highway, street, road or alley within the corporate limits of the City of Larned, Kansas unless such vehicle displays either a slow-moving vehicle emblem on the rear of the vehicle, or a flag on the rear of the vehicle. For purposes of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto. A violation of this section is a violation of this ordinance and is penalized under Section 10.70.040 herein.

**SECTION 6.** Section 10.70.060 of the Larned Municipal Code is amended to read as follows:

**10.07.060. INSURANCE REQUIRED; PENALTY.** Every owner of any of the vehicles defined in Section 10.70.010 desiring to operate such vehicle under this act within the corporate limits of the City of Larned, Kansas shall provide current liability coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-31 01, et seq., and amendments thereto. Proof of such current liability insurance shall be maintained in the vehicle.

**SECTION 7.** Section 10.70.070 of the Larned Municipal Code is amended to read as follows:

**10.07.070. STANDARD TRAFFIC ORDINANCES APPLICABLE.** All provisions of the 2022 Edition of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of any of the vehicles defined by Section 10.70.010 of this ordinance that are operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Larned, Kansas. All rules of the road applicable to motor vehicles on the streets of Larned, Kansas shall be applicable to the vehicles defined and regulated by this ordinance.

**SECTION 8.** Section 10.70.080 of the Larned Municipal Code is amended to read as follows:

**10.07.080. PROHIBITIONS.** (a) None of the vehicle types defined in Section 10.70.010 of this Ordinance may be operated on the following streets or portions of streets within the city:

(1) Any part of Broadway from 14<sup>th</sup> Street South to the city limits.

(2) Any portion of Broadway to the connection with highway 156, and Trail Street from Broadway southwest to the city limits on highway 56 are prohibited. However, said vehicles may operate on Trail Street from Broadway east to the 56-156 junction.

(3) Any portion of 14<sup>th</sup> Street, from the eastern city limits of Larned west to the city limits of Larned.

(b) The provisions of subsections (a)(1) through and including (a)(3) of this Section shall not prohibit a vehicle defined under Section 10.70.010 from crossing a state highway or a street or highway and which is listed in subsection (a) herein if such crossing can be done safely by the operator of the vehicle and does not require more than direct line transit across such highway or street when traffic is clear.

(c) Violation of this section or any part thereof is considered a violation of this Ordinance punishable under Section 10.07.040, Penalties.

**SECTION 9.** Section 10.70.090 of the Larned Municipal Code is amended to read as follows:

**10.07.090. REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY.** (a) Before operating any of the vehicles defined under Section 10.70.010 of this ordinance on any public highway, street, road or alley within the corporate limits of the City of Larned, Kansas, the vehicle shall be registered with the City of Larned, Kansas, and presented for viewing by the City Clerk or her designee, and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. 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, and a brief description of the vehicle to be registered (including make, model, and serial number, if applicable).

(b) Proof of insurance, as required in Section 10.70.060, shall be furnished at the time of application for registration. The annual registration shall be renewable on the first day of January of each year. The annual registration for any of the vehicles defined in Section 10.70.010 to be operated within the city of Larned shall be \$50.00. The full amount of the license fee shall be required regardless of the

time of year that the application is made, and said fee is nontransferable from one vehicle to another. Registration and proof of insurance shall be maintained in the vehicle at all times of operation.

(c) Once a permit is issued, the annual renewal of the permit is not automatic and the city has authority to nonrenew the permit if there is a traffic enforcement issue regarding the permit holder. In cases involving two or more infractions within a six-month period, the permit may be immediately confiscated and revoked by the Chief of Police. Appeal of such action, if any, shall be to the municipal court and must be filed by the permit owner within 30 days of such confiscation and revocation.

**SECTION 10:** Sections 114.1 and 114.3 of said Standard Traffic Ordinance and Section 10.04.050 of the Larned Municipal Code, are hereby changed to read as follows:

**10.04.050 UNLAWFUL OPERATION OF ALL-TERRAIN VEHICLES, LAWN MOWERS AND GARDEN TRACTORS:**

(a) The term “All-terrain vehicle” means and includes any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, and having a seat to be straddled by the operator. As used this subsection, “low pressure tire” means pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(b) “Lawn mowers” and “garden tractors” mean any motorized non-highway vehicle used and designed for mowing lawns or performing yard maintenance. Such vehicles are considered Low-Speed vehicles under 2022 STO Sec. 114.3.

(c) Except as provided in Subsection (d), it is unlawful for any person to operate an all-terrain vehicle, lawn mower, or garden tractor, on any federal highway, state highway, city street or city alley; or within the corporate limits of the City of Larned, Kansas.

(d) Notwithstanding the provisions of Subsection (c), all-terrain vehicles, lawn mowers and garden tractors owned and operated by a county noxious weed department, or all such vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas Department of Transportation; and, such vehicles operated by an owner or employee engaged in the necessary discharge of the owner’s or employee’s duty in the course of services being performed at a worksite or travel to and from a worksite, may be operated by a person who has a valid driver’s license for services being

performed at a worksite upon any federal highway, state highway, city street or city alley within the corporate limits of the City of Larned.

(e) No all-terrain vehicles, lawn mowers or garden tractors shall be operated on any federal highway, state highway, City Street, or city alley within the corporate limits of the City of Larned between one (1) hour before sunset and one (1) hour after sunrise unless equipped with lights as required for motorcycles.

(f) It shall be unlawful for any person to operate a lawn mower or garden tractor, incidental to services being provided at a worksite, on any federal highway, state highway, city street or city alley within the corporate limits of the City of Larned without prior disengagement of any turning blades or ground engaging attachments.

**SECTION 11: SEVERABILITY CLAUSE** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or resolution, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sub-divisions, paragraphs, sentences, clauses, or phrases be declared invalid.

**SECTION 12 REPEAL.** Portions and Subparts of various sections of the Municipal Code of the City of Larned in conflict with this ordinance, including but not limited to Subparts 114.1 and 114.3 of said Section 10.04.050, and sections 10.70.010, 10.07.020, 10.07.030, 10.07.040, 10.07.050, 10.07.060, 10.07.070, 10.07.080, and 10.07.090 of the Standard Traffic Ordinances previously adopted by this governing body in 2017 Ordinance 1588, are hereby repealed.

**SECTION 13 EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its publication either (1) in the official city newspaper of the City of Larned, Kansas or (2) from and after compliance with K.S.A. 2012 Supp. 12-3007(b).

PASSED BY THE LARNED CITY COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_ day of \_\_\_\_\_, 2023

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WILLIAM NUSSER, MAYOR

ATTEST:

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Kara Rath, City Clerk

(Published in compliance with K.S.A. 12-3007(b) on \_\_\_\_\_, 2023

### **SUMMARY OF LARNED CITY ORDINANCE NO. 1615**

This ordinance is published pursuant to KSA 12-3007(b), amends several sections of the city's existing ordinance code relating to operation of certain motorized and electric vehicles within the city.

Work site utility vehicles, micro utility vehicles, and golf carts, Electric fat tire bikes, turf bikes and electric bikes are not ordinarily regulated by state motor vehicle laws. Thus cities are free to regulate authorized use of such vehicles by ordinance, and regulate how and on which streets (or parts thereof) they may be operated. The additions to this ordinance are the Electric fat tire bikes, turf bikes and electric bikes.

The ordinance also brings some of the Standard Traffic Ordinances up to date, and allows such vehicles on parts of city streets that previously were off limits to such use.

Users of these vehicles must insure them, and driven only by licensed drivers 18 or older.

A copy of the entire ordinance is available free of charge for viewing at the city offices by contacting the city clerk at any time during office hours. The number is (620) 285-8500.

The city's officially designated website URL is: [www.cityoflarned.org](http://www.cityoflarned.org). A reproduction of this entire ordinance is available at that site for at least one week following summary publication in the official county newspaper.

Pursuant to KSA 53-601, as amended, as city attorney, I declare and certify the foregoing is true and correct and legally accurate and sufficient.

Ronald D. Smith  
City Attorney, Larned



VETO:

I hereby return this Ordinance within thirty (30) days of the date of enactment by the City Council and hereby veto said ordinance.

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Mayor

Date Vetoed: \_\_\_\_\_