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ORDINANCE NUMBER 1380

AN ORDINANCE OF THE CITY OF MARION, KANSAS, REGARDING THE OPERATION OF ALL-TERRAIN VEHICLES, WORK-SITE UTILITY VEHICLES, GOLF CARTS AND MICRO UTILITY TRUCKS WITHIN THE CITY OF MARION, KANSAS; PRESCRIBING PENALTIES FOR THE UNLAWFUL OPERATION THEREOF; REPEALING SECTIONS 114.1, 114.2, 114.4 AND 114.5 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", INCORPORATED BY REFERENCE INTO CITY OF MARION, KANSAS 2014 CITY CODE BY ORDINANCE NO 1378, OR ANY SUBSEQUENTLY ENACTED ORDINANCE INCORPORATING THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them herein:

(A) "All-Terrain Vehicle" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on 3 or more low-pressure tires, having a seat designed to be straddled by the operator;

(B) "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 4 or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least 2 people to sit side-by-side, and may be equipped with a bed or a cargo box for hauling materials;

(C) "Golf Cart" means a motor vehicle that has not less than 3 wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than 4 persons including the driver.

(D) "Low-Pressure Tire" means any pneumatic tire 6 inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pound per square inch or less as recommended by the vehicle manufacturer.

(E) "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

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originally manufactured and is manufactured with a metal cab. Micro utility truck does not include work-site utility vehicle.

(F) Prior to operation of all-terrain vehicles, work-site utility vehicles, golf carts and micro utility trucks on the streets, roads, and alleys of the City, all owners or operators must obtain proper registration from the police department and pay the applicable registration fee of One Hundred Dollars (\$100.00) per calendar year, or any part thereof. Prior to issuance of such registration, the police department shall inspect the vehicle to assure that it is equipped with sufficient brakes, lights, rear view mirror, seatbelts if equipped from manufacture in compliance to DOT regulations in effect at date of manufacture, and a display of “slow moving vehicle” international emblem affixed to the back of the vehicle as required by Kansas Law. Proof of insurance as required in subsection 3(C), shall be presented at time of application for registration. Upon successful passing of the inspection, a registration sticker will be issued and shall be affixed to the vehicle on the right rear quarter panel.

SECTION 2. Except as hereinafter provided, it shall be unlawful for any person to operate an All-Terrain Vehicle, a Work-site Utility Vehicle, a Golf Cart or a Micro Utility Truck upon any street, alley, roadway, highway, right-of-way, public way or public place within the City of Marion, Kansas. Except they may not be operated on Main Street or any other street or roadway having a speed limit in excess of 35 miles per hour; however, golf carts may cross the above stated streets.

Golf Carts may be operated on the pedestrian side walk on the north side of the Mud Creek Bridge on Main Street adjacent to Central Brooker Park while rendering right of way to all pedestrian traffic in the area.

SECTION 3. All-Terrain Vehicles, Work-site Utility Vehicles, Micro Utility Trucks, and Golf Carts may be operated upon any portion of that street, alley, roadway or highway within the City of Marion, Kansas, which is open to the use of the public for purposes of motor vehicle travel, upon the following terms and conditions.

(A) The operator of an All-Terrain Vehicle, a Work-site Utility Vehicle, Micro Utility Truck, or a Golf Cart must be at least 16 years of age;

(B) The operator of an All-Terrain Vehicle, a Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart must have a valid driver’s license, must have said license with them while operating the All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart, and must comply with all restrictions noted on said license;

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(C) The All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart must have liability insurance coverage thereon. The policy providing such coverage shall meet the same requirements as imposed by K.S.A. 40-3107 for Motor Vehicle Liability Insurance Policies. Any person operating an All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart shall display, upon demand by a law enforcement officer, evidence of liability insurance coverage on the All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart being operated.

(D) The operator of an All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart must obey all traffic laws and regulations applicable to motor vehicles and the drivers thereof relative to traffic control signs and signals, stopping, turning, speed, right-of-way, parking, use of the roadway, passing, driving under the influence of alcohol or drugs, and the exercise of due care.

(E) The operator of an All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart which is equipped with electric turn signal lamps shall give notice of intention to turn in the same manner as is required of motor vehicles thus equipped. The operator of an All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck, or Golf Cart which is not equipped with electric turn signals shall give notice of intention to turn by means of hand and arm signals. All hand and arm signals shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left Turn. Hand and arm extended horizontally.
- (2) Right Turn. Hand and arm extended up-ward.
- (3) Stop or decrease speed. Hand and arm extended downward.

(F) Except as hereinafter provided, no All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck or Golf Cart, even if equipped with lights as hereinafter provided, and shall be operated between 10:00 P.M. and sunrise of the following day. All-Terrain Vehicles, Work-site Utility Vehicles, Micro Utility Truck and Golf Carts which are regularly and routinely kept/stored in the City of Marion, Kansas and which are outside the city limits of the City of Marion, Kansas after 10:00 P.M., may be driven from the point where such enters the City of Marion, Kansas, to the place at which the vehicle is regularly and routinely kept/stored, utilizing the most direct route between said point of entry into the city and the place where the vehicle is regularly and routinely kept/stored;

(G) No All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck or Golf Cart shall be operated after sunset unless equipped with operable headlights and taillights as required by law

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for motorcycles.

(H) A person operating an All-Terrain Vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on the All-Terrain Vehicle unless such is designated to carry more than one person, in which event a maximum of one passenger, who must be at least 14 years of age, may ride upon the permanent and regular seat if designed for 2 persons. A passenger must be seated at the rear of the operator and at no other place and always ride in a position which will not interfere with the operation or control of the All-Terrain Vehicle. Any passenger under the age of 18 years must, while the All-Terrain Vehicle is in motion, be wearing a helmet which complies with minimum performance requirements established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, as amended, for helmets designed for use by motorcyclists and other motor vehicle users.

(I) the operator of an All-Terrain Vehicle and any passenger thereon shall ride only while sitting astride the seat, facing forward, with one leg on each side of the All-Terrain Vehicle.

(J) No person shall operate an All-Terrain Vehicle while carrying any package, bundle, article or cargo of any kind which prevents such person from keeping both hands on the handle bars.

(K) A person operating a Work-site Utility Vehicle, Micro Utility Truck or Golf Cart shall ride only upon the permanent and regular driver's seat attached thereto. In no event shall any Work-site Utility Vehicle, Micro Utility Truck or Golf Cart be occupied by more than 4 persons.

(L) No person shall operate an All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck or Golf Cart unless he or she is wearing an eye-protective device, which shall consist of eye glasses, sunglasses, goggles, or a transparent face shield, except when the All-Terrain Vehicle, Work-site Utility Vehicle, Micro Utility Truck or Golf Cart is equipped with a wind screen which has a minimum height of 10 inches measured from the center of the handle bars on an All-Terrain Vehicle or from the top of the dash on a Work-site Utility Vehicle, Micro Utility Truck or Golf Cart.

SECTION 4. Any person found guilty of violating the terms and provisions of this Ordinance, shall, upon a first conviction, be sentenced to pay a fine which shall be fixed by the Court at not less than \$100.00 nor more than \$500.00. If a person is convicted of having violated any of the terms and provisions of this Ordinance after having previously been convicted of any such violation, said person shall be sentenced to pay a fine fixed by the Court of not less than \$250.00 nor more than \$1,000.00, and may, in addition to said fine, be subject to seizure of said vehicle,

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and may be sentenced to a definite term of confinement in the County Jail which shall be fixed by the Court and shall not exceed 30 days.

SECTION 5. For community sponsored and city council approved events, a special event permit may be obtained from the police department for limited duration use of said vehicles utilized in conjunction of the sanctioned event in lue of the registration requirements of section 1. (F). Inspection of equipment is required with inspections fees of \$3 per day per vehicle

SECTION 6. Sections 114.1, 114.2, 114.4 and 114.5 of the "Standard Traffic Ordinance for Kansas Cities", incorporated by reference into any City of Marion, Kansas Ordinance, and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall be in full force and effect from and after its publication in the official city newspaper.

Passed and approved by the Governing Body this 18th day of August, 2014

ATTEST:

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Todd Heitschmidt, Mayor

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Tiffany Jeffrey, City Clerk

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