

**EDGERTON CITY COUNCIL
WORK SESSION AGENDA
CITY HALL
404 EAST NELSON STREET
September 24, 2020**

**Work Session will begin following adjournment
of regularly scheduled council meeting.**

1. Call to Order
2. Roll Call ____ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ____ Beem
3. Discussion of Operation of All-Terrain and Other Similar Vehicles Within the Corporate City Limits

September 22, 2020

To: Mayor and City Council

From: Beth Linn, City Administrator

Re: Research regarding Operation of All Terrain Vehicles (ATVs) and other Similar Vehicles
within Corporate City Limits

BACKGROUND AND CURRENT EDGERTON REGULATIONS

The City Council directed staff to research regulations regarding the operation of all terrain vehicles (ATVs) and other similar vehicles within corporate city limits. This was to include research that if allowed by other cities, any additional regulations or considerations for the operation of such vehicles inside city limits.

The City of Edgerton has adopted the 2020 Standard Traffic Ordinance (STO) for Kansas Cities. The STO includes five categories of vehicles in the category described above. Enclosed with this memo is excerpts from the 2020 STO related to these categories of vehicles.

- All-Terrain Vehicle
- Golf Cart
- Low-Speed Vehicle
- Micro Utility Truck
- Work-Site Vehicle

Previously, the City of Edgerton exempted Micro Utility Trucks from Section 11-703 of the Edgerton Municipal Code which states it is unlawful for any person to operate a motorized wheeled device on any City street, highway, or sidewalk. (Ord. 773, 2005) Since this type of vehicle is already permitted within the city limits, staff focused on the other four types of vehicles.

ALL-TERRAIN VEHICLES**Definition**

Any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, and traveling on three or more on highway tires. (K.S.A. 8-1402; K.S.A. 8-126)

Current Regulations

As adopted by the City of Edgerton, STO Section 114.1 prohibits the operation of an ATV within the corporate limits of any city unless authorized by such city.

Sec. 114.1. Unlawful Operation of All-Terrain Vehicle.

- a) Except as provided in subsection (b), (c) or (d) it shall be unlawful for any person to operate an all-terrain vehicle:
 - 1) On any interstate highway, federal highway or state highway; or
 - 2) Within the corporate limits of any city unless authorized by such city.

- b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.
- c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.
- d) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:
 - 1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - 2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - 3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - 4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- e) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,100)

{STO Editor's Note: If a city authorizes the operation of all-terrain vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

GOLF CARTS

Definition

A motor 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 and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.(K.S.A. 8-1495)

Current Regulations

As adopted by the City of Edgerton, STO Section 114.4 prohibits the operation of a golf cart on any public highway or street within the corporate limits of any city unless authorized by such city.

Sec. 114.4. Unlawful Operation of a Golf Cart.

- a) It shall be unlawful for any person to operate a golf cart:
 - 1) On any interstate highway, federal highway, or state highway;
 - 2) On any public highway or street within the corporate limits of any city unless authorized by such city; or

- 3) On any street or highway with a posted speed limit greater than 30 miles per hour.
- b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.
- c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with:
 - 1) Lights as required for motorcycles by Sections 183 through Section 188 of this ordinance; and
 - 2) A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto. (K.S.A. 8-15,108)

LOW-SPEED VEHICLE

Definition

Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500. (K.S.A. 8-1488)

Current Regulations

As adopted by the City of Edgerton, the STO regulates Low-Speed Vehicles as described below.

Sec. 114.3. Unlawful Operation of Low-Speed Vehicle.

- a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.
- b) The provisions of subsection (a), shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour. (K.S.A. 8-15,101)

WORK-SITE UTILITY VEHICLE

Definition

Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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 truck. (K.S.A. 8-1493)

Current Regulations

As adopted by the City of Edgerton, STO Section 114.5 prohibits the operation of a Work-Site Utility Vehicle within the corporate limits of any city unless authorized by such city.

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

- a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - 1) On any interstate highway, federal highway, or state highway; or
 - 2) Within the corporate limits of any city unless authorized by such city.

- b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
 - 1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - 2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - 3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - 4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)

{STO Editor's Note: If a city authorizes the operation of work-site utility vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

OTHER CITIES RESEARCH AND CONSIDERATIONS

Various cities have chosen to allow the operation these types of vehicles with many different regulations. Below is a summary of items for the Governing Body to discuss as considerations if any of these types of vehicles would be permitted to operate within the corporate city limits.

Public Property Versus Private Property

Current regulations prohibit the operation within the corporate city limits, which does not distinguish between public and private property. Most cities that permit the operation of these types of vehicles discuss the operation on public streets, not public property such as parks. Some of the cities regulate which streets based on posted speed limits.

Driver of vehicle

All cities in our research require the driver of the vehicle to possess a valid driver's license. A few cities also list a required age limit. In addition to holding a valid driver's license, all cities make the driver subject to all of the duties applicable to a driver of a vehicle imposed by law.

Requirements for Insurance

All cities require the owner of the vehicle to maintain liability insurance at some level, typically referencing either Kansas Statute or the STO required levels for motor vehicles.

Equipment for Operations

Cities has various requirements for equipment required for operation including items such as headlights/reflectors (if allow operation after sunset), seat belts, rear view mirrors, etc. In addition, a city required proper child seats. Without seat belts, at least one city prohibits the transport of person under the age of 18.

Permitting

Some cities require these types of vehicles to get a city permit prior to operation. The permit process included verification of insurance and includes an decal to be displayed.

Hours of Operations

Some cities only allow the operation of such vehicles from sunrise to sunset. Others required particular equipment to operate after sunset.

Violations

All cities in our research set a violation of the regulations as a traffic infraction and penalties imposed similar to other STO violations.



47th Edition

**Standard Traffic Ordinance
For Kansas Cities**

**Republished in 2020
Edited By Amanda Stanley
General Counsel**

STANDARD TRAFFIC ORDINANCE
FOR

KANSAS CITIES

47th Edition (Republished for 2020)

Article 1. Definitions

Section 1. Definitions. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires. (K.S.A. 8-1401)

Alcoholic Beverage. Any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto. (K.S.A. 8-1599(a))

Alcohol Concentration. The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath. (K.S.A. 8-1013(a))

Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (K.S.A. 8-1402)

All-Terrain Vehicle. Any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires. (K.S.A. 8-1402; K.S.A. 8-126)

Arterial Street. Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (K.S.A. 8-1403)

Authorized Emergency Vehicle. Such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of

Exhibition of Speed or Acceleration. Those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry, and such term shall include every self-propelled implement of husbandry. (K.S.A. 8-1420)

Farm Trailer. Every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle. (K.S.A. 8-126(m))

Golf Cart. A motor 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 and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver. (K.S.A. 8-1495)

Governing Body. In commission and commission-manager cities, the mayor shall be considered part of the city governing body in all matters. In mayor-council, modified mayor-council and mayor-council-manager cities, the mayor shall be considered part of the city governing body for the purpose of voting on the passage of a charter ordinance. Whether the mayor is considered part of the governing body for purposes of voting on any other matter shall otherwise be established by ordinance of the city passed by a 2/3 majority of the council. All existing ordinances and charter ordinances relating to the mayor being considered part of the city governing body shall remain in effect until amended or repealed by such city. (K.S.A. 12-104)

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon. (K.S.A. 8-1423)

Habitual Violator. Defined as in K.S.A. 8-285.

Highway. Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term **highway** shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions. See also **Street or Highway**. (K.S.A. 8-126(p); K.S.A. 8-1424)

Lien Holder. A person holding a security interest in a vehicle. (K.S.A. 8-1431)

Light Transmission. The ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing. (K.S.A. 8-1749b(b))

Light Weight Roadable Vehicle. A multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration. (K.S.A. 8-1496)

Local Authorities. The Kansas turnpike authority and every city, county and other local board or body having authority to adopt ordinances or regulations relating to vehicular traffic under the constitution and laws of this state. (K.S.A. 8-1432)

Low-Speed Vehicle. Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500. (K.S.A. 8-1488)

Luminous Reflectants. The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material. (K.S.A. 8-1749b(c))

Mail. To deposit in the United States mail properly addressed and with postage prepaid. (K.S.A. 8-1433)

Manufacturer. Every person engaged in the business of constructing or assembling vehicles of a type required to be registered in this state. (K.S.A. 8-1434)

Metal Tire. Every tire, the surface of which in contact with the highway, is wholly or partly of metal or other hard non-resilient material. (K.S.A. 8-1435)

Micro Utility Truck. 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 originally manufactured and is manufactured with a

metal cab. **Micro utility truck** does not include a work-site utility vehicle. (K.S.A.8-1494)

Motor Home. Every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use. (K.S.A. 8-1436)

Motor Vehicle. Every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled. (K.S.A. 8-1437; K.S.A. 8-126(v))

Motorcycle. Every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. (K.S.A. 8-1438)

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle. (K.S.A. 8-1439)

Motorized Bicycle. Every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has: (a) a motor which produces not more than 3.5 brake horsepower; (b) a cylinder capacity of not more than 130 cubic centimeters; (c) an automatic transmission; and (d) the capability of a maximum design speed of no more than 30 miles per hour except a low power cycle. (K.S.A. 8-1439a)

Motorized Skateboard. A self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

Motorized Wheelchair. Any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour. (K.S.A. 8-1439c)

Narrow Width Lane. A lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane. (K.S.A. 8-1590)

Nonreflective. A product or material designed to absorb light rather than to reflect it. (K.S.A. 8-1749b(d))

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. (K.S.A. 8-1484)

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks. (K.S.A. 8-1485)

Waste Collection Vehicle. A vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations. (K.S.A. 8-15,112(b))

Wide-Base Single Tires. All tires having a section width, as specified by the manufacturer, of 14 inches or more. (K.S.A. 8-1742b(a))

Wireless Communication Device. Any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. **Wireless communication device** does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function. (K.S.A. 8-15,111(a)(1))

Work-Site Utility Vehicle. Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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 truck. (K.S.A. 8-1493)

Wrecker or Tow Truck. Any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

Sec. 113. Stop When Traffic Obstructed. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (K.S.A. 8-1584)

Sec. 114. Snowmobile Operation Limited. No person shall operate a snowmobile on any controlled-access highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the governing body. (K.S.A. 8-1585)

Sec. 114.1. Unlawful Operation of All-Terrain Vehicle.

- (a) Except as provided in subsection (b), (c) or (d) it shall be unlawful for any person to operate an all-terrain vehicle:
 - (1) On any interstate highway, federal highway or state highway; or
 - (2) Within the corporate limits of any city unless authorized by such city.
- (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.
- (d) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:

- (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
- (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
- (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
- (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.

- (e) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,100)

{Editor's Note: If a city authorizes the operation of all-terrain vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

Sec. 114.2. Unlawful Operation of a Micro Utility Truck.

- (a) It shall be unlawful for any person to operate a micro utility truck:
- (1) On any interstate highway, federal highway, or state highway; or
 - (2) On any public highway or street within the corporate limits of any city unless authorized by such city.
- (b) No micro utility truck shall be operated on any public highway or street, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.
- (c) The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a federal or state highway. (K.S.A. 8-15,106)

Sec. 114.3. Unlawful Operation of Low-Speed Vehicle.

- (a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.
- (b) The provisions of subsection (a), shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour. (K.S.A. 8-15,101)

Sec. 114.4. Unlawful Operation of a Golf Cart.

- (a) It shall be unlawful for any person to operate a golf cart:
 - (1) On any interstate highway, federal highway, or state highway;
 - (2) On any public highway or street within the corporate limits of any city unless authorized by such city; or
 - (3) On any street or highway with a posted speed limit greater than 30 miles per hour.
- (b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.
- (c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with:
 - (1) Lights as required for motorcycles by Sections 183 through Section 188 of this ordinance; and
 - (2) A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto. (K.S.A. 8-15,108)

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway; or
 - (2) Within the corporate limits of any city unless authorized by such city.

- (b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
 - (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- (d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)

{**Editor's Note:** If a city authorizes the operation of work-site utility vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

Sec. 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older.

- (a) It shall be unlawful for any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion.