

ORDINANCE NO. 2086

AN ORDINANCE AUTHORIZING OPERATION OF GOLF CARTS, LOW SPEED VEHICLES, WORK-SITE UTILITY VEHICLES AND MICRO UTILITY TRUCKS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS SUBJECT TO SPECIFIC RESTRICTIONS AND REQUIREMENTS; PROVIDING FOR THE REPEAL OF PORTIONS OF ARTICLE 14, SECTION 114 OF THE STANDARD TRAFFIC ORDINANCE, AS AMENDED, REGULATING THE ABOVE-NAMED VEHICLES AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF EDGERTON, KANSAS:

Section 1. OPERATION OF A GOLF CART; PENALTY

(a) "Golf Cart" means any 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 twenty-five (25) miles per hour and is designed to carry not more than four persons including the driver.

(b) Golf Carts may be operated upon certain streets, roads and alleys within the corporate limits of the City subject to the terms and restrictions of Sections 5 and 6 of this Ordinance.

(c) A violation of this section shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 2. OPERATION OF A LOW-SPEED VEHICLE; PENALTY

(a) "Low-Speed Vehicle" means any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty (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.

(b) Low-Speed Vehicles may be operated upon certain streets, roads and alleys within the corporate limits of the City subject to the terms and restrictions of Sections 5 and 6 of this Ordinance.

(c) A violation of this section shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 3. OPERATION OF A WORK-SITE UTILITY VEHICLE; PENALTY

(a) "Work-site Utility Vehicle" means any motor vehicle which is not less than forty-eight (48) inches in width, has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more non-highway tires, a steering wheel and bench or bucket type seating allowing at least two (2) 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.

(b) Work-site Utility Vehicles may be operated upon certain streets, roads and alleys within the corporate limits of the City subject to the terms and restrictions of Sections 5 and 6 of this Ordinance.

(c) A violation of this section shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 4. OPERATION OF A MICRO UTILITY TRUCK; PENALTY

(a) "Micro Utility Truck" means any motor vehicle which is not less than forty-eight (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 forty (40) miles per hour as originally manufactured and is manufactured with a metal cab.

(b) Micro Utility Trucks may be operated upon certain streets, roads and alleys within the corporate limits of the City subject to the terms and restrictions of Sections 5 and 6 of this Ordinance.

(c) A violation of this section shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 5. DRIVER'S LICENSE REQUIRED; HOURS OF OPERATION; SEAT BELTS AND CHILD SAFETY SEATS; HEADLIGHTS, TAILLIGHTS AND MIRROR(S); PENALITIES

(a) No person shall operate any of the vehicles listed in Sections 1-4 above on any street, road or alley within the corporate limits of the City unless such person holds a valid driver's license without restriction.

(b) The vehicles listed in Sections 1-4 above shall only be operated within the corporate limits of the City between sunrise and sunset. Exceptions to the sunset requirement will be allowed on the nights of City sponsored events, in which case the vehicles listed in Sections 1-4 above shall be allowed to operate until midnight.

(c) All State of Kansas motor vehicle seat belt and child safety seat/booster seat regulations shall apply to occupants of any of the vehicles listed in Sections 1-4 above. This shall include the necessity of seat belts, regardless of whether they were factory installed.

(d) No person shall operate any of the vehicles listed in Sections 1-4 above on any street, road or alley within the corporate limits of the City unless such vehicle has headlights, taillights, brake lights, turn signals and at least one rear view mirror installed on the vehicle, regardless of whether such items were factory installed.

(e) A violation of this section shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 6. LIMITATION TO ROADS/STREETS WITH CERTAIN SPEED LIMITS; PERMITS; INSURANCE REQUIREMENTS

(a) Operation of any of the vehicles listed in Sections 1-4 above on any street, road or alley within the corporate limits of the City of Edgerton shall be limited to those streets with a speed limit of thirty-five miles per hour (35 mph) or less. It shall be a violation to operate any and all of those vehicles on any street/road which has a speed limit in excess of thirty-five miles per hour (35 mph).

(b) **Permit and Insurance:** No vehicle listed under this ordinance shall be operated within the corporate limits of the City without first having a permit issued by the City of Edgerton for operation of said vehicle. Permits are to be issued on an annual basis upon paying the permit fee. No permit shall be issued except upon proof of liability insurance for the vehicle in question. The City of Edgerton, by issuing a permit for operation of one of the above-mentioned vehicles, has verified that the owner has provided proof of insurance and the City assumes no further liability. Permits shall be prominently displayed on the rear of the vehicle, visible when being driven. Proof of valid insurance shall be carried and produced upon demand by a law enforcement officer.

(c) **Revocation and Appeal:** Any violation of this Ordinance may be cause for revocation of the City issued permit. Permits may be revoked for cause, effective immediately, by the City Administrator or an associated City official with notice provided to the owner/operator/dealer at the address provided in the permit application in writing within a reasonable amount of time.

(d) A permit that has been revoked by the City may be appealed to the Governing Body of the City of Edgerton by filing a written appeal with the City Clerk within five (5) business days of the date of the written notice of revocation. The Governing Body may choose to hear or refuse to hear the appeal. If the Governing Body chooses to hear the appeal, they may sustain the revocation, rescind and reissue the permit or reissue a permit with restrictions.

(e) **Application:** The "Unconventional Vehicle Permit Application" must be completed by Owner/Operator, who must:

- (1) Complete an "Unconventional Vehicle Permit Application" with the City of Edgerton for each such vehicle.
- (2) Attach a copy of Proof of Insurance for the vehicle.
- (3) Agree to obey all sections of this Ordinance, of which they will be provided a copy.
- (4) Pay the associated fee for each permit, as determined by the City of Edgerton Fee Resolution. Permit(s) will last for the calendar year and will be renewable annually with the permit application and fee paid on or before January 15th.

Section 7. ROADWAYS LANED FOR TRAFFIC

(a) All vehicles listed in this Ordinance are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any listed vehicle of the full use of a lane.

(b) The operator of a listed vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a listed vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

Section 8. DEFINITIONS OF VEHICLES SUBJECT TO AMENDMENT

The definitions of the vehicles described in Sections 1-4 above are as specifically described in the 47th Edition of the Standard Traffic Ordinance for Kansas Cities. The terms of this Ordinance, and the continued definitions of those vehicles, shall be as described in the most recently published edition of the Standard Traffic Ordinance for Kansas Cities, as amended and as adopted by the City.

Section 9. PENALTIES

A violation of any provision of this Ordinance shall be deemed a 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 Article 20, Section 201, of the Standard Traffic Ordinance, as amended, or similar provisions as the City may then have in effect.

Section 10. REPEAL

All prior ordinances in conflict herewith are hereby repealed.

Section 11. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED BY the City Council and signed by the Mayor on this 22nd day of July, 2021.

/s/ _____
DONALD ROBERTS, Mayor

ATTEST:

/s/ _____
ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

/s/ _____
LEE W. HENDRICKS, City Attorney