

ORDINANCE NO. 1041

**Amending a section of Code of Ordinances, Chapter 14, Article 2; § 14-204
(Prior ordinance No. 981)**

**AN ORDINANCE AMENDING SPECIAL USE VEHICLES PERMITTED TO BE
DRIVEN UPON THE STREETS OF THE CITY; PRESCRIBING THE TERMS
AND CONDITIONS OF AND FOR SUCH DRIVING; REPEALING AND
REPLACING ORDINANCE NO. 981**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SMITH CENTER, KANSAS:

Section 1. DEFINITIONS: For purposes of this ordinance, the terms “golf cart,” “all-terrain vehicle,” “work-site utility vehicle,” and “micro utility truck,” shall have the same meaning as set forth in K.S.A. 8-126, as amended, and shall hereinafter be abbreviated as GC, WUV, and MUT, respectively, and shall collectively be referred to as “special-use vehicles” (SUV).

A “utility task vehicle” (UTV), a commercially manufactured vehicle used for work or recreation, often called an SxS or side-by-side, equipped with; a cabin or bars for added protection, a steering wheel and foot pedals, four or more wheels, and typically include additional safety features such as seat belts, a windshield, and/or a roll cage. A UTV shall be included as a hereinafter referred to SUV.

A “sport all-terrain vehicle” (SATV) is an ATV with a dry weight of 1,000 pounds or less, with four (4) wheels and manufactured and equipped with some or all of the following: high fenders, no driving lights, no turn signals, no brake lights, no rack, loud exhaust or no muffler(s) and two-wheel drive. For purposes of this ordinance, a “sport all-terrain vehicle” nor an “all-terrain vehicle” (ATV) shall not be considered a “special use vehicle.”

Section 2. OPERATION PROHIBITED; EXCEPTIONS. No SATV or ATV may be operated on the streets and alleys of the City. No SUV may be operated on the streets and alleys of the City except upon the following terms, conditions and requirements:

- a.) A SUV may only be operated upon the streets and alleys of the City by persons 18 years of age or older holding a valid drivers license issued by the State of Kansas or another state, and if such drivers license is subject to restrictions, limited use provisions or other conditions limiting such driving privileges, such special-use vehicle may only be operated in the City in accordance with such restrictions, limited use provisions or other terms and conditions.
- b.) Every SUV being operated within the City shall be equipped with a bicycle safety flag which extends not less than 5 feet above the ground and is attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow orange in color.
- c.) No SUV shall be operated upon the streets or alleys of the City unless covered with a policy of liability insurance insuring said vehicle and the driver thereof while being operated upon a City street or alley as required in Sec. 200 of the 2021 Standard Traffic Ordinance, and amendments thereto. The owner or driver operating such special-use vehicle in the City shall provide proof of insurance at the time of each registration of such SUV as hereinafter required or within 72 hours of a request for such proof by a City law enforcement officer.

d.) Unless being used in a parade authorized by the City, no SUV shall be operated upon the streets and alleys of the City until such vehicle has been registered with the City. Such registrations shall be handled by the Clerk or Treasurer of the City. The application for registration shall contain the name and address of the owner, the make, model, year and serial number, if available, of the SUV, and such other information as required by said Clerk or Treasurer. The application shall be signed by the owner or owner's spouse. The fee for such registration shall be \$25.00 each year, and such registration shall be renewed each succeeding January. The full amount of the registration fee shall be due regardless of the time of the year when the registration is issued. The registration shall not be transferrable, and if the registered vehicle is sold or exchanged, its registration is automatically revoked. At the time of initial registration of such vehicle, said Clerk or Treasurer shall issue a registration decal, tag or other indicia of registration as may be selected by the Clerk or Treasurer, which indicia of registration shall be prominently and visibly displayed on the rear of the SUV. Should such indicia of registration be lost or become illegible, the owner shall obtain a replacement therefor, which shall be issued upon payment of a reasonable charge as determined by the Treasurer. A copy of this Ordinance shall be offered to the registrant each time the SUV is registered.

Any ATV currently registered with the City under prior ordinance 981, shall be allowed to operate under those terms until the expiration of said registration. ATV's will not be allowed to be registered after publication of this ordinance.

e) Operation of a SUV within the City shall be subject to all of the provisions of the Uniform Traffic Code in effect in the City at the time of such operation, and violators shall be subject to the fines and other punishments prescribed thereunder. Citations for violation of such traffic laws shall be issued upon the same form and in the same manner, as used to charge violation of such ordinance by operators of other motor vehicles.

f) No such SUV may be operated upon any State or Federal Highway within the limits of said City at any time; *provided, however*, that a SUV may cross any such State or Federal Highway perpendicular to said Highway but only at places where City streets intersect said Highway.

g) A SUV is entitled to the full use of a lane of traffic, and no other vehicle shall be driven in such a manner as to deprive a SUV of the full use of a lane.

h) The operator of a SUV shall not overtake and pass another vehicle in the same lane being occupied by the vehicle being overtaken.

i) No person shall operate a SUV between lanes of traffic or between adjacent rows or lines of vehicles.

k) No person riding upon a SUV shall attach any such rider, or the SUV itself, to any other vehicle while the SUV is being operated on a street or alley in the City. No person operating a SUV shall permit any person to attach herself/himself, of the purpose of towing such person, to the SUV.

l) No person shall operate a SUV while carrying any package, bundle, cell phone or other object that prevents the operator from keeping both hands on the steering wheel, handlebars or other steering mechanism.

n) Operation of a UTV, WUV, or MUT shall be subject to the following special terms and conditions:

1. A UTV, WUV, or MUT may be operated on any such street or alley only during the hours between sunrise and sunset, unless the WUV or MUT complies

with the equipment requirements set forth in Article 17 of Chapter 8 of K.S.A., and amendments thereto.

2. Passengers may ride in or on a UTV, WUV, or MUT only if said UTV, WUV, or MUT is designed to carry passengers and then only while seated in regular seating firmly and permanently attached to the UTV, WUV, or MUT.

3. No person under the age of 18 years may ride on any UTV, WUV, or MUT unless wearing a helmet that complies with the requirements of the National Highway Traffic Safety Administration, unless the UTV, WUV, or MUT is equipped with a roll bar and seat belts, and such seat belts are buckled and being used as designed by the occupants under 18 years of age.

4. No person shall operate or ride on a UTV, WUV, or MUT unless such person is wearing protective glasses, goggles, or transparent face shields that are shatter proof and impact resistant, unless the UTV, WUV, or MUT is equipped with a shatter proof and impact resistant windscreen or windshield which adequately protects the heads and necks of the occupants.

o) Operation of a golf cart (GC) shall be subject to the following special terms and conditions:

1. A GC may be operated upon said streets and alleys only during the hours between sunrise and sunset.

2. Passengers may ride in or on a GC only if said GC is designed to carry passengers and then only while seated in regular seating firmly and permanently attached to the GC.

3. No person under the age of 18 years may ride on any GC unless wearing a helmet that complies with the requirements of the National Highway Traffic Safety Administration, unless the GC is equipped with a roll bar and seat belts, and such seat belts are buckled and being used as designed by the occupants under 18 years of age.

4. No person shall operate or ride on a GC unless such person is wearing protective glasses, goggles, or transparent face shields that are shatter proof and impact resistant, unless the GC is equipped with a shatter proof and impact resistant windscreen or windshield which adequately protects the heads and necks of the occupants.

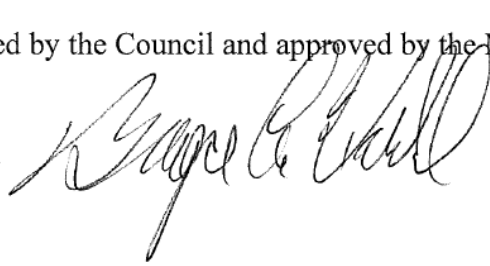
Section 3. CITY EMPLOYEES; EXCEPTION. Nothing in this Ordinance shall prohibit any City employee from operating or riding upon a SUV owned, leased or borrowed by the City, while such employee is engaged in the performance of their duties for the City.

Section 4. FINES AND PENALTIES. Violation of any of the provisions Ordinance shall constitute a misdemeanor and upon conviction, shall be punished by a fine of at least \$50.00, but not to exceed \$100.00. A second conviction of such violation shall be punished by a fine of at least \$100.00, but not to exceed \$250.00, and, in addition, the municipal judge may suspend the defendant's privileges to operate a special-use vehicle on the streets and alleys of City for a period of up to one (1) year. A third conviction of the violation of this ordinance shall result in a fine of at least \$500.00, but not to exceed \$1,000.00, and, in addition, the defendant's privileges to operate a special-use vehicle upon the streets and alleys of the City shall be permanently revoked. Each day or separate occasion a person operates a special-use vehicle in violation of this ordinance shall be considered as a separate offense.

This ordinance will be in full force from and after its publication in the official city paper, unless one or more interested parties file a written protest before expiration of such time.

Passed by the Council and approved by the Mayor this 12th day of Dec., 2022.

Bryce Wiehl
Mayor

A large, stylized handwritten signature in black ink, likely belonging to Bryce Wiehl, the Mayor.

ATTEST:

Jill Conaway
City Clerk

Passed: December 12, 2022

Effective: