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**THE CITY OF GARDEN PLAIN, KANSAS**

**ORDINANCE NO 755**

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN PLAIN, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 48<sup>TH</sup> EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING ORDINANCE NUMBER 733 AND ALL OTHER CONFLICTING ORDINANCES.**

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

**Section 1. Incorporating Standard Traffic Ordinance.**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Garden Plain, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities 48<sup>th</sup> Edition", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Standard Traffic Ordinance shall be marked "Official Copy as adopted by Ordinance No 755" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**Section 2. Revisions to Standard Traffic Ordinance.**

Section 114.4 and Section 114.5 of the Standard Traffic Ordinance for Kansas Cities 48<sup>th</sup> Edition are hereby omitted and the following revisions substituted in their place:

**(a) Work-Site Utility Vehicles.**

(1) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas.

(2) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for

motorcycles. No work-site utility vehicle shall be operated on any interstate highway, federal highway, or state highway.

(3) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the City of Garden Plain, Kansas shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

**(b) Golf Carts.**

(1) Golf carts may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the City of Garden Plain, Kansas; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.

(2) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(3) Every person operating a golf cart on the public highways, streets, roads and alleys of the City of Garden Plain, Kansas shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

**(c) Valid Drivers' License Required; Penalty.** No person under the age of 16 years old shall operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas. No person shall operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas without a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

**(d) Definitions.**

(1) "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 truck.

(2) "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 originally

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

(3) "Golf Cart" means 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 operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

(e) Penalty. A violation of this Ordinance 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 Section 201 of the 48<sup>th</sup> Edition of the Standard Traffic Ordinance, and amendments thereto.

(f) Display of Slow-moving Vehicle Emblem.

(1) It shall be illegal to operate a work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.

(2) For purposes of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(3) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(g) Insurance Required; Penalty.

(1) Every owner of a work-site utility vehicle or golf cart operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain Kansas shall provide liability coverage in accordance with Section 200 of the 48<sup>th</sup> Edition of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et. seq., and amendments thereto.

(2) All provisions of Section 200 of the 48<sup>th</sup> Edition of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles and golf carts operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas.

(h) Registration and License; Fee; Application; Inspection; Penalty.

Before operating any work-site utility vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Garden Plain, Kansas, the vehicle shall be registered with the City of Garden Plain, Kansas, upon inspection by its city staff, 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). Proof of insurance, as required in Section (g), shall be furnished at the time of application for registration. The annual registration shall be renewable on January 1<sup>st</sup> of each year. The annual registration for a work-site utility vehicle or golf cart to be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Garden Plain, Kansas shall be \$30.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferrable.

### **Section 3. Traffic Infractions and Traffic Offenses.**

(a) An ordinance traffic infraction is a violation of any section of this Ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. supp. 8-2118.

(b) All traffic violations which are included within this Ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

### **Section 4. Penalty for Scheduled Fines.**

The fine for violation of an ordinance, traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than \$10.0 or more than \$500.00. a person tried and convicted for a violation of an ordinance, traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$500.00. A person tried and convicted for violation of an ordinance, traffic infraction or other traffic offense for which no fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$2500.00.

### **Section 5. Repeal.**

This ordinance repeals City of Garden Plain Ordinance No 733 and all previous ordinances conflicting herewith.

### **Section 6. Effective Date.**

This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

Passed and approved by the Governing Body of the City of Garden Plain, Kansas, this 1<sup>st</sup> day of September, 2021.

Approved by the Mayor this 1<sup>st</sup> day of September, 2021.

Kevin Hammond

Kevin Hammond, Mayor

ATTEST:

Kimberly C McCormick

Kimberly C McCormick, City Clerk



