

A CHARTER ORDINANCE EXEMPTING THE CITY OF GARDEN PLAIN, KANSAS, A CITY OF THE THIRD CLASS, FROM CERTAIN PROVISIONS OF THE KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE AND ADDITIONAL REGULATIONS GOVERNING THE OPERATION OF ELECTRIC VEHICLES WITHIN THE CITY.

WHEREAS, Article 12, Section 5(c) of the Constitution of the State of Kansas authorizes cities to exempt themselves by charter ordinance from enactments of the legislature applicable uniformly to all cities; and

WHEREAS, the governing body of the City of Garden Plain, Kansas, finds it necessary to establish regulations promoting the safe operation of electric vehicles within the city limits;

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

SECTION 1. DEFINITIONS.

For purposes of this Charter Ordinance, the following terms shall have the meanings set forth below:

(a) “Electric Vehicle” means an Electric Scooter or an Electric Bicycle.

(b) “Electric Scooter” means every self-propelled vehicle, other than an electric-assisted bicycle, that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

(c) “Electric Bicycle” means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(i) “Class 1 electric bicycle” means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

(ii) “class 2 electric bicycle” means an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

(iii) “class 3 electric bicycle” means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(iv) “class 4 electric bicycle” means a bicycle with two or three wheels, a saddle, an electric motor of less than 750 watts that is controlled by a throttle.

(d) “Parent or Legal Guardian” means a person having legal custody, care, supervision, or control of a minor.

SECTION 2. OPERATORS UNDER TEN YEARS OF AGE.

Any person under ten (10) years of age operating an Electric Vehicle within the city shall:

- (a) Wear a properly fitted helmet;
- (b) Wear such other personal protective equipment as may reasonably be necessary for safe operation;
- (c) Only one rider per Electric Vehicle;
- (d) Be accompanied by a Parent or Legal Guardian; and
- (e) Obey all applicable traffic laws and regulations.

SECTION 3. OPERATORS AGED TEN THROUGH SIXTEEN.

Any person who is at least ten (10) years of age and not more than sixteen (16) years of age operating an Electric Vehicle within the city shall:

- (a) Wear a properly fitted helmet;
- (b) Only one rider per Electric Vehicle;
- (c) Wear such other personal protective equipment as may reasonably be necessary for safe operation; and
- (d) Obey all applicable traffic laws and regulations.

SECTION 4. VIOLATION OF SECTION 2 AND 3.

It shall be unlawful for a Parent or Legal Guardian of a person under ten years of age or a person aged ten years through sixteen years, to be in violation of Section 2 or Section 3.

SECTION 5. PENALTY FOR VIOLATION BY PERSON UNDER TEN YEARS OF AGE.

A violation of Section 2 of this Charter Ordinance shall result in the issuance of a citation to the Parent or Legal Guardian of the person operating the Electric Vehicle. Such violation shall be an unclassified misdemeanor punishable as provided by the City Code and applicable law.

SECTION 6. PENALTY FOR VIOLATION BY PERSON AGED TEN THROUGH SIXTEEN.

A violation of Section 3 of this Charter Ordinance shall result in the issuance of a citation to the parent or legal guardian of the person operating the Electric Vehicle. Such violation shall be an unclassified misdemeanor punishable as provided by the City Code and applicable law.

SECTION 7. ENFORCEMENT.

Law enforcement officers of the City are authorized to enforce the provisions of this Charter Ordinance and issue citations for violations thereof.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Charter Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Charter Ordinance.

SECTION 9. EFFECTIVE DATE.

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

PASSED AND APPROVED by the Governing Body of the City of Garden Plain, Kansas on this 5th Day of August 2026.



ATTEST:

Kimberly McCormick
Kimberly McCormick, City Clerk

Kevin Hammond
Kevin Hammond, Mayor