**ARTICLE 5. MICRO UTILITY TRUCKS, ATV AND GOLF CARTS.**

**14-501.      Definitions.**

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a)   All-terrain vehicle means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, and having a seat to be straddled by the operator. As used in this subsection, “nonhighway tire” means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b)   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.

(c)   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.

(d)   Slow-moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(e)   Special purpose vehicle means all-terrain vehicle, golf cart, micro utility truck and work-site utility vehicle, either individually or collectively.

(f)   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.

(Ord. 2009-10; Code 2015)

**14-502.      Operations of special purpose vehicles on city streets, special conditions and restrictions of operations.**

(a)   All-terrain vehicles shall not be operated upon public highways, streets, roads and alleys within the corporate limits of the city of Ellinwood, Kansas.

(b)   Golf carts may be operated upon public highways, streets, road and alley within the corporate limits of the city.

(1)   No golf cart may be operated upon any public highways, streets, roads and alleys with a posted speed limit in excess of 30 miles per hour.

(2)   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 with a posted speed limit greater than 30 miles per hour.

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

(4)   It shall be illegal to operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle; the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(c)   Micro utility trucks may be operated upon public highways, streets, roads and alleys within the corporate limits of the city.

(1)   No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(2)   No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

(d)   Work-site utility vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city.

(1)   Work-site utility vehicles shall only be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city when the operator of said vehicle is traveling to an employment related work-site by the most direct route.

(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.

(3)   No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.

(4)   It shall be illegal to operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle; the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(Ord. 2009-10; Code 2015)

**14-503.      Same: valid driver’s license required; penalty; duties and responsibilities.**

(a)   No person shall operate a special purpose vehicle on any public highway, street, roads or alley within the corporate limits of the city unless such person has 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.

(b)   Every person operating a work-site utility vehicle on the public highways, streets, road and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(Ord. 2009-10; Code 2015)

**14-504.      Same; insurance required; penalty.**

(a)   Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 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 upon registration of said vehicle. Registration shall not occur without proof of said insurance. Thereafter, it will be the responsibility of the owner to continue carrying said insurance.

(b)   All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

(Ord. 2009-10; Ord. 2011-2; Code 2015)

**14-505.      Same; registration and license; fee; application; inspection; penalty.**

(a)   Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and a license shall be obtained and placed on the vehicle. The license fee shall be five dollars ($5.00), payable in advance to the city clerk. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(b)   Application for registration of a special purpose vehicle shall be made by the owner, or owner’s agent, in the office of the city clerk. 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, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required tin Section 14-504 shall be furnished at the time of application for registration.

(c)   After establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the vehicle. The license number on the application will be recorded and then filed in the police department.

(d)   It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.

(e)   The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f)   In the event a license is lost or destroyed, the city clerk shall issue a new license in accordance with the provisions of the section for no additional fee.

(g)   The license shall remain in full force and affect so long as the owner owns the vehicle.

(h)   It shall be unlawful for any person to:

(1)   Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the city for the current registration year.

(2)   Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license, or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not more than $500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

(3)   Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4)   Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(5)   Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

(6)   Except as otherwise may be provided herein, any person convicted of a violation of any of the provisions of this article, shall for the first conviction thereof be punished by a fine of not more than $250.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than $500.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than $1,000 and/or a jail term of not more than 30 days.

(Ord. 2009-10; Ord. 2011-2; Code 2015)

**14-506.      Penalty.**

Unless specifically provided for herein, a violation of this article 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 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(Ord. 2009-10; Code 2015)