

CITY OF



WASHINGTON

301 C Street, P.O. Box 296, Washington, KS 66968

ATV/GOLF CART/WORK-SITE UTILITY/MICRO-UTILITY TRUCK

RULES & REGULATIONS

Chapter 15, Article 2, Sections 15-206 through 15-214

15-206 Section 1. ALL TERRAIN VEHICLES. Said ordinance is established for the purpose of clearly defining the conditions, limitations and exceptions regarding the use of All-Terrain Vehicles on City Streets within the Corporate Limits of the City of Washington, Kansas.

Section 2. DEFINITIONS. As used herein, the following terms shall be defined as follows:

a. All-Terrain Vehicle. Any motorized non-highway vehicle 45 inches or less in width, having a dry weight of 650 pounds or less, traveling on three or more low-pressure tires, and having a seat to be straddled by the operator. As used in this subsection, "low pressure tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

b. Motor Vehicle. Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

c. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 3. RULES AND REGULATIONS.

(a) It is unlawful for any person to operate an All-terrain vehicle on any interstate highway, federal highway or state highway.

(b) No All-terrain vehicle shall be operated on any street in this City between sunrise and sunset unless a fully operating headlight is on at all times. No All-terrain vehicle shall be operated on any street in this City between sunset and sunrise.

(c) No person under the age of 18 years shall operate or ride upon an All-Terrain Vehicle unless wearing a helmet which complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

(d) No person, except those expressly exempted, shall drive or operate any All-Terrain vehicle upon any street in this city unless such person has a valid driver's license. Any person under the age of sixteen (16) that does not have a driver's license, solely due to the fact that they are not eligible for the same as a result of their age may operate an All-Terrain vehicle so long as such operation is with their parent or legal guardian. The parent or guardian must either be a passenger on the same All-Terrain vehicle or within 15 feet of All-Terrain vehicle driven by the non-licensed operator.

- (e) No person shall authorize or knowingly permit a motor vehicle owned by him or her or under such person's control to be driven upon any street in this City by any person who has no legal right to do so, or who does not have a valid driver's license.
- (f) No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any street when such minor person is not authorized under the laws of Kansas to drive a vehicle.
- (g) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 et seq., for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided in K.S.A. Supp. 40-3104 (f) or is otherwise expressly exempted under the laws of this state.
- (h) No all-terrain vehicle shall be operated on any street in this City absent an orange identification flag that is located at least four feet off the ground and such flag is at least ten inches from top to bottom and 12 inches in length.

Section 4. EXCLUSIONS. Go-carts, riding lawnmowers, and any other motorized apparatus other than those defined herein remain expressly prohibited from use on city streets.

Section 5. REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY:

(a) Before operating any all-terrain vehicle on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the all-terrain vehicle. The license fee shall be twenty dollars (\$20.00) per calendar year, 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 an all-terrain 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 in Section 3(g), shall be furnished at the time of application for registration.

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

(d) 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.

(e) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee and the payment of a fee of ten dollars (\$10.00), shall issue a new license in accordance with the provisions of this section.

(f) 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 all-terrain vehicle, as defined herein, 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 less than \$100.00 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 all-terrain 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 all-terrain vehicle not lawfully issued for such vehicle.

(6) Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; 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 \$1000.00.

Section 6. VIOLATIONS. Anyone violating any of the provisions stated above shall be subject to penalties as stated in 15-205 of the Washington City code and/or the Standard Traffic Ordinance section that may be applicable to such specific violation.

15-207 OPERATION OF WORK-SITE UTILITY VEHICLES; PENALTY. (Ord. 729, Jan. 5, 2009)

- (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) "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.
- (c) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated.
- (d) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.
- (e) A violation of this section 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, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

15-208 SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility vehicle on any public highway, street, road 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.

15-209 REGISTRATION AND LICENSE; FEE; INSURANCE; APPLICATION; PENALTY:

(a) Before operating any work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the work-site utility vehicle. The license fee shall be twenty dollars (\$20.00) per calendar year, 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 work-site utility 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). Every owner of a work-site utility vehicle shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto, and said proof shall be required upon registration.

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

(d) 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.

(e) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee and the payment of a fee of ten dollars (\$10.00), shall issue a new license in accordance with the provisions of this section.

(f) 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 work-site utility vehicle, as defined herein, 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 less than \$100.00 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 work-site utility 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 work-site utility vehicle not lawfully issued for such vehicle.

(6) Operate a work-site utility vehicle on any street in this City absent an orange identification flag that is located at least four feet off the ground and such flag is at least ten inches from top to bottom and 12 inches in length. (Ord. 781, 9-2-2014)

(7) Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; 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 \$1000.00.

15-210 OPERATION OF MICRO UTILITY TRUCKS; PENALTY.

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

(b) "Micro Utility Trucks" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 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.

(c) No micro utility truck shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated.

(d) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(e) A violation of this section 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, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

15-211 SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a micro utility truck on any public highway, street, road 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.

15-212 REGISTRATION AND LICENSE; FEE; INSURANCE; APPLICATION; PENALTY:

(a) Before operating any micro utility truck on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the micro utility truck. The license fee shall be twenty dollars (\$20.00) per calendar year, 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 micro utility truck 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). Every owner of a micro utility truck shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto, and said proof shall be required upon registration.

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

(d) 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.

(e) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee and the payment of a fee of ten dollars (\$10.00), shall issue a new license in accordance with the provisions of this section.

(f) 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 micro utility truck, as defined herein, 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 less than \$100.00 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 work-site utility 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 work-site utility vehicle not lawfully issued for such vehicle.

(6) Operate a micro utility truck on any street in this City absent an orange identification flag that is located at least four feet off the ground and such flag is at least ten inches from top to bottom and 12 inches in length. (Ord. 781, 9-2-2014)

(7) Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; 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 \$1000.00.

15-213 REPEALER. Section 114.2 of the 2008 Standard Traffic Ordinance as adopted by the City in Ordinance No. 728, is hereby repealed.

15-214 GOLF CARTS.

Section 1. DEFINITION.

“Golf Cart” shall mean 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.

“Golf Cart Dealer” shall mean every person actively engaged in the business of buying, selling, or exchanging new or used golf carts, as defined above, and who has an established place of business within the corporate limits of the City of Washington, Kansas. (Or. 775)

Section 2. OPERATION OF GOLF CARTS.

(a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; 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.

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

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

(d) No person shall operate a golf cart that is carrying more persons than there are allotted passenger seats.

Section 3. VALID DRIVER’S LICENSE REQUIRED.

No person shall operate a golf cart on any public highway, street, road 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.

Section 4. DISPLAY OF IDENTIFICATION FLAG.

No golf cart shall be operated on any street in this City absent an orange identification flag that is located at least 2 feet above the roof of the cab of the golf cart and at least 10 inches from top to bottom and is at least 12 inches in length.

Section 5. INSURANCE REQUIRED.

(a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 6: REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY:

(a) Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the golf cart. The license fee shall be twenty dollars (\$20.00) per calendar year, 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. Provided, however, that any Golf Cart Dealer shall not be required to obtain a license for every golf cart said dealer owns for the purpose of buying, selling, or exchanging said golf carts, but instead shall pay a registration fee of thirty dollars (\$30.00) per calendar year, and obtain a license that is transferable to each golf cart said dealer owns for the purpose of buying, selling or exchanging. No golf cart owned by a dealer shall be operated on the city streets absent a license affixed thereto.

(b) Application for registration of a golf cart 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 in Section 5, shall be furnished at the time of application for registration.

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

(d) Except in the event of a license issued to a Golf Cart Dealer for the purpose of buying, selling or exchanging new or used golf carts, the license issued hereunder is not transferable. 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.

(e) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee and the payment of a fee of ten dollars (\$10.00), shall issue a new license in accordance with the provisions of this section.

(f) 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 golf cart, as defined herein, 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 less than \$100.00 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 golf cart. 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 golf cart not lawfully issued for such vehicle.

(6) Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; 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 \$1000.00.

Section 7. PENALTY.

Unless specifically provided herein, a violation of this section 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, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 8. REPEALER.

Section 114.4 of the 2011 Standard Traffic Ordinance, as adopted by Ordinance No. 752 is hereby repealed.