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ORDINANCE NO. 709

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WASHINGTON, KANSAS; CHAPTER XV TRAFFIC BY CREATING CERTAIN CONDITIONS, LIMITATIONS AND EXCEPTIONS FOR THE USE OF ALL-TERRAIN VEHICLES ON CITY STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, KANSAS.

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

Section 1. Title and purpose- This ordinance shall be inserted into the City code of the City of Washington and be codified at Section 15-206 and Shall be known as ALL-TERRIAN 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 eighteen (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.

Notwithstanding any Standard Traffic Ordinance to the contrary, it shall not be necessary to register or tag an All-terrain vehicle prior to operating the same within the City of Washington. Provided, however; that each such operator shall be able to provide proof of ownership and/or authorization for the use of such All-terrain vehicle upon request from law enforcement.

Section 4. Exclusions- Nothing in this ordinance shall allow the use of golf carts, go-carts, riding lawnmowers or any other motorized apparatus other than as defined as an All-Terrain vehicle herein and the same remain expressly prohibited.

Section 5. 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.

Section 6. Effective Date- This ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED by the City Council this 4th day of June, 2007.

Harold H. Jones, Jr., Mayor

ATTEST: _____
Denise M. Powell, City Clerk