

(Summary published in the Washington County News Thursday, September 13, 2012)

ORDINANCE NO. 761

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR THE REPEAL OF SECTION 114.4 OF THE 2011 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 752; AND AMENDING CERTAIN SECTIONS OF CHAPTER 15 TRAFFIC, ARTICLE 2 LOCAL TRAFFIC REGULATIONS.

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

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.

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.

(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) 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 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. CODIFICATION.

This ordinance shall be codified at Chapter 15 Article II of the Code of the City of Washington, Kansas, and shall be known as GOLF CARTS.

Section 9. REPEALER.

Section 114.4 of the 2011 Standard Traffic Ordinance, as adopted by Ordinance No. 752 is hereby repealed.

Section 10. AMENDMENT.

Chapter 15 Traffic, Article 15-206 All Terrain Vehicles, Section 4 Exclusions, shall be amended to remove golf carts from being prohibited within the City of Washington, and shall read as follows:

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 11. AMENDMENT

Chapter 15 Traffic, Article 15-206 All Terrain Vehicles, Section 3 RULES AND REGULATIONS, subsection (i) shall be deleted in its entirety. Section 5. VIOLATIONS shall be changed to Section 6. VIOLATIONS, and a new Section 5 shall be added to read as follows:

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 12. AMENDMENT.

Chapter 15 Traffic, Article 15-209 shall be amended to read as follows:

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) 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 13. AMENDMENT.

Chapter 15 Traffic, Article 15-212 shall be amended to read as follows:

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) 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 14. PUBLICATION; 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 September, 2012.

Ryan Kern, Council President

ATTEST:

Denise Powell, City Clerk

(SEAL)