

AN ORDINANCE CONCERNING THE OPERATION OF UTILITY VEHICLES, MICRO UTILITY TRUCKS AND ALL TERRAIN VEHICLES ON CITY STREETS

Be it ordained by the Governing Body of the City of GRAINFIELD, Kansas:

A. Operation Of Work-Site Utility Vehicles, Micro Utility Trucks and All-Terrain Vehicles:

1. Work-site utility vehicles, micro utility trucks and all-terrain vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city. No work-site utility vehicle, micro utility truck or all-terrain vehicle shall be operated on any interstate highway, federal highway, or state highway; provided, however, that the provisions of this subsection shall not prohibit crossing a federal or state highway.

2. No work-site utility vehicle or all-terrain vehicle shall be operated on any public highway, street, road, or alley within the corporate city limits unless such work-site utility vehicle or all-terrain vehicle complies with or exceeds the equipment requirements for motorcycles under article 18 of chapter 8 of the Kansas Statutes Annotated. No Micro Utility Truck shall be operated on any public highway, street, road, or alley within the corporate city limits unless such truck complies with equipment requirements under article 17 of chapter 8 of the Kansas Statutes Annotated.

3. Every person operating a work-site utility vehicle, micro utility truck or all-terrain 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.

4. All Work-site utility vehicles, micro utility trucks and all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two abreast in a single lane. Work-site utility vehicles, micro utility trucks and all-terrain vehicles shall not overtake and pass in the same lane occupied by the vehicle being overtaken. No person shall operate a work-site utility vehicle, micro utility truck, or an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles. All-terrain vehicles shall not be operated more than two abreast in a single lane.

5. A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

6. A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

7. No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

8. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

B. Valid Driver's License Required; Penalty: No person shall operate a work-site utility vehicle, micro utility truck or all-terrain 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 one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

C. Definitions:

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| ALL-TERRAIN VEHICLE:       | Any motorized non-highway vehicle fifty inches (50") or less in width, having a dry weight of one thousand five hundred (1,500) pounds or less, traveling on four non-highway tires, and having a seat to be straddled by the operator. As used in this subsection, "non-highway tire" means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of fourteen inches (14") or less.                                            |
| MICRO UTILITY TRUCK:       | Any motor vehicle which is not less than forty eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred sixty inches (160"), has an unladen weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (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.               |
| WORK-SITE UTILITY VEHICLE: | Any motor vehicle which is not less than forty eight inches (48") in width, has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more non-highway tires, a steering wheel and bench or bucket-type seating allowing at least two (2) 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. |

D. Penalty: Unless specifically provided for 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, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

E. Insurance Required; Penalty:

1. Every owner of a work-site utility vehicle, micro utility truck or all-terrain 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.

2. 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 work-site utility vehicles, micro utility trucks and all-terrain vehicles.

F. Registration And License; Fee; Application; Inspection; Penalty:

1. Before operating any work-site utility vehicle, micro utility truck or 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 of Grainfield and a license plate shall be obtained and placed on the work-site utility vehicle, micro utility truck or all-terrain vehicle. The initial license fee shall be twenty-five dollars (\$25.00) followed by five dollars (\$5.00) for a renewal per calendar year, payable in advance to the City of Grainfield. The full amount of the license fee shall be required regardless of the time of year that the application is made.

2. Application for registration of a work-site utility vehicle, micro utility truck or all-terrain vehicle shall be made by the owner, or owner's agent, at the Grainfield City Building. 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 subsection E shall be furnished at the time of application for registration.

3. Prior to the issuance of the registration and plate, each applicant for a work-site utility vehicle, micro utility truck or all-terrain vehicle license plate shall first present such vehicle for an official inspection. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license plate shall be issued to the owner who shall attach it to the vehicle. The license plate shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license plate number on the application will be recorded and then filed.

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

5. The license plate 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 plate and the right to use the numbered license plate shall expire, and the license plate shall be removed by the owner. It is unlawful for any person other than the person to whom the license plate was originally issued to have the same in his possession.

6. In the event a license plate is lost or destroyed, the City of Grainfield, upon proper showing by the licensee and the payment of a fee of twenty-five (\$25.00), shall issue a new license in accordance with the provisions of this section.

7. It shall be unlawful for any person to:

a. 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, micro utility truck or all-terrain vehicle, as defined herein, which is not registered and which does not have attached thereto and displayed thereon the license plate assigned thereto by the city for the current registration year.

b. Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license plate or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection shall constitute an unclassified misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

c. 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.

d. 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, micro utility truck or all-terrain

vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

e. Carry or display a registered number plate or plates or registration decal upon any work-site utility vehicle, micro utility truck or all-terrain vehicle not lawfully issued for such vehicle.

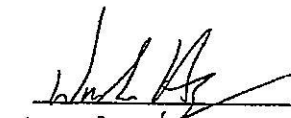
f. Any person convicted of a violation of any of the provisions of it, shall for the first conviction thereof be punished by a fine of not more than one hundred dollar (\$100.00); for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00); 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 three thousand dollars (\$3,000.00).

Passed and approved by the Governing Body of the City of Grainfield, Kansas this 13 day of November 2023.

Approved and signed by the Mayor this 13 day of November 2023.

  
Mayor Harvey Neier

ATTEST:

 Wade Harvey  
Grainfield City, Clerk

(SEAL)