

## ORDINANCE NO. 1343

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF GIRARD, KANSAS BY ADDING ARTICLE 6 SECTIONS 601 TO 605 AUTHORIZING THE OPERATION OF APROVED UTVS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF GIRARD; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES OFR VIOLATION THEREOF; AND , PROVIDING FOR THE REPEAL OF SECTION 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY REFERENCE.

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

AMENDING CHAPTER 14 BY ADDING SECTIONS 601 TO 605.

**BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF GIRARD.**

### **Section 1. DEFINITION.**

- (a) "Utility Terrain Vehicles" (hereafter UTVs) means any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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. "UTV" does not include a micro utility truck.

### **Section 2. OPERATION OF UTILITY TERRAIN VEHLCES.**

- (a) UTVs may be operated upon the public streets, roads, and alleys within the corporate limits of the city except that UTVs may not be operated on the public highways except as provided for in this section.
- (b) UTVs may only be operated to cross Highway 47 (St. John Street) and Highway 7 (Summit Street).
- (c) No UTV shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights.

### **Section 3. REQUIREMENTS; PENALTIES.**

- (a) No person shall operate a UTV on any public highway, street, road or alley within the corporate limits of the city unless such person is 18 years of age and older and has a valid driver's license.
- (b) A UTV capable of speeds in excess of 25 mph shall comply with the equipment requirements under the provisions of Article 17, chapter 8 of the Kansas Statutes Annotated. Additional required equipment includes:
  - 1. Rollover protective structures
- (c) A UTV incapable of speeds in excess of 25 mph shall comply with the following equipment requirements:
  - 1. Tail lamps
  - 2. Head lamps

3. Reflectors (rear)
  4. Stop lamps
  5. Turn signals
  6. Mirror: left side of vehicle
  7. Mirror: right side or inside center
  8. Horns and Warning Devices
  9. Safety belts and shoulder harnesses
  10. Mufflers and noise suppressing system as set forth in K.S.A. 8-1739
  11. 4 or more low-pressure or non-pneumatic tires
  12. Steering wheel as originally manufactured
  13. Width of not less than 48 inches as originally manufactured
  14. An overall length, including the bumper, of not more than 160 inches
  15. Foot controlled throttle/braking except handicapped
  16. Rollover protective structures, excluding lower speed UTVs which may have been manufactured without such rollover protection.
- (d) Every owner of a UTV 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.
- (e) 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 UTVs.
- (f) 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.

**Section 4: REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.**

- (a) Before operation of any UTV 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 Girard and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The registration fee shall be fifty dollars (\$50.00) per calendar year, payable in advance to the City of Girard. The full amount of the registration fee shall be required regardless of the time of year that the application is made.
- a. City, Crawford County and USD 248 owned UTVs are exempt from \$50.00 fee but must be inspected and display a valid decal.
- (b) Unless the State of Kansas requires all UTVs to be registered with the state, all UTVs shall prominently display a valid registration decal issued by the City of Girard allowing the operation of that particular vehicle within the City limits. Said registration decal shall be issued by the City of Girard after inspection by the City to ensure that all equipment, license, age and insurance requirements of this article are met and upon the payment of a \$50.00 fee. Said permit shall expire December 31<sup>st</sup> of each year.

- (c) Application for registration of a UTV shall be made by the owner, or owner's agent, in the office of the City of Girard. The application shall be made upon forms provided by the City.
- (d) Before an inspection is done on any UTV to be registered with the City of Girard, proof of title registration must be provided. If no proof of ownership can be provided the City of Girard will not consider the UTV for inspection.
- (e) Prior to the issuance of the registration decal, each applicant for a UTV permit shall first present such vehicle for an official inspection. UTVs MUST MEET ALL THE SPECIFICATIONS PROVIDED FOR IN THIS ARTICLE FOR REGISTRATION. If, upon inspection such vehicle is found to be in safe mechanical condition, and upon completion of the registration application, establishing proof of insurance, age and licensure and payment of the fees herein provided, a decal shall be issued to the owner who shall attach it to the vehicle. The decal shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The decal number on the application will be recorded and then filed in the police department.
- (f) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such decal during the time in which the same is operative.
- (g) The decal 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.
- (h) In the event a license is lost or destroyed, the City of Girard, upon proper showing by the registrant and the payment of ten dollars (10.00) shall issue a new decal in accordance with the provisions of this section.
- (i) 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, alley within the corporate limits of the city any UTV which is not registered and which does not have attached thereto and displayed thereon the decal assigned thereto by the city of or the current registration year.
  - b. Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or decal knowing the same to be fictitious or to have been canceled, revoked, expired, suspended or altered.
  - c. Lend to or knowingly permit the use by one not entitled thereto any registration receipt or registration decal issued to the person so lending or permitting the use thereof.
  - d. Remove, conceal, alter, mark or deface the decal number or any other mark of identification upon any special purpose vehicle. Decals shall be clean and placed as required by law so as to be plainly visible and legible.
  - e. Carry or display a registration decal upon any UTV not lawfully issued for such vehicle.
  - f. 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 \$50.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$100.00; upon the third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$500.00.

**Section 5. STATE LAW SUPERSEDES.**

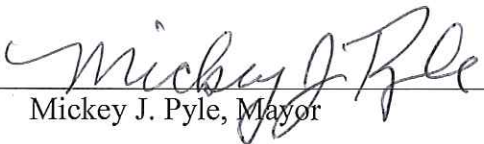
In the event of a conflict between any of the individual provisions of this Article and the laws of the State of Kansas, the laws of the State of Kansas will supersede.

**Section 6. REPEALER.**

Section 114.5 of the Standard Traffic Ordinance, as adopted by reference is hereby repealed.

**Section 7.** This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 18th DAY OF FEBRUARY 2020.

  
Mickey J. Pyle, Mayor

ATTEST:

  
Karen E. Buck, CMC, CPM, City Clerk