

Published in the official newspaper on the 2 day of August, 2018.

ORDINANCE NO. 288

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF BENTLEY, PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTIONS 114.1 AND 114.2 OF THE 2017 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 285 AND THE REPEAL OF ORDINANCE NO. 241; AND REPEALING ALL OTHER AND FOREGOING ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BENTLEY, KANSAS.

SECTION 1. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise. The following constitute special purpose vehicles.

(a) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 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.

(b) "Work-site utility vehicle" means any motor vehicle which is not less than 48 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. "Work-site utility vehicle" does not include a micro utility truck.

(c) "All Terrain Vehicles" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more 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 or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(d) "Golf Cart" means 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.

SECTION 2. AUTHORIZED USES.

- (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
 - (1) No micro utility truck shall be operated on any public highway, street, road, or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
 - (2) No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.
- (b) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
 - (1) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless vehicle is equipped with lights as required by law for motorcycles.
 - (2) No work-site utility vehicle shall be operated on any interstate highway, federal Highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.
- (c) All Terrain Vehicles and Golf Carts may be operated upon the public highway, street, road and alleys within the corporate limits of the City but not between sunset and sunrise.

SECTION 3. OPERATION OF ALL-TERRAIN VEHICLES.

(a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate city limits of the city; provided, however, that no all-terrain vehicle shall be operated on any interstate highway, federal highway, state highway or on 151st Street West in the city, however, nothing herein shall prohibit an all-terrain vehicle from crossing such roadways.

(b) No all-terrain vehicle shall be operated on any public highway, street road or alley between sunset and sunrise.

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

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Any person riding upon an all-terrain vehicle must wear adequate eye and head (helmet) protection properly approved for use as such protection on public roadways.

SECTION 4. SAME VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.

(a) No person shall operate a special purpose 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.

(b) Every person operating a work-site utility vehicle, micro utility truck or 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.

SECTION 5. INSURANCE REQUIRED; PENALTY.

(a) Every owner of a micro utility truck, work-site utility vehicle or golf cart shall provide liability coverage in accordance with Section 200 of the 2017 Standard Traffic Ordinance and any successor editions, as well as any 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 2017 Standard Traffic Ordinance and any successor editions, as well as any Amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

SECTION 6. REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION.

- (a) Before operating any of the vehicles identified herein, on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 application shall be made to the City Clerk 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 4 shall be furnished at the time of application for registration. The annual registration fee for all vehicles to which this ordinance applies, shall be \$50.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder shall be non-transferable. The City shall be exempt from payment of the registration fee.
- (b) The Chief of Police for the City of Bentley shall be empowered, upon reasonable cause, to suspend any registration granted pursuant to this ordinance. A review and appeal of such suspension may be granted by filing a request within 14 days of any such suspension to the Bentley City Council which shall hear any such appeal as soon as practicable and no later than their next regular council meeting.

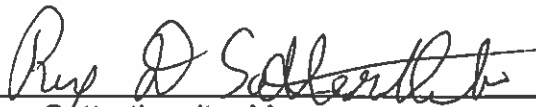
SECTION 7. ROADWAYS LANED FOR TRAFFIC.

- (a) All identified 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 (2) abreast in a single lane.
- (b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

SECTION 8. REPEAL. Sections 114.1 and 114.2 of the 2017 Standard Traffic Ordinance, as adopted in Ordinance No. 285 are hereby repealed.

SECTION 9. PUBLICATION; EFFECTIVE DATE. This ordinance shall be published one time in the official city newspaper and shall take effect and be in force from and after said publication.

PASSED AND ADOPTED by the Bentley City Council on this 10 day of May, 2018.



Rex Satterthwaite, Mayor

ATTEST:



Lisa Wright, City Clerk

