

Ordinance No.1067

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF OAKLEY; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF;

Be it Ordained by the Governing Body of the City of Oakley, Kansas:

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES.

- a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City.
- b) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles. 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) Every person operating a work-site utility 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.
- d) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

Section 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility 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.

Section 3. SAME; DEFINITION: "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuels and liquids, 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, ATV, or golf cart.

Section 4. SAME; PENALTY. Unless specifically provided herein, a violation of this ordinance 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 the "Penalties" section of the Standard Traffic Ordinance then in effect.

Section 5. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

- a) It shall be illegal to operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the City unless such vehicle displays a slow-moving vehicle emblem on the rear of the vehicle.
- b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- c) The slow-moving vehicle emblem shall be mounted and displayed in accordance with K.S.A. 8-1717, and amendments thereto.

Section 6. SAME; INSURANCE REQUIRED; PENALTY:

- a) Every owner of a work-site utility vehicle shall provide liability coverage in accordance with the "Motor Vehicle Liability Insurance" section of the Standard Traffic Ordinance then in effect, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.
- b) All provisions of the "Motor Vehicle Liability Insurance" section of the Standard Traffic Ordinance then in effect, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.

Section 7. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; 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 fifteen dollars (\$15.00) 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). Proof of insurance, as required in Section 6, shall be furnished at the time of application for registration.
- c) Prior to the issuance of the registration and license, each applicant for a work-site utility vehicle license shall first present such vehicle for an official inspection by the Oakley Police Department. 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 shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed in the Police Department.
- d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.

- e) 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 other than the person to whom the license was originally issued to have the same in his possession.
- f) In the event a license is lost or destroyed, the City Clerk, upon proper showing of the licensee and the payment of a fee of five dollars (\$5.00), shall issue a new license in accordance with the provisions of this section.
- g) 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 \$500 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
 - 3) Lend or knowingly permit use by one not entitled thereto any registration receipt, registration license plate, or registration decal issued to the person so lending or permitting 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 it, shall be punished by a fine of not more than \$1000.

Section 8. 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 by the City Council on this 5th day of October, 2009, and signed by the Mayor on the 8th day of October, 2009.

/s/ Jerry Robben, Mayor

/s/ Rose Wessel, City Clerk