

ORDINANCE NO. 605

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, RELATING TO THE OPERATION OF ALL-TERRAIN VEHICLES AND GOLF CARTS WITHIN THE CITY OF WATHENA, KANSAS; PRESCRIBING PENALTIES FOR THE UNLAWFUL OPERATION THEREOF; AND REPEALING ORDINANCE NO. 513 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. (a) "All-terrain vehicle" - any motorized non-highway vehicle 45 inches or less in width, having a dry weight of six hundred fifty (650) pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddle by the operator; and, (b) "low-pressure tire" means any pneumatic tire six (6) inches or more in width, designed for use on wheels with rim diameter of 12 inches or and less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer; (c) "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; (d) "Special purpose vehicle" means all-terrain vehicle and golf cart, either individually or collectively; and, (e) any other words or phrases used herein which are defined in Chapter 8 of the Kansas Statutes Annotated and amendments thereto shall have the meanings there ascribed to them.

SECTION 2. GENERAL PROHIBITION. Except as hereinafter provided, it shall be unlawful for any person to operate an all-terrain vehicle or golf cart upon any street, alley, roadway, highway, right-of-way, public way, or public place within the City of Wathena, Kansas.

SECTION 3. RESTRICTED OPERATION. Special purpose vehicles may be operated on highways and streets of the City of Wathena for special events of limited duration upon the following terms and conditions:

- (a) Prior to operating the special purpose vehicle, the person in charge of driving the unit must receive permission through the Chief of Police of the City of Wathena. Only the approved operator will be allowed to operate the approved special purpose vehicle.

- (b) The special purpose vehicle shall only be operated on those specific streets and public ways as approved by the Chief of Police of the City of Wathena.
- (c) The operator of a special purpose vehicle must be at least eighteen (18) years of age.
- (d) The operator of a special purpose vehicle must have a valid driver's license, must have said license with them while operating the special purpose vehicle, and must comply with all restrictions noted on said license.
- (e) The special purpose vehicle must have liability insurance coverage thereon. The policy providing such coverage shall meet the same requirements as are imposed by K.S.A. 40-3107 for motor vehicle liability insurance policies. Any person operating a special purpose vehicle shall display, upon demand therefrom by a law enforcement officer, evidence of liability insurance coverage on the special purpose vehicle being operated.
- (f) The operator of a special purpose vehicle must obey all traffic laws and regulations applicable to motor vehicles and the drivers thereof relative to traffic control signs and signals, stopping, turning, speed, right-of-way, parking, use of the roadway, passing, driving under the influence of alcohol or drugs, and the exercise of due care.
- (g) The operator of a special purpose vehicle which is equipped with electric turn signal lamps shall give notice of intention to turn in the same manner as is required of motor vehicles thus equipped. The operator of a special purpose vehicle which is not equipped with electric turn signals shall give notice of intention to turn by means of hand and arm signals. All hand and arm signals shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:
 - (1) Left turn. Hand and arm extended horizontally.

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- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward.
- (h) No special purpose vehicle shall be operated after sunset unless equipped with operable head lights and tail lights as required by law for motorcycles.
- (i) 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 the all-terrain vehicle unless such is designed to carry more than one person, in which event a maximum of one passenger, who must be at least fourteen (14) years of age, may ride upon the permanent and regular seat if designed for two persons. A passenger must be seated at the rear of the operator and at no other place and always ride in a position which will not interfere with the operation or control of the all-terrain vehicle. Any passenger under the age of eighteen (18) years must, while the all-terrain vehicle is in motion be wearing a helmet which complies with minimum performance requirements established by the National Traffic Safety Administration pursuant to the National Traffic And Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.
- (j) No person shall operate an all terrain vehicle unless he or she is wearing an eye-protective device, which shall consist of eye glasses, sunglasses, goggles or transparent face shields, except when the all-terrain vehicle is equipped with a widescreen which has a minimum height of 10 inches measured from the center of the handlebars.
- (k) No person shall operate an all-terrain vehicle while carrying any package, bundle, article or cargo of any kind which prevents such person from keeping both hands on the handlebars.

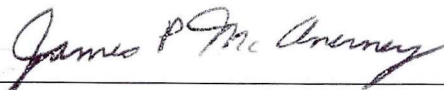
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SECTION 4. PENALTY. Any person found guilty of violating any of the terms and provisions of this Ordinance shall be subject to fines and penalties set forth in Chapter 8 of Kansas Statutes Annotated and amendments thereto. Any person violating this Ordinance shall also be subject to injunctive relief.

SECTION 5. REPEALER. Ordinance No. 513 and all other Ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective from and after its passage and publication in the Official City paper.

PASSED by the Council and APPROVED by the Mayor on the 27th day of August, 2009.



Mayor

ATTEST:

(CITY SEAL)



City Clerk