

CITY OF WATHENA, KANSAS  
ORDINANCE NO. 661

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, REGARDING THE OPERATION OF ALL-TERRAIN VEHICLES, WORK-SITE UTILITY VEHICLES AND GOLF CARTS WITHIN THE CITY OF WATHENA, KANSAS; PRESCRIBING PENALTIES FOR THE UNLAWFUL OPERATION THEREOF; AND REPEALING SECTIONS 114.1, 114.4 AND 114.5 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2020, INCORPORATED BY REFERENCE INTO CITY OF WATHENA, KANSAS ORDINANCE NO. 659, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them herein:

- (A) "All-Terrain Vehicle" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, and traveling on 3 or more non-highway tires;
- (B) "Work-Site Utility Vehicle" 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 non-highway 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 as defined in K.S.A. 8-1493;
- (C) "Golf Cart" means a motor vehicle that has not less than 3 wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than 4 persons including the driver.

SECTION 2. Except as hereinafter provided, it shall be unlawful for any person to operate an All-Terrain Vehicle, a Work-Site Utility Vehicle or a Golf Cart upon any street, alley, roadway, highway, right-of-way, public way or public place within the City of Wathena, Kansas.

SECTION 3. All-Terrain Vehicles, Work-Site Utility Vehicles and Golf Carts may be operated upon any portion of a street, alley, roadway or highway within the City of Wathena, Kansas, which is open to the use of the public for purposes of motor vehicle travel, upon the following terms and conditions, to wit:

- (A) No All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart powered by a two-stroke engine may be granted a registration sticker pursuant to this ordinance.
- (B) Every All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart operated upon any portion of a street, alley, roadway or highway within the City of Wathena, Kansas shall be registered with the city and shall have affixed to the rear of the vehicle in an area clearly visible to any law enforcement officer a registration sticker issued by the city for such vehicle. The registration sticker issued by the City of Wathena shall not be transferrable. Registration stickers issued in the year 2020 shall be valid through December 31, 2021. All registration stickers issued after January 1, 2021 shall be valid through December 31 of the year for which such was issued. The fee for registering a All-Terrain Vehicle Work-Site Utility Vehicle or Golf Cart in the City of Wathena, Kansas shall be \$25.00. A registration sticker not clearly visible to a law enforcement officer shall be grounds for a law enforcement officer to stop said vehicle. No registration sticker shall be issued for a All-Terrain Vehicle, a Work-Site Utility Vehicle or a Golf Cart until the City has been provided proof that said vehicle has liability insurance coverage thereon as provided for in Section 3(D) of this ordinance.
- (C) The operator of an All-Terrain Vehicle, a Work-Site Utility Vehicle or a Golf Cart must be at least 18 years of age;
- (D) The operator of an All-Terrain Vehicle, a Work-Site Utility Vehicle or Golf Cart must have a valid driver's license, must have said license with them while operating the All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart, and must comply with all restrictions noted on said license;
- (E) Any All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart operated upon any street, alley, roadway, or highway within the City of Wathena must have liability insurance coverage thereon. The policy providing such coverage shall meet the same requirements as imposed by K.S.A. 40-3107 for Motor Vehicle Liability Insurance Policies. Any person operating a All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart shall display, upon demand by a law enforcement officer, evidence of liability insurance coverage on the All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart being operated.

- (F) The operator of an All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart 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 an All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart 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 an All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart 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.
  - (2) Right Turn. Hand and arm extended up-ward.
  - (3) Stop or decrease speed. Hand and arm extended downward.
- (H) Except as hereinafter provided, no All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart, even if equipped with lights as hereinafter provided, shall be operated between 9:00 P.M. and 4:00 A.M. of the following day. All-Terrain Vehicles, Work-Site Utility Vehicles and Golf Carts which are regularly and routinely kept/stored in the City of Wathena, Kansas and which are outside the city limits of the City of Wathena, Kansas after 9:00 P.M., may drive said vehicle from the point where it enters the City of Wathena, Kansas, to the place at which the vehicle is regularly and routinely kept/stored, utilizing the most direct route between said point of entry into the city and the place where the vehicle is regularly and routinely kept/stored.
- (I) No All-Terrain Vehicle, Work-Site Utility Vehicle or Golf Cart shall be operated after sunset unless equipped with operable headlights and taillights as required by law for motorcycles.
- (J) 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 designated to carry more than one person, in which event a maximum of one passenger, who must be at least 14 years of age, may ride upon the permanent and regular seat if designed for 2 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 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 Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, as amended, for helmets designed for use by motorcyclists and other motor vehicle users.

- (K) The operator of an All-Terrain Vehicle and any passenger thereon shall ride only while sitting astride the seat, facing forward, with one leg on each side of the All-Terrain Vehicle.
- (L) 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 handle bars.
- (M) A person operating a Work-Site Utility Vehicle or Golf Cart shall ride upon/occupy only upon the permanent and regular driver's seat attached thereto. No Work-Site Utility Vehicle or Golf Cart shall be occupied by more persons than the manufacturer thereof has designated as the maximum number of persons said vehicle may safely be occupied by.
- (N) No person shall operate an All-Terrain Vehicle, Work-site Utility Vehicle or Golf Cart unless he or she is wearing an eye-protective device, which shall consist of eye glasses, sunglasses, goggles, or a transparent face shield, except when the All-Terrain Vehicle, Work-site Utility Vehicle or Golf Cart is equipped with a wind screen which has a minimum height of 10 inches measured from the center of the handle bars on an All-Terrain Vehicle or from the top of the dash on a Work-site Utility Vehicle or Golf Cart.
- (O) The operator of an All-Terrain Vehicle, a Work-Site Utility Vehicle or a Golf Cart shall not cross US Highway 36 from any street, alley or driveway except Third Street, Fourth Street, Fifth Street and St. Joseph Street.

SECTION 4. Any person found guilty of violating the terms and provisions of this Ordinance, shall, upon a first conviction, be sentenced to pay a fine which shall be fixed by the Court at not less than \$50.00 nor more than \$500.00. If a person is convicted of having violated any of the terms and provisions of this Ordinance after having previously been convicted of any such violation, said person shall be sentenced to pay a fine fixed by the Court of not less than \$100.00 nor more than \$1,000.00, and may, in addition to said fine, be sentenced to a definite term of confinement in the County Jail which shall be fixed by the Court and shall not exceed 30 days.

SECTION 5. Any person who is convicted of having violated any of the terms and provisions of this ordinance after having previously been convicted of any such violation shall, in addition to the fines and confinement provided for in Section 4 above, have all registration stickers issued to them by the City of Wathena terminated and shall be ineligible to apply for new registration stickers for a period of one year from the date of said conviction.


SECTION 6. Sections 114.1, 114.4 and 114.5 of the "Standard Traffic Ordinance For Kansas Cities", Edition of 2020, incorporated by reference into City of Wathena, Kansas Ordinance No. 659, and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Governing Body and Approved by the Mayor on this 21 day of September, 2020.

  
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John A. Cluck, Mayor

ATTEST:

  
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James Richardson, City Clerk

(City Seal)