

(First published in the Seneca Courier on September \_\_, 2017)

ORDINANCE NO. 1384

AN ORDINANCE AMENDING ORDINANCE #1305 AND AUTHORIZING THE OPERATION OF MICRO-UTILITY VEHICLES, WORK-SITE UTILITY VEHICLES, AND LOW-SPEED VEHICLES ON THE PUBLIC HIGHWAYS, STREETS, ROADS, AND ALLEYS, WITHIN THE CORPORATE LIMITS OF THE CITY OF SENECA; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Governing Body of the City of Seneca, Nemaha County, Kansas has previously adopted Ordinance #1305 authorizing the operation of micro-utility vehicles, work-site utility vehicles, and low-speed vehicles on the public highways, streets, roads and alleys within the City of Seneca, Kansas; and,

WHEREAS, an amendment to the terms of said Ordinance #1305 now comes before the Governing Body of the City for consideration.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Seneca, Nemaha County, Kansas:

Section 1. OPERATION OF MICRO UTILITY VEHICLES; PENALTY.

(a) Micro-utility vehicles, work-site utility vehicles, and low-speed vehicles may be operated upon the public highways, streets, roads, or alleys within the corporate limits of the city, except that operation of all-terrain vehicles as defined herein shall not be permitted at any time within the corporate limits of the city.

(b) No micro utility vehicle, work-site vehicle, or low-speed vehicle shall be operated on any public highway, street, road, or alley between sunset and sunrise unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated, which includes two head lamps with at least one on each side of the front of the vehicle, two tail lamps mounted on the rear, which shall emit a red light plainly visible from a distance of 1,000 feet to the rear, stop lamps, and electric turn signals.

(c) 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 provisions as the City may then have in effect.

Section 2. SAME; DEFINITIONS.

(a) "Micro 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 144 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.

(b) "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 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.

(c) "Low-speed vehicle" means any four-wheeled electric or gas powered vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571-500. A conventional golf cart shall be considered to meet the definition of low-speed vehicle even if otherwise not modified to the standards set out herein.

(d) "All-terrain vehicle" means any motorized non-highway vehicle 50 inches or less in width, having 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 section, "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.

Section 3. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a micro-utility vehicle, work-site utility vehicle, or low-speed 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 \$1,000.00 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 4. LIABILITY INSURANCE; All insurance requirements of Section 200 of the Standard Traffic Ordinance shall apply to micro utility vehicles, work-site utility vehicles, and low-speed vehicles, and shall carry the same penalty.

Section 5. REGISTRATION AND LICENSE STICKER DISPLAY.

(a) Every person operating a micro-utility vehicle, a work-site utility vehicle, or low-speed vehicle within the corporate limits of the City of Seneca, Kansas, shall before operating said vehicle on the public highways, streets, roads, or alleys within the corporate limits of the City of Seneca, register such vehicle with the City of Seneca and obtain a license sticker for such vehicle. The registration license sticker issued by the City Clerk of the City of Seneca, Kansas shall be valid through December 31 of the year for which issued.

(b) Before the city clerk shall issue any annual registration license for such vehicle, the owner of such vehicle shall provide:

1. A certificate of title (or bill of sale if no title is issued) to the vehicle showing proof of ownership issued by the State of Kansas.

2. Proof of motor vehicle liability insurance in accordance with the Kansas Automobile Injury Reparations Act.
3. Proof of assessment from the Nemaha County appraiser.
4. Payment of the annual registration fee of \$25.00; and,
5. A completed inspection form signed by a City of Seneca law enforcement officer.

(c) 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 a violation of this section, the penalty shall be imposed in accordance with Section 201 of the Standard Traffic Ordinance, and amendments thereto, as adopted by the City of Seneca, Kansas or such other similar provisions as the City may then have in effect.

PASSED by the governing body and approved by the Mayor of the City of Seneca, Kansas, on this \_\_\_\_ day of September, 2017.

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Joe Mitchell, Mayor

Attest:

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Jane F. Strathman, City Clerk