

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2186

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUGUSTA, CREATING ARTICLE 7 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 AUGUSTA; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTION 14-108 OF CITY CODE, AS ADOPTED BY ORDINANCE NO. 2161, AND SECTIONS 114.2, 114.4, AND 114.5 OF THE 2021 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 2179.

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

**Section 1.** Article 7 entitled “Special Purpose Vehicles” is hereby added to Chapter 14 of the City Code of the City of Augusta, Kansas as follows:

**14-701. Definitions.**

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) 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 and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(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 nonhighway 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) 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.

(d) All-Terrain Vehicle - means any motorized nonhighway vehicle 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim,

having a dry weight of 1,500 pounds or less and traveling on three or more nonhighway tires.

(e) Special purpose vehicle - means golf cart, work-site utility vehicle, micro-utility vehicle and all-terrain vehicle, either individually or collectively.

**14-702. Operation of special purpose vehicles on city streets; special conditions and restrictions on operation.**

(a) Golf Carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:

(1) No golf cart may be operated upon any public highway, street, road or alley with a posted speed limit in excess of 30 miles per hour; however, the provisions of this subsection shall not prohibit a golf cart from crossing any public highway, street, road or alley. No golf cart may be operated upon Ohio Street in the 30 miles per hour zone except when crossing at an intersection or making a connecting movement between drive entrances and the nearest accessible side street.

(2) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with:

(a) Lights as required for motorcycles by Sections 183 through Section 188 of the Standard Traffic Ordinance; and

(b) A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto. (K.S.A. 8-15,108)

(b) Micro-Utility Trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:

(1) No micro-utility truck may be operated upon any interstate highway, federal highway, or state highway; however, the provisions of this subsection shall not prohibit a micro-utility truck from crossing any public highway.

(2) 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.

(c) Work-Site Utility Vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, except as follows:

- (1) No work-site utility vehicle may be operated upon any interstate highway, federal highway, or state highway; however, the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing any public highway.
- (2) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)

(d) In addition to any equipment required by this ordinance, work site utility vehicles, micro utility trucks, and golf carts shall be equipped with both a rear-view mirror and at least one side view mirror.

(e) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

**14-703. 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) No person under 18 years of age shall operate any special purpose vehicle within the corporate limits of the city.

(c) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.

(d) Every person operating a special purpose 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.

**14-704. Same; insurance required; penalty.**

(a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted Standard Traffic Ordinance, 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 most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

**14-705. Same; registration and license; fee; application; inspection; penalty.**

(a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid city-issued registration decal or tag affixed and displayed on the rear of the vehicle facing rear to be observed by law enforcement without the vehicle having to be stopped. The decal or tag issued by the City shall be valid through December 31 for the year for which it is issued.

(b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, at the Augusta Public Safety Department, 2100 N. Ohio, Augusta, KS 67010. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residential address, or bona fide place of business, a brief description of the vehicle to be registered (including color, make, model and serial number).

(c) Before the City will issue any annual registration license for a special purpose vehicle covered by this ordinance, owner of said vehicle must provide:

- (1) Current valid driver's license.
- (2) Proof of liability insurance, as required in Section 14-704, specifically listing the special purpose vehicle.
- (3) Proof that taxes have been paid on the special purpose vehicle by showing verification of assessment from the appraiser of the County where the registrant resides for the most recent year; if taxes have not yet been assessed on a recently purchased special purpose vehicle, then proof that taxes have been paid must be provided at time of registration renewal.
- (4) Payment of the initial registration fee of one hundred dollars (\$100) or the annual license renewal fee of fifty dollars (\$50).

(d) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(e) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full license renewal fee of

fifty dollars (\$50.00) before the Special Purpose vehicle may be operated on a public road.

(f) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.

(g) It shall be unlawful for any person to:

- (1) Operate, or for the owner thereof knowingly to permit the operation, upon a public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.
- (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 \$50.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
- (3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- (4) Remove, conceal, alter, mark or deface the license number plate, plates or decals or any mark of identification upon any special purpose 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 special purpose vehicle not lawfully issued for such vehicle.
- (6) Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

**14-706. Penalty.**

Unless specifically provided for herein, 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 Article 20 of the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provision as the city may then have in effect.

**14-707. Exemptions.**

(a) Special purpose vehicles which are owned or leased by the City or other governmental entities that are being operated for the purpose of public safety, maintaining parks, roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of Section 14-702 not related to equipment or lighting.

(b) Special purpose vehicles which are owned or leased by golf courses, when used for the purpose of loading and unloading of golf equipment on streets immediately adjacent to the golf course are exempt from the restrictions of Section 14-705.

(c) Special purpose vehicles operated in conjunction with a public event involving closed streets (i.e. parades, carnivals, festivals, etc.) can be made exempt from the restrictions of Section 14-705 with approval from the City Council.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**Section 3.** This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the Governing Body this 2nd day of May, 2022.

Approved by the Mayor this 2nd day of May, 2022.



SEAL

Mike L. Rawlings

MAYOR, MIKE L. RAWLINGS

ATTEST:

Erica L. Jones

CITY CLERK, ERICA L. JONES