**ORDINANCE 2025-1**

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, ALL TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ELLINWOOD, KANSAS, PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOALTION THEREOF; AND, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES INCLUDING SECTION 114.1 AND 114.2 OF THE 2024 STANDARD TRAFFIC ORDINANCE AS ADOPTED IN ORDINANCE 2024-12.

Be it ordained by the Governing Body of the CITY OF ELLINWOOD, Kansas:

Section 1. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

1. "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, traveling on three or more nonhighway tires, and having a seat to be straddled by the operator. As used in this subsection, "nonhighway tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches more or less.
2. "Calendar Year'' means January 1 to December 31.
3. "Golf cart" means a motor vehicle that has not less than three (3) wheels in contact with the ground, an unladen weight or 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.
4. "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, or more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work site utility vehicle.
5. "Slow-moving vehicle emblem" has the same meaning as contained in KSA 8-1717, and amendments thereto.
6. "Special purpose vehicle" means all-terrain vehicle, golf cart, micro utility truck and work­ site utility vehicle, either individually or collectively.
7. "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, or 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.

Section 2: OPERATIONS OF SPECIAL PURPOSE VEHICLES ON CITY STREETS, SPECIAL CONDITIONS AND RESTRICTIONS OR OPERATIONS.

1. All-terrain vehicles shall not be operated upon public highways, streets, roads and alleys within the corporate limits of the city of Ellinwood, Kansas.
2. Golf carts may be operated upon public highways, streets, road and alley within the corporate limits in the city under the following conditions:
   1. No golf cart may be operated upon any public highways, streets, roads and alleys with a posted speed limit in excess of 30 miles per hour.
   2. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway with a posted speed limit greater than 30 miles per hour.
   3. No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.
   4. It shall be illegal to operate a golf cart 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; the slow-moving vehicle emblem shall be mounted and displayed in compliance with KSA 8-1717, and amendments thereof.
   5. No golf cart shall be operated on any sidewalk.
   6. All golf carts shall be operated as far right as possible on the street, roadway or highway and the operator shall, when possible, leave the driving lane free for passing traffic.
   7. Golf carts with "rear facing seat(s)" shall be prohibited from use by any passenger(s) unless it is equipped with seat belts. The maximum number of occupants in a golf cart be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupants shall extend outside the permitter of the golf cart while in motion. No person shall allow another person, adult or minor, to sit on the lap of another person occupying the golf cart.
   8. Nothing contained in this section shall confer upon any operator of a golf cart the right to drive said golf cart on private property without first obtaining the permission of the property owner.
   9. No golf cart shall be operated on any public street, road or alley unless such golf cart complies with the equipment requirements under KSA Ch. 8, Article 17, and amendments thereto.
3. Micro utilitv trucks may be operated upon public highways, streets, roads and alleys within the corporate limits of the city, except as follows:
   1. 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 thereof.
   2. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.
4. 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. Work-site utility vehicles shall only be operated upon the public highways, streets, roads and alleys within the corporate limits of the city when the operator of said vehicle is traveling to an employment-related work-site by the most direct route.
   2. 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.
   3. 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.
   4. It shall be illegal to operate a work-stie 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; the slow-moving vehicle emblem shall be mounted and displayed in compliance with KSA 8-1717 and amendments thereto.

Section 3. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES

1. No person shall operate a special purpose vehicle on any public highway, street, roads or alley within the corporate limits of the city unless such person has a valid driver's license and operates said special purpose vehicle in compliance with the conditions and restrictions of that 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.
2. Every person operating a work-site utility vehicle on the public highways, streets, road and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 4. SAME; INSURANCE REQIRED; PENALTY.

1. Every owner of a special purpose vehicle shall provide, annually and at such other times upon request of the City Administrator and/or law enforcement, proof of liability coverage in accordance with Section 200 of the 2024 Standard Traffic Ordinance, and amendments thereto and the Kansas Automobile Injury Reparations Act, KSA 40-3101, et seq. and amendments thereof.
2. All provisions of Section 200 of the 2024 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 5. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

1. Before operating any special purpose 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 vehicle. Said license shall be displayed on the lower left panel on the driver's side of the special purpose vehicle. The license fee shall be $20.00 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.

1. Application for registration of a special purpose 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 4 shall be furnished at the time of application for registration.
2. After 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 manner as to be clearly visible from the vehicle. The license number on the application will be recorded and then filed in the police department.
3. 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.
4. The license issued hereunder is not transferable. In the event of sale or other transfer of ownership of any vehicle, listed in 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 of any person other than the person to whom the license was originally issued to have the same in his possession.
5. In the event a license is lost or destroyed, the city clerk shall issue a new license in accordance with the provisions of the section for no additional fee.
6. 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 special purpose vehicle 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 more than $500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violations this subsection.

* 1. 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.
  2. Remove, conceal, alter, mark or deface the license number plate, plates or decals or any other 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.
  3. Carry or display a resignation number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.
  4. Except as otherwise may be provided herein, any person convicted of a violation of any of the provisions of this ordinance, shall for the first conviction thereof be punished by a fine of not more than $250.00; for a second such conviction within one

year thereafter, such person shall be punished by a fine of not more than $500.00; 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 $1000.00. and/or a jail term of not more than 30 days.

Section 6. PENAL1Y.

Unless specifically provided for herein, a violation of this section shall be deemed an ordinary 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, 2024 Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

Section 7. REPEAL.

All conflicting ordinances of the City of Ellinwood, Kansas and Section 114.1 and 114.2 of the 2024 Standard Traffic Ordinance, as adopted by Ordinance 2024-12 are hereby repealed.

Section 8. PUBLICATION; EFFECTIVE DATE.

This ordinance shall be published one time in the Ellinwood Leader, the official city newspaper, and shall take effect and be in force on ,

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Ellinwood, Kansas, this day of 2025.

Irlan Fullbright, Mayor

ATTEST

Stephanie Dunnaway, City Clerk