

ORDINANCE NO. 2013-12

AN ORDINANCE AUTHORIZING THE OPERATION OF APPROVED GOLF CARTS AND UTILITY TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF FRONTENAC; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTION 114.4 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY REFERENCE

**Be it Ordained by the Governing Body of the City of Frontenac, Kansas:**

**Section 1. OPERATION OF GOLF CARTS AND UTILITY TERRAIN VEHICLE.**

(a) Golf carts and Utility Terrain Vehicles (UTV) may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart or UTV may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart or UTV 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 or UTV from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour. It shall be unlawful to operate a golf cart or UTV upon City sidewalks.

(b) No golf cart or UTV shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) No golf cart or UTV shall be operated while an individual is standing on the moving golf cart or UTV.

(d) Every person operating a golf cart or UTV 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.

**Section 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY.** No person shall operate a golf cart or UTV on any public highway, street, road or alley within the corporate limits of the city unless such person is 18-years of age and 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.

**Section 3. SAME; DEFINITIONS:** "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.

"Utility Terrain Vehicle" or "UTV" means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control. Utility vehicles contemplated and included under this definition may include but are not limited to various motorized vehicles commonly known or referred to as Mules or Gators. Any other similar vehicles are subject to City Clerk approval, or his/her designees approval prior to issuance of any license/permit required pursuant to this Ordinance.

**Section 4. SAME; PENALTY.** Unless specifically provided 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 Section 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

**Section 5. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.**

- (a) It shall be illegal to operate a golf cart or UTV 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. For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- (b) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

**Section 6. SAME; INSURANCE REQUIRED; PENALTY:**

(a) Every owner of a golf cart or UTV shall provide proof of liability coverage in accordance with the applicable section of the 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 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts and UTV.

**Section 7: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY:**

(a) Before operating any golf cart or UTV upon 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 golf cart. The license *fee* shall be Fifteen Dollars \$15.00 per calendar *year*, payable *in* advance to the City Clerk and or his/her designee. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(c) Application for registration of a golf cart or UTV shall be made by the owner, or owner's agent, in the office of the Frontenac City Hall during normal working hours. 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 golf cart or UTV to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 6 shall be furnished at the time of application for registration and shall be provided to any law enforcement officer upon request if the operator of the golf cart or UTV is stopped for any violation of the law.

(d) Prior to the issuance of the registration and license, each applicant for a golf cart or UTV license shall first present such vehicle for an official inspection. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon 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 a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be accounted for and then filed and maintained in the City of Frontenac, KS.

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

(f) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of 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 for any person other than the person to whom the license was originally issued to have the same in his possession.

(g) In the event a license is lost or destroyed, the City Clerk or his/her designee, upon proper showing by the licensee and the payment of a fee of Twenty-Five Dollars (\$25.00), shall issue a new license in accordance with the provisions of this section.

(h) 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 golf cart or utility terrain vehicle as defined herein, by a person under the age of eighteen (18) or to operate a golf cart or utility terrain vehicle which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City of Frontenac 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 less than \$100.00 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 other mark of identification upon any golf cart or utility terrain 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 golf cart not lawfully issued for such vehicle.

(6) Any person convicted of a violation of any of the provisions 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 \$500.00 and possible impoundment of golf cart and/or UTV.

**Section 8. REPEALER.** Section 114.4 of the Standard Traffic Ordinance, *as* adopted by reference *is hereby* repealed.

**Section 9. PUBLICATION; EFFECTIVE DATE:**

This ordinance shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

ADOPTED AND APPROVED, by the City Council of Frontenac, Kansas this 18<sup>th</sup> day of November, 2013.

By:

James Kennedy  
James Kennedy, Mayor

Attested by:

Douglas E. Sellars  
Douglas E. Sellars, City Clerk

