

ORDINANCE NO. 2019-09

AN ORDINANCE AUTHORIZING OPERATION OF WORK-SITE UTILITY VEHICLES (WSUV), MICRO UTILITY TRUCKS (MUT), ALL-TERRAIN VEHICLES (ATV's), AND LOW SPEED VEHICLES/GOLF CARTS (LSV) ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF MERIDEN, KANSAS; PROVIDING FOR THE REPEAL OF PORTIONS OF ARTICLE 14, SECTION 114, REGULATING THE ABOVE NAMED VEHICLES, OF THE STANDARD TRAFFIC ORDINANCES (STOs) FOR THE CITY OF MERIDEN, KANSAS.

BE IT ORDAINED BY THE CITY OF MERIDEN, KANSAS:

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES (WSUV); PENALTY

(a) Work-site utility vehicles may be operated upon the public streets, roads and alleys within the corporate limits of the City.

(b) "Work-site utility vehicle" means any motor vehicle which is not less than forty eight (48) inches in width, has an overall length, including the bumper, of not more than one hundred thirty five (135) inches, has an unloaded weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two (2) people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

(c) Every person operating a work-site utility vehicle on the public 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, including, but not limited to, the requirements for insurance, proper head lights and tail lights and all seat belt requirements.

(d) A violation of this section shall be deemed a 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, 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. OPERATION OF MICRO UTILITY TRUCK (MUT); PENALTY

(a) Micro utility trucks may be operated upon the streets, road and alleys within the corporate limits of the City.

(b) "Micro utility truck" means any motor vehicle which is not less than forty eight (48) inches in width, has an overall length, including the bumper, of not more than one hundred forty four (144) inches, has an unloaded weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (40) miles per hour as originally manufactured, and is manufactured with a metal cab.

(c) Every person operating a micro utility truck on the public 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, including, but not limited to, the requirements for insurance, proper head lights and tail lights and all seat belt requirements.

(d) A violation of this section shall be deemed a 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, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 3. OPERATION OF AN ALL-TERRAIN VEHICLE (ATV) BY EXCEPTION ONLY; PENALTY

(a) "All-Terrain Vehicles", also known as ATV's, means any motorized non-highway vehicle forty five (45) inches or less in width, having a dry weight of six hundred fifty (650) pounds or less, traveling on three (3) or more low pressure tires and having a seat designed to be straddled by the operator. As used in this section, low pressure tires mean any pneumatic tire six (6) inches or more in width, designed for use on wheels with a rim diameter of twelve (12) inches or less and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the manufacturer.

(b) No All-Terrain vehicles (ATV) may be operated within the City limits of the City of Meriden, to include any streets, highway, alley, right-of-way or public property.

(c) Exceptions to the provision of (b), above, are as follows:

(1) A person may operate such a vehicle on real property owned by the person or upon private property with the written permission of the owner of said real property.

(2) A city, county or utility company authorized employee may operate an All-Terrain vehicle during the course of their employment for official governmental functions such as snow removal, weed spraying and blading gravel, subject to limitation of operation between the hours of sunrise and sunset, unless equipped with head lights and tail lights.

(d) Every person operating an All-Terrain Vehicle on the 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. A violation of any provision in subsections (b) and (c) shall be deemed a 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, Section 201, of the Standard Traffic Ordinance, as amended, or such similar provisions as the City may then have in effect.

Section 4. OPERATION OF A LOW SPEED VEHICLE/GOLF CART (LSV); PENALTY

(a) Low Speed Vehicles/Golf Carts may be operated upon the streets, roads and alleys within the corporate limits of the City.

(b) "Low Speed Vehicle/Golf Cart" means any four-wheeled electric vehicle whose top speed is not greater than twenty five (25) miles per hour. A Low Speed Vehicle/Golf Cart that is factory designed to be operated by a fuel motor shall be included within this definition provided that the designed top speed shall not exceed twenty five (25) miles per hour.

(c) No Low Speed Vehicle/Golf Cart shall be operated on any streets, roads or alleys between sunset and sunrise unless equipped with head lights and tail lights.

(d) Every person operating a Low Speed Vehicle on the 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, including, but not limited to, the requirements for insurance, proper head lights and tail lights and all seat belt requirements.

(e) A violation of this section shall be deemed a 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, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 5. AGE RESTRICTION; SEAT BELTS, CHILD SAFETY SEATS

(a) No person shall operate a Work-Site Utility Vehicle, Micro Utility Truck, an All-Terrain Vehicle or a Low Speed Vehicle/Golf Cart on any street, road or alley within the corporate limits of the City unless such person has attained the age of sixteen (16) and holds a valid driver's license. Violation of this section is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(b) All State of Kansas motor vehicle seat belt and child safety seat/booster seat regulations shall apply to occupants of any Work-Site Utility Vehicle, Micro Utility Truck, an All-Terrain Vehicle or a Low Speed Vehicle/Golf Cart. Any of these vehicles that do not have seat belts installed may not transport individuals under the age of eighteen (18).

(c) A violation of this section shall be deemed a 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, Section 201, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

Section 6. OWNER OPERATOR REQUIREMENTS & RESPONSIBILITIES

(a) **Permit and Insurance:** No vehicle listed under this ordinance shall be operated within the corporate limits of the City without first having a permit issued by the City of Meriden for operation of said vehicle. Said permits are to be issued on an annual basis upon paying the permit fee. No permit shall be issued except upon proof of liability insurance. The City of Meriden, by issuing a permit for operation of one of the above mentioned vehicles, has verified that the owner has provided proof of insurance and the City assumes no further liability. Permits shall be prominently displayed on the rear of the vehicle, visible when being driven. Proof of valid insurance shall be carried and produced upon demand by a law enforcement officer.

(b) **Revocation and Appeal:** Any violation of this Ordinance may be cause for revocation of the City of Meriden issued permit. Permits may be revoked for cause, effective immediately, by the Chief of Police with notice provided to the owner/operator/dealer in writing within a reasonable amount of time.

(c) A permit that has been revoked by the Chief of Police may be appealed to the Governing Body of the City of Meriden by filing a written appeal with the City Clerk within five (5) business days of the date of the written notice of revocation. The Governing Body may choose to hear or refuse to hear the appeal. If the Governing Body chooses to hear the appeal, they may sustain the revocation, rescind and reissue the permit or reissue a permit with restrictions.

(d) **Application:** The "Unconventional Vehicle Permit Application" must be completed by Owner/Operator, who must:

- (1) Complete an "Unconventional Vehicle Permit Application" with the City of Meriden for each vehicle.
- (2) Attach a copy of Proof of Insurance for the vehicle.
- (3) Agree to obey all sections of this Ordinance, of which they will be provided a copy.
- (4) Pay a twenty five dollar (\$25.00) fee for each permit. Permit(s) will be renewable each year on the anniversary of the initial date of issue upon payment of the annual permit fee.

Section 7. ROADWAYS LANED FOR TRAFFIC

(a) All vehicles listed in this Ordinance are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any listed vehicle of the full use of a lane.

(b) The operator of a listed vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a listed vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

Section 8. LAWN MOWERS

Lawn mowers may be operated upon the public streets, roads and alleys within the corporate limits of the City, but only when lawn mower and operator are engaged in mowing work or travelling to or from mowing work. There shall be no requirement for permit, insurance, age or driver's license for operation of a lawn mower.

Section 9. PENALTIES

A violation of any provision in sections of this Ordinance shall be deemed a 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, Section 201, of the Standard Traffic Ordinance, as amended, or similar provisions as the City may then have in effect.

Section 10. REPEAL

All prior ordinances in conflict herewith are hereby repealed.

Section 11. EFFECTIVE DATE

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

PASSED BY the City Council and signed by the Mayor on this 8th day of October, 2019.

CITY OF MERIDEN, KANSAS

Mayor

ATTEST:

Carrie M. Daniels, City Clerk
City Clerk

