

ORDINANCE NO. 11-803

AN ORDINANCE AMENDING SECTION 114.1 OF THE STANDARD TRAFFIC ORDINANCE, 38TH EDITION, ADOPTED BY THE CITY OF SOUTH HUTCHINSON, KANSAS BY REFERENCE BY ORDINANCE NO 10-792 ON THE 7TH DAY OF SEPTEMBER, 2010; PROVIDING FOR THE OPERATION OF ALL-TERRIAN VEHICLES IN THE CITY OF SOUTH HUTCHINSON, KANSAS

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

SECTION 1. That Section 114.1 of the Standard Traffic Ordinance, 38th Edition, adopted by reference by the City Council for the City of South Hutchinson, Kansas is hereby amended to read as follows:

Section 114.1 (1) OPERATION OF ALL-TERRAIN VEHICLES. (a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate city limits of the city; provided, however, that no all-terrain vehicle shall be operated on any interstate highway, federal highway, state highway or on Main Street or Blanchard Street west of Main Street in the city, however, nothing herein shall prohibit an all-terrain vehicle from crossing such roadways.

(b) No all-terrain vehicle shall be operated on any public highway, street road or alley between sunset and sunrise.

(c) Every person operating an all-terrain vehicle on the public highways, streets, roads and alleys of the city shall be subjected to all of the duties applicable to a driver of a vehicle imposed by law.

(d) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(e) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(f) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(g) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(2) SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate an all-terrain 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.

(3) SAME; DEFINITION. "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 non-highway tires, and having a seat to be straddled by the operator. As used in this subsection "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.

(4) SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of an all-terrain vehicle shall provide liability coverage in accordance with Section 200 of the 2010 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 Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of all-terrain vehicles.

(5) SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY. Before operating any all-terrain vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made to the City Clerk 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. The annual registration fee for an all-terrain vehicle shall be \$50.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder shall be non-transferable. The City shall be exempt from payment of the registration fee.

(6) SAME; ROADWAYS LANED FOR TRAFFIC. (a) All all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

(7) SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon an all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

(8) SAME; OPERATION OF ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS. (a) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except if the all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(9) SAME; PENALTIES. Unless specifically provided herein, a violation of this ordinance 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, 2010 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(10) SAME; COUNTY NOXIOUS WEED DEPARTMENT. All-terrain vehicles owned and operated by a county noxious weed department or all-terrain vehicle owned and operated by persons contracting with a county noxious weed department or the Kansas Department of Transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and publication once in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS THIS 20th DAY OF JUNE, 2011.



Weldon Cook, Mayor

ATTEST:



Denise McCue, City Clerk