

**ORDINANCE NO. 587**

**AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY AND ALL TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTMORELAND, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, AND TO REVOKE PRIOR ORDINANCE #535 AND ORDINANCE #538.**

BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF WESTMORELAND, KANSAS:

Section 1. OPERATION. (a) Work-site utility and all-terrain vehicles and golf carts may be operated upon the public highways, streets, roads and alley ways within the corporate limits of the City of Westmoreland, Kansas; provided, however, that no work-site utility or all-terrain vehicles or golf carts may be operated upon any public highway, street, road or alley which has a posted speed limit in excess of 30 miles per hour. No work-site utility or all-terrain vehicles or golf carts shall be operated on any federal highway or state highway; provided however, that the provisions of this subsection shall not prohibit a work-site utility or all-terrain vehicle or golf cart from crossing a federal or state highway, or street or highways which has a posted speed limit greater than 30 miles per hour.

(b) No work-site utility or all-terrain vehicles or golf carts shall be operated on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland between sunset and sunrise.

Section 2. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility or all-terrain vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the City of Westmoreland unless such person has a valid driver's license and is at least 18 years of age. Operation of a work-site utility or all-terrain vehicle or golf cart by minors is specifically prohibited. Violation of this section is punishable by a fine of not more than \$1,000.00 or by imprisonment of not more than six (6) months, or both.

Section 3. SAME; DEFINITION.

(a) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in height, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of 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" includes those vehicles popularly called "Gators". "Work-site utility vehicle" does not include a micro utility truck, nor does it include all-terrain vehicles popularly called "four wheelers".

(b) "Golf carts" means a motorized vehicle which has not less than three wheels in contact with the ground, and unladen weight of not more than 1800 pounds, is designated to be operated

at not more than 25 mph, is designated to carry not more than four persons, including the driver, and is designated to carry persons and golf equipment on a golf course. All-terrain vehicles popularly called "three wheelers" and "four wheelers" shall not be considered golf carts.

(c) All-terrain vehicles 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, traveling on three or more nonhighway tires.

Section 4. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY. (a) Before operating any work-site utility vehicle or all-terrain vehicle or golf cart on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland, the work-site utility vehicle or all-terrain vehicle or golf cart shall be registered within the City and a license shall be obtained and placed on the work-site utility vehicle or all-terrain vehicle or golf cart. The license fee shall be thirty dollars (\$30.00), payable in advance to the City Clerk. The full amount of the license fee shall be required regardless of the time of the year that the application is made. The registration provided for herein shall not be required to be renewed during any intervals of time.

(a) Application for registration of a work-site utility vehicle or all-terrain vehicle or golf cart shall be made by the owner, 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 work-site utility vehicle or all-terrain vehicle or golf cart, including make, model, and serial number, if applicable. The owner shall further provide the city clerk with proof of liability insurance for such work-site utility vehicle or all-terrain vehicle or golf cart at the time of registration.

(b) Prior to the issuance of the registration and license, each applicant for a work-site utility vehicle or all-terrain vehicle or golf cart license shall first present such work-site utility vehicle or all-terrain vehicle or golf cart for inspection by the City Clerk or the City Clerk's designee. If, upon inspection the completion of the registration application, such work-site utility vehicle or all-terrain vehicle or golf cart is found to be in safe mechanical condition, and upon payment of the fee herein provided, a license shall be issued to the owner who shall attach it to the work-site utility vehicle or all-terrain vehicle or golf cart. The license shall be displayed in such a manner as to be clearly visible from the rear of the work-site utility vehicle or all-terrain vehicle or golf cart.

(c) 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.

(d) The License issued here under is not transferable. In the event of sale or other transfer of ownership of any work-site utility vehicle or all-terrain vehicle or golf cart licensed under the provisions of this Ordinance, the existing license and the right to use the numbered license shall expire, and the license shall be removed from the work-site utility vehicle or all-terrain vehicle or golf cart 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/her possession.

(e) In the event a license is lost or destroyed, the city clerk, upon proper showing by the licensee, and payment of a fee of ten dollars (\$10), shall issue a new license in accordance with the provisions of this section.

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

(1) Operate, or for the owner hereof to knowingly permit the operation, upon a public street, road, highway, or alley within the corporate limits of the City of Westmoreland, any work-site utility vehicle or all-terrain vehicle or golf cart, as defined herein, which is not registered, and which does not have attached thereto and displayed there on the license 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.

(3) Led 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 a 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 work-site utility vehicle or golf cart. License shall be kept clean and placed as required by law so as to be plainly visible and legible.

(5) Carry or display a registration number place or plates or registration decal upon any work-site utility vehicle or all-terrain vehicle or golf cart not lawfully issued for such work-site utility vehicle or all-terrain vehicle or golf cart.

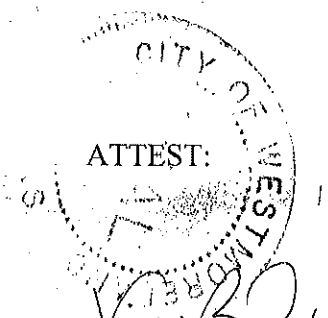
(6) Any person convicted of a violation of the provisions of this section shall; for the first conviction hereof, be punished by a fine of not more than one hundred dollars (\$100.00). For a second or subsequent such conviction, such person shall be punished by a fine of not more than five hundred dollars (\$500.00).

Section 5. All parts of ordinance and conflict with the provisions of this ordinance are hereby repealed.

Section 6. This Ordinance shall be effective upon passage by the governing body and publication in the official city newspaper.

Passed by the City Council of the City of Westmoreland, Kansas on this 14th day of April, 2022.

  
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Mayor



*Vicki Bentner*  
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City Clerk

Published in The Times on April 21, 2022