

## **ORDINANCE NUMBER 538**

### **AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTMORELAND, KANSAS; AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.**

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

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES. (a) Work-Site Utility Vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Westmoreland, Kansas; provided, however, that no work-site utility vehicle 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 vehicle 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 vehicle from crossing a federal or state highway, or street or highway which has a posted speed limit greater than 30 miles per hour.

(b) No work-site utility vehicle 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 vehicle 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 vehicle by minors is specifically prohibited. 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.

Section 3. SAME; DEFINITION. "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, 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".

Section 4. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY. (a) Before operating any work-site utility vehicle on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland, the work-site utility vehicle shall be registered with the City and a license shall be obtained and placed on the work-site utility vehicle. 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 year that the application is made. The registration provided for herein shall not be required to be renewed during any intervals of time.

(b) Application for registration of a work-site utility vehicle 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 fid place of business, a brief description of the work-site utility vehicle, including make, model, and serial number, if applicable. The owner shall further provide the City Clerk with proof of liability insurance for such vehicle at the time of registration.

(c) Prior to the issuance of the registration and license, each applicant for a work-site utility vehicle license shall first present such work-site utility vehicle for inspection by the City Clerk or the City Clerk's designee. If, upon inspection and completion of the registration application, such work-site utility vehicle 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. The license shall be displayed in such a manner as to be clearly visible from the rear of the work-site utility vehicle.

(d) 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.

(e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any work-site utility vehicle 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 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.

(f) In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee, and payment of a fee of \$10.00, shall issue a new license in accordance with the provisions of this section.

(g) 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, as defined herein, which is not registered and which does not have attached thereto and displayed thereon 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 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 work-site utility 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 registration number plate or plates or registration decal upon any work-site utility vehicle not lawfully issued for such work-site utility vehicle.
- (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 \$100.00. For a second or subsequent such conviction, such person shall be punished by a fine of not more than \$500.00.

Section 5. This Ordinance shall be effective upon passage by the governing body and publication in the official city newspaper.

Passed by the City Council for the City of Westmoreland, Kansas, this 10<sup>th</sup> day of October, 2013.

  
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Mayor

Attest:  
  
  
\_\_\_\_\_  
City Clerk

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