

CITY OF HERINGTON
UTILITY VEHICLE PERMIT

Date _____ Number _____

Name of owner _____ Phone no. _____

Address of Owner _____

Drivers License No. _____

Social Security No. _____

Make/model _____

Vehicle ID No. _____

Insurance Company/Policy No. _____

Date of Expiration _____

Vehicle Inspection;

Name of Owner _____

Make/model _____

Vehicle ID No. _____

Signature of inspecting officer _____ Date _____

Signature of Owner _____

Witness _____

This license entitles the owner of said vehicle to all rights and privileges granted such license holder under the Ordinances of the City of Herington, Kansas. This license must accompany driver of vehicle at all times. An annual ten (10.00) dollar fee is required at time of registration.

ORDINANCE NO. 1736

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO AMEND CHAPTER V, ARTICLE 2, TO AMEND AND REPLACE SECTION 5-205 AND TO ADD SECTIONS 5-206 THROUGH 5-211 AS SET OUT HEREIN, AUTHORIZING THE OPERATION OF CERTAIN UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF HERINGTON, KANSAS AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF, AND REPEALING ANY OTHER CURRENT ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That Chapter V, Article 2, of the Code of the City of Herington, Kansas, is hereby amended to replace Section 5-205 and to add Sections 5-206 through 5-211 to read as follows:

5-205. OPERATION OFF-ROAD VEHICLES PROHIBITED ON CITY STREETS. For purposes pertinent to this Article, "Off-road Vehicles" shall include, but are limited to three and four wheel all-terrain vehicles, go-carts, dune buggies, midget vehicles and any other motorized vehicle not required by law to have a license plate. This Ordinance does not pertain to farm tractors or farm implements when used for agricultural purposes, nor shall it pertain to the above mentioned vehicles when used for legitimate agricultural purposes, or lawnmowers. Exceptions may be made for vehicles used by handicapped persons with authorization to be granted by the Police Chief and for such vehicles used in parades and other official city events.

For purposes pertinent to this Article, "Utility Vehicle", 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, is designed to carry not more than four persons, including the driver and is not expressly prohibited for operation within the city limits under this or any other Article of the Herington City Code as currently adopted. Utility vehicles contemplated and included under this definition may include but are not limited to various motorized vehicles commonly known or referred to as Golf carts, Mules, or Gators. Any other similar vehicles are expressly subject to City Manager approval prior to issuance of any permit required under Section 5-210 herein.

This ordinance does not pertain to or authorize use of "All-Terrain Vehicles", farm tractors, or farm implements within the city limits when used for agricultural purposes, nor shall it pertain to utility vehicles when used for agricultural purposes. Further, this Article does not pertain to or authorize use of any form of riding lawnmower on public streets within the city limits. Exceptions may be made for vehicles used by handicapped persons and for such vehicles used in parades and other official city

events with authorization in either case to be granted by the City Manager or Police Chief.

No all-terrain or off-road vehicles may be operated within the limits of the City, except that a person may operate such a vehicle on real property owned by the person or upon private real property with the written permission of the owner of said real property. No all-terrain or off-road vehicle shall be operated for agricultural purposes by an operator that does not have a valid Kansas driver's license.

5-206. OPERATION OF UTILITY VEHICLES.

(a) Utility vehicles, as defined or authorized in this section, may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no utility vehicle may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a utility vehicle from crossing a federal or state highway with a posted speed limit greater than 30 miles per hour.

(b) No utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise and any such vehicle operated on any public highway, street, road or alley shall be equipped with all lighting required of any personal vehicle including but not limited to headlights, brake lights, and turn signals.

(c) Every person operating a utility vehicle 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.

5-207. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a utility 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 \$500.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

5-208. SAME; DEFINITION: "Utility Vehicle", for purposes of this section, 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, is designed to carry not more than four persons, including the driver and is not expressly prohibited for operation within the city limits under Section 2-205 of this Article as an "All-Terrain Vehicle" or "Off-Road Vehicle".

5-209. 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, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

5-210. PERMIT REQUIRED. Any such utility vehicle to be operated within the city limits of the City of Herington, Kansas shall be authorized to do so by permit granted by the City. Any owner shall, prior to operation within the city limits, make proper application with the City and receive a permit authorizing such operation. Any submitted application is subject to review by the City Manager or his designate for qualification of the utility vehicle as permissible under Section 2-206 of the Article and shall be assessed an annual permit fee of ten dollars (\$10.00) which must be paid prior to issuance of any required permit.

5-211. SAME; INSURANCE REQUIRED; PENALTY:

(a) Every owner of a utility vehicle, as defined herein, shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect 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 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect, including penalty provisions, shall be applicable to all owners and operators of utility vehicles.

Section 2. REPEAL. Other ordinances or portions thereof of the Herington City Code in conflict herewith, are hereby repealed.

Section 3. 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.

PASSED AND APPROVED THIS 15th DAY OF MAY, 2012.



Robbin Bell, Mayor

ATTEST:



Debra Wendt, City Clerk