

ORDINANCE NO. 4048

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; PROVIDING FOR THE AMENDMENT OF SECTION I, PARAGRAPH C, OF ORDINANCE NO. 3535, SECTION 30-76(3) OF THE CODE OF THE CITY OF WELLINGTON AND SECTIONS 114.1 AND 114.2 OF THE 2007 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 4023.

Be it Ordained by the Governing Body of the City of Wellington, Kansas:

Section 1. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) "Golf cart" 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 and is designed to carry not more than four persons, including the driver.

Section 2. OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION.

(a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 35 miles per hour.

(2) No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway with a posted speed limit greater than 30 miles per hour.

(3) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights.

Section 3. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.

(a) No person shall operate a golf cart 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.

Section 4 SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a golf cart who intends to operate it on any public highway, street, road, or alley within the corporate limits of the City shall provide liability coverage in accordance with Section 200 of the 2007 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 2007 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 5. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY:

(a) Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the vehicle. The license fee shall be Twenty-Five Dollars (\$25.00) per calendar year, payable in advance to the City in care of the Wellington Police Department or the City Golf Superintendent. The full amount of the license fee shall be required regardless of the time of year that the application is made.

(b) Application for registration of a golf cart shall be made by the owner, or owner's agent, in the office of the Wellington Police Department or the City Golf Superintendent. 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 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.

(c) Upon completion of the registration application, establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the

application will be recorded and then filed in the police department.

(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 transferrable. In the event of sale or other transfer of ownership of any golf cart license under the provisions of this section, the existing license and the right to use shall pass onto the new owner for the balance of the calendar year during which such license was issued.

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

(1) Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any golf cart which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the city for the current registration year.

(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. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine not to exceed \$500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

(3) Lend 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 special purpose 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 registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

Section 6. PENALTY. Unless specifically provided for 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, 2007 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

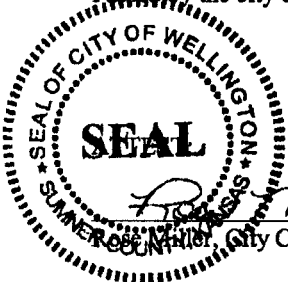
Section 7. AMENDMENT. Section 30-76(3) of the Code of the City of Wellington, Kansas adopted in Section 1 of Ordinance No. 3535 is amended to read as follows:

"To ride or drive any automobile or other vehicle including golf carts, over or along the roadways in any park in said city or on the land above described in the Hargis Creek Watershed, except areas designated by resolution under subsection "a" of this article, at a speed exceeding twenty (20) miles per hour."

Sections 114.1 and 114.2 of the 2007 Standard Traffic Ordinance, as adopted in Ordinance No. 4023 are hereby amended to include this additional language with respect to golf carts.

Section 9. 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 by the city council this 18<sup>th</sup> day of August, 2009, and signed by the Mayor on the 19<sup>th</sup> day of August, 2009.



*R. Miller*  
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R. Miller, City Clerk

*Roger Stallbaumer*  
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Roger Stallbaumer, Mayor

APPROVED AS TO FORM:

*Michael C. Brown*  
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Michael C. Brown, City Attorney

Michael C. Brown, City Attorney