

ORDINANCE NO. 4211

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE “2017 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 45<sup>th</sup> EDITION,” WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING SECTIONS I, II, III, IV, V, VI, VII, VIII, IX, X, XII, AND XIII OF ORDINANCE NO. 4198 OF SAID CITY.

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

SECTION I

INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Wellington, Kansas, that certain traffic ordinance known as the “2017 Standard Traffic Ordinance for Kansas Cities, 45<sup>th</sup> Edition,” prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereinafter modified or changed. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped, “Official Copy as Adopted by Ordinance No. 4211.” All sections or portions thereof intended to be changed clearly marked to show any such change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.”

SECTION II

SAME; AMENDMENT. Section 2 of the 2017 Standard Traffic Ordinance incorporated in Section I of this Ordinance shall be amended to read as follows:

“Sec. 2. Provisions of Ordinance refer to Vehicles upon the Streets and Highways and Public School Grounds; Exceptions. The provisions of this Ordinance relating to the

operation of vehicles refer exclusively to vehicles upon streets and highways and upon public school grounds within the city, except:

(A) Where a different place is specifically referred to in a given section,

(B) The provisions of section 29 to 31, inclusive, of this Ordinance, and the provisions of Article 10, Chapter 8 of the Kansas Statutes Annotated, and any acts, amendatory thereof, shall apply upon streets and highways and elsewhere throughout the city.”

### SECTION III

SAME; AMENDMENT. Section 33 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Section 33. Maximum Speed Limits.

(A) The Governing Body having determined on the basis of an engineering and traffic investigation that the speed limits permitted under state law and Section 33(a) of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance are not reasonable or safe under the conditions found to exist on the streets in the City of Wellington, Kansas, hereby determines and declares that the reasonable and safe speeds on the streets in said city are as follows:

- (1) 30 miles per hour unless otherwise posted.
- (2) 20 miles per hour in any school zones designated by either flashing lights or posted signs depicting the times the specific school zone is in effect, and
- (3) 20 miles per hour in any construction zone when properly posted.

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph.

(B) No person shall drive a school bus to or from school or interschool functions or activities at a speed greater than 45 miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for that

transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities.”

#### SECTION IV

SAME; AMENDMENT. Section 85 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places. Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a police officer or official traffic-control device, no person shall:

- (A) Stop, or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a Street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a cross walk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the Curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (6) Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers; or

- (11) At any place where official signs prohibit stopping.
- (B) Stand or stop a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (1) No person shall stand or park a vehicle in front of or within the approach to public or private driveway or alley, or within eight feet of the line formed by the extension of the edge of the public or private driveway or alley.
  - (2) In front of any area in the downtown business district of the city; where there is red sidewalk;
  - (3) Within 15 feet of a Fire hydrant or red curbing;
  - (4) Within 20 feet of a cross at an intersection, except on Washington Street between 3<sup>rd</sup> Street and 11<sup>th</sup> Street, on Lincoln Street between Jefferson Street and “C” Street and on Harvey Street between Jefferson Street and “C” Street;
  - (5) Within 30 feet upon the approach to any flashing signal, stop sign or traffic Control signal located at the side of the roadway, except on Washington Street between 3<sup>rd</sup> Street and 11<sup>th</sup> Street, on Lincoln Street between Jefferson Street and “C” Street and on Harvey Street between Jefferson Street and “C” Street;
  - (6) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance, when properly sign posted;
  - (7) At any place when official signs prohibit standing.
- (C) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property of passengers:
- (1) Within 50 feet of the nearest rail of a railroad crossing;
  - (2) At any place where official signs prohibit parking.

- (D) No person shall move a vehicle not lawfully under his or her control any such prohibited area or away from a curb such a distance as is unlawful.
- (E) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property.
- (F) No person shall stand or park a vehicle adjacent to curbs on public streets painted yellow by city personnel, or in areas on public streets that are bounded by yellow lines with diagonal yellow lines within such bounded area which yellow lines are painted or placed on such streets by city personnel.
- (G) Relative to Section 87, Handicapped Parking, no person shall stand or park a vehicle adjacent to curbs on public streets painted blue by city personnel.”
- (H) This amendment shall not prohibit parking on the grass immediately to the right of the improved roadway in city parks unless it is otherwise posted as no parking area, nor shall it apply to occasions where an official parking pass has been issued for a location within the park.
- (I) No person shall stand or park a vehicle in front of or within the approach to public or private driveway or alley, or within eight feet of the line formed by the extension of the edge of the public or private driveway or alley.

#### SECTION V

SAME; AMENDMENT. Section 87(e)(2) of the 2017 Standard Traffic Ordinance incorporated by Section 1 of this Ordinance shall be amended to read as follows:

“Sec. 87(e)(2). Each violation of subsections (e)(1)(A),(B),(D) and (E) is punishable by a fine of \$45.00. Each violation of subsection (e)(1)(c) is punishable by a fine of \$75.00.”

#### SECTION VI

SAME; AMENDMENT. Section 90 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 90. Blocking Traffic, Narrow Street, Stopping When. No person shall stop, stand or park any vehicle upon a street, public parking lot or alley in such a manner or

under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or merchandise, or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.”

## SECTION VII

SAME; AMENDMENT. Section 91 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 91. Parking on narrow streets and grass areas of city parks; signs. Where signs prohibiting parking are erected on narrow street and grass areas of city parks, no person shall park and stand a vehicle in any such designated place. The chief of police is authorized to erect signs indicating “no parking” upon both sides of any street when the width of the roadway does not exceed 20 feet or upon on side of the street when the width of the roadway does not exceed 30-50 feet. Furthermore, the chief of police is also authorized to erect signs indicating “no parking on grass allowed” in grass areas of city parks.”

## SECTION VIII

SAME; AMENDMENT. Section 93 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 93. Parking of Vehicles; Generally.

- (A) No person shall park an inoperable motor vehicle, farm machinery, trailer, semi-trailer of any kind whatsoever, or parts of the same in the roadway or upon the property between the edge of the roadway and the property line bordering the roadway right-of-way.
- (B) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the city, after 48 hours or when the vehicle interferes with public highway operations, may remove the vehicle from the highway or other property open to public use over which it has jurisdiction and may remove and impound such motor vehicle.”

## SECTION IX

SAME; AMENDMENT. Section 103 of the 2017 Standard Traffic Ordinance Incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 103. Using Headphones and Television Receivers.

- (A) No person shall operate any motor vehicle on the streets, alleys or roadways of the city while wearing headphones which in any way interfere with the hearing of traffic noise, or warning devices or signals.
- (B) No motor vehicle operated on the streets, alleys, or roadways of this city shall be equipped with television-type receiving equipment so located the viewer or screen is visible from the driver’s seat. This section does not prohibit:
  - (1) The use of the television-type receiving equipment used exclusively safety or law enforcement purposes, if such use is approved by the Superintendent of the Kansas Highway Patrol, or
  - (2) Electronic displays used in conjunction with vehicle navigation systems.”

## SECTION X

SAME; AMENDMENT. Section 114.1 of the 2017 Standard Traffic Ordinance incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 114.1.

(A) Lawful Operation of an All-Terrain Vehicle.

- (1) All-terrain vehicles may be operated upon the public highways, street, roads and alleys within the corporate limits of the city; provided, however, that no all-terrain vehicle shall be operated on any interstate highway, federal highway or state highway provided, however, the provisions of this subsection shall not prohibit an all-terrain vehicle from crossing said highway. No all-terrain vehicle shall be operated on any public highway, street, road or alley

between sunset and sunrise unless equipped with lights as required for motorcycles.

- (2) Every person operating all-terrain vehicles on the public highways, streets, road or alleys of the city shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law.
- (3) 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) person, or upon another seat attached to the all-terrain vehicle at the rear or side of the operator.
- (4) 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.
- (5) 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.
- (6) No operator shall carry any person, nor shall a person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(B) Roadways Laned for Traffic.

- (1) 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 micro-utility truck of the full use of a lane.
- (2) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (3) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.



- (4) No person shall operate and all-terrain vehicle on any public highway, street, road or alley with a posted speed limit in excess of 30 mph.
  - (5) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.
  - (6) 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.
- (C) Valid Driver's License, Certificate of Title, Insurance, and Registration Required; Penalty.
- (1) 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 \$1000 or by imprisonment for not more than six months or by both such fine and imprisonment.
  - (2) Every owner of an all-terrain vehicle shall provide liability coverage in accordance with Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq*, and amendments thereto.
    - (a) All provisions of Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of all-terrain vehicles.
  - (3) Before operating any All-Terrain vehicle 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. The full amount of the license fee shall be required regardless of the time of year that the application is made.

- (4) Application for registration of an all-terrain vehicle shall be made by the owner, or owner's agent, in the office of the Wellington Police Department. 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.
- (5) 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.
- (6) 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.
- (7) The license issued hereunder is transferrable. In the event of sale or other transfer of ownership of any all-terrain 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.
- (8) It shall be unlawful for any person to:
  - (a) 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 all-terrain vehicle 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.

- (b) Display or 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.
  - (c) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license, registration decal issued to the person so lending or permitting the use thereof.
  - (d) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any all-terrain vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
  - (e) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.
- (9) Before the Wellington Police Department issues an annual registration decal for an all-terrain vehicle, the owner of said vehicle must provide the following:
- (a) A certificate of title issued by the Kansas Department of Revenue showing ownership;
  - (b) Proof of motor vehicle liability insurance in accordance with the Kansas Automobile Injury Reparations Act; and,
  - (c) A valid driver's license.
- (10) 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 of 2017 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

## SECTION XI

SAME; AMENDMENT. Section 114.2 of the 2017 Standard Traffic Ordinance Incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 114.2.

(A) Lawful Operation of a Micro-Utility Truck.

- (1) Micro-utility trucks may be operated upon the public highways, street, roads and alleys within the corporate limits of the city and the Wellington Lake Recreational Area so long as they comply with the equipment requirements under the provisions of Article 17, Chapter 8, of the Kansas Statutes Annotated. With the exception of crossing from one side to the other in the most direct route, micro-utility trucks may not be operated on interstate highways, federal highways, and state highways located within the corporate limits of the city.
- (2) Every person operating micro-utility trucks on the public highways, streets, road or alleys of the city shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, including Section 200 of the 2017 Standard Traffic Ordinance, then in effect, which requires liability insurance and which is expressly made applicable herein to micro-utility trucks.

(B) Roadways Laned for Traffic;

- (1) All micro-utility trucks are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any micro-utility truck of the full use of a lane.
- (2) The operator of a micro-utility truck shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (3) No person shall operate a micro-utility truck between lanes of traffic or between adjacent lines or rows of vehicles.

(C) Valid Driver’s License, Certificate of Title, Insurance, and Registration Required; Penalty.

- (1) Every owner of a micro-utility truck, before operating said vehicle on the public highways, streets, roads or alleys within the corporate limits of the city, shall register said vehicle with the city and obtain a non-transferrable registration decal which must be displayed in a highly visible location on the rear window of said vehicle. The

registration decal will be issued by the Wellington Police Department and be valid through December 31<sup>st</sup> of the year for which it is issued and an annual fee of \$25.00 shall be assessed.

- (2) Before the Wellington Police Department issues an annual registration decal for a micro-utility truck, the owner of said vehicle must provide the following:
  - (a) A certificate of title issued by the Kansas Department of Revenue showing ownership;
  - (b) Proof of motor vehicle liability insurance in accordance with the Kansas Automobile Injury Reparations Act; and,
  - (c) A valid driver's license.
- (3) Every owner of a micro-utility truck shall provide liability coverage in accordance with Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq*, and amendments thereto. All provisions of Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of micro-utility trucks.
- (4) 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, 2017 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

## SECTION XII

SAME; AMENDMENT. Section 114.4 of the 2017 Standard Traffic Ordinance Incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 114.4.

- (A) Lawful operation of a golf cart.
- (1) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city and the Wellington Lake Recreational Area.
    - (a) No golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour.
    - (b) 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.
    - (c) No golf cart shall be operated on any public highway, street, road or alley only during the hours between sunset and sunrise, unless equipped with lights.
    - (d) All golf carts are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any golf cart of the full use of a lane. This section shall not apply to golf carts operated two (2) abreast in a single lane.
    - (e) No person shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles.
    - (f) Golf carts shall not be operated more than 2 abreast in a single lane.
    - (g) A person operating a golf cart 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 a golf cart, unless such golf cart is designed to carry more than one (1) person, in which even a passenger may ride upon the permanent and regular seat if designed for two (2) person, or upon another seat firmly attached to the golf cart at the rear or side of the operator.

- (h) Every driver who transports a child under the age of 14 years on a golf cart shall provide for the protection of such child by properly using:
    - (i) For a child under the age of four years an appropriate child passenger safety restraining system that meet or exceeds the standard and specifications contained in federal motor vehicle safety standard 213;
    - (j) For a child four years of age but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard 213; or
    - (k) For a child 8 years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.
  - (l) No person riding upon a golf cart shall attach himself, herself, or the golf cart to any other vehicle on the roadway.
  - (m) Subsections (e) and (f) shall not apply to police officers in the performance of their official duties.
- (2) No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city and the Wellington Lake Recreational Area 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) 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 and the Wellington Lake Recreational Area shall provide liability coverage in accordance with Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto. Furthermore, all provisions of Section 200 of

the 2017 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) It shall be unlawful for any person to:



- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

### SECTION XIII

SAME; AMENDMENT. Section 114.5 of the 2017 Standard Traffic Ordinance Incorporated by Section I of this Ordinance shall be amended to read as follows:

“Sec. 114.5.

(A) Lawful operation of a work-site utility vehicle.

- (1) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City as well as Wellington Lake Recreational Area.

- (a) No work-site utility vehicle shall be operated on any public highway, street, road or alley with a posted speed limit in excess of 30 mph.
  - (b) No work site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights.
  - (c) No work-site 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 work-site utility vehicle from crossing a federal or state highway.
  - (d) All work-site utility vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any work-site utility vehicle of the full use of a lane.
  - (e) The operator of a work-site utility vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
  - (f) No person shall operate a work-site utility vehicle between lanes of traffic or between adjacent lines or rows of vehicles.
  - (g) Work-site utility vehicles shall not be operated with two (2) abreast in a single lane.
  - (h) Subsections (e) and (f) shall not apply to police officers in the performance of their official duties.
  - (i) Work-site utility vehicles shall use the most direct route from starting point to end point of journey and remain on the improved roadways at all times. No trails will be created in locations off the roadway, except by City personnel, and will be designated for that specific purpose.
- (2) No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the Wellington Lake Recreational Area unless such person has a valid

driver's license and is a minimum of 18 years of age. Furthermore, every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city and Wellington Lake Recreational Area shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

- (3) Every owner of a work-site utility vehicle shall provide liability coverage in accordance with Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto. Furthermore, all provisions of Section 200 of the 2017 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.
- (4) Before operating any work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city and the Wellington Lake Recreational rea, the vehicle shall be registered with the Wellington police department and display a valid registration decal. 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 3 shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle shall be \$ 25.00. 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 is not transferrable.
- (5) 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.
- (6) 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.

- (7) The license issued hereunder is transferrable. In the event of sale or other transfer of ownership of any all-terrain 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.
- (8) It shall be unlawful for any person to:
  - (a) 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 work site utility vehicle 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.
  - (b) Display or 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.
  - (c) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license, registration decal issued to the person so lending or permitting the use thereof.
  - (d) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any all-terrain vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
  - (e) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

#### SECTION XIV

Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XII, and XIII of Ordinance No. 4198 are hereby repealed.

#### SECTION XV

This ordinance shall take effect and be in force from and after its passage and approval and after its publication in the official city newspaper, as approved by law.

PASSED by the City Council this 1st day of August, 2017.

APPROVED by the Mayor

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Shelley R. Hansel, Mayor

(SEAL)

ATTEST:

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Carol S. Mericle, City Clerk

FORM APPROVED:

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Shawn R. DeJarnett, City Attorney