

AGENDA ITEM 4e

Ordinance No. 2589 Summary

On August 17, 2023, the City of De Soto, Kansas, adopted Ordinance No. 2589, amending Chapter 14 of the City Code to add new Article 6 addressing the permissible operation of certain motorized vehicles (not subject to being registered with the State of Kansas) within the City and repealing Article 5 of Chapter 11 on the same subject.

A complete copy of this ordinance is available at www.desotoks.us or at City Hall, 32905 West 84th Street, De Soto, Kansas. This summary is certified by Patrick G. Reavey, City Attorney.

ORDINANCE NO. 2589

AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE TO ADD NEW ARTICLE 6 ADDRESSING THE PERMISSIBLE OPERATION OF CERTAIN MOTORIZED VEHICLES AND REPEALING ARTICLE 5 OF CHAPTER 11 ON THE SAME SUBJECT

WHEREAS, since January of 2005 (through the passage of Ordinance No. 2069), the City has essentially prohibited the operation of any motorized vehicles on City streets that are not subject to being registered with the State of Kansas; and

WHEREAS, the prevalence of some of the vehicles the City sought to ban (e.g., pocket bikes) has declined and many communities in the area have begun to allow certain unregistered vehicles to be operated on city streets; and

WHEREAS, the governing body believes it is appropriate to permit the use of certain motorized vehicles (not subject to registration with the State of Kansas) on City streets so long as they are registered with the City and comply with requirements set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

SECTION 1: Chapter 14 of the City Code is amended to include new Article 6 which shall read as follows:

Article 6. Golf Carts, Work-Site Utility Vehicles, and Micro Utility Trucks

14-601. Definitions.

The following definitions shall apply to this Article:

(a) Golf cart. Golf cart shall be defined as set forth at K.S.A. 8-126(jj) and amendments thereto.

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(b) Work-site utility vehicle. Work site utility vehicle shall be defined as set forth at K.S.A. 8-126(hh) and amendments thereto.

(c) Micro utility truck. Micro utility truck shall be defined as set forth at K.S.A. 8-126(ii) and amendments thereto.

(d) All-terrain vehicle. All-terrain vehicle shall be defined as set forth at K.S.A. 8-126(bb) and amendments thereto.

(e) Pocket bike. Pocket bike shall be defined as every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and on which the headlights are lower than 24 inches from the ground, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(f) Motorized scooter. Motorized scooter shall be defined as a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered with the State of Kansas.

14-602. Operation of golf carts.

(a) Golf Cart means any motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(b) Golf carts may be operated on any street, road, or alley within the corporate limits of the city that has a speed limit of 30 mph or less; however, golf carts may cross streets that have a speed limit greater than 30 mph.

14-603. Operation of work-site utility vehicles (UTVs) .

(a) Work-Site Utility Vehicle, or UTV means any motor vehicle, which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway 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.

(b) A work-site utility vehicle may be operated upon the streets, roads and alleyways within the corporate limits of the city; provided, however, that no work-site utility vehicle may be operated upon any streets, roads and alleyways with a posted speed limit in excess of 45 miles per hour. No work-site utility vehicle shall be

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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 with a posted speed limit greater than 45 miles per hour.

(c) Every work-site utility vehicle shall be equipped with the following safety equipment that meets the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto:

- (1) Stop Lamps;
- (2) Tail Lamps;
- (3) Rear Reflector;
- (2) Brakes;
- (3) One functioning rear view mirror;
- (4) Seat belts as installed by manufacturer

14-604. Operation of micro utility truck.

(a) Micro utility truck means any motor vehicle, which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1500 pounds, can exceed 40 mph as originally manufactured and is manufactured with a metal cab.

(b) A micro utility truck may be operated upon the streets, roads and alleyways within the corporate limits of the city; provided, however, that no micro utility truck may be operated upon any streets, roads and alleyways with a posted speed limit in excess of 45 miles per hour. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway with a posted speed limit greater than 45 miles per hour.

(c) Every micro utility truck shall be equipped with the following safety equipment that meets the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto:

- (1) Stop lamps
- (2) Tail lamps
- (3) Rear Reflector
- (4) Brakes
- (5) Horn or warning device
- (6) Mirror on left side of the vehicle
- (7) Mirror on the right side of vehicle or an inside rearview mirror
- (8) Seat belt with shoulder restraint
- (9) Roll bar (Manufactured)

14-605. Requirements Applicable to all Allowed Vehicles.

For operation of Golf Carts, Work-Site Utility Vehicles, and Micro-Utility Trucks (hereafter “Allowed Vehicle”) within the city, the following additional requirements shall apply:

(a) Every person operating an Allowed Vehicle on the streets, roads, and alleyways of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(b) Every owner of an Allowed Vehicle, before operating the Allowed Vehicle on the streets, roads, or alleyways within the corporate limits of the city, shall register said vehicle, pursuant to procedures authorized by the city clerk, and obtain a registration sticker or tag issued by the clerk. The registration shall be valid through December 31 for the year for which it is issued and be permanently affixed to the Allowed Vehicle’s left rear quarter panel.

- (1) Before the city will issue any annual registration license for an Allowed Vehicle, the owner of said vehicle must provide:
 - (A) Current valid driver’s license.
 - (B) Proof of liability insurance specifically listing the Allowed Vehicle, in accordance with the Kansas Automobile Injury Reparations Act.
 - (C) Payment of the initial registration fee or the annual license renewal fee, as set forth in the City Fee Resolution.
- (2) Any violation of this Article may be cause for revocation of the city issued permit. Permits may be revoked for cause, effective immediately, by the City Clerk with notice provided to the owner or operator in writing within a reasonable amount of time.
- (3) A permit that has been revoked by the City Clerk may be appealed to the city governing body by filing a written appeal with the City Clerk within 5 (five) business days of the date of the written notice of revocation. The governing body may choose to hear or refuse to hear the appeal. If the governing bdy chooses to hear the appeal, they may sustain the revocation, rescind and re-issue the permit or reissue a permit with restriction.

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(c) It shall be illegal for any person to operate an Allowed Vehicle on any streets, roads, or alleyways with more passengers than the Allowed Vehicle is designed to seat and all persons are required to wear seatbelts if the vehicle is so equipped.

(e) No Allowed Vehicle shall be operated on any streets, roads, or alleyways between sunset and sunrise unless equipped with head lights, brake lights, and tail lights.

(f) No person shall operate an Allowed Vehicle on any streets, roads, or alleyways in the corporate limits of the city unless they have in their possession and maintain a valid unrestricted driver's license.

(g) No person shall operate an Allowed Vehicle on any streets, roads, or alleyways in the corporate limits of the city if said operation causes the Allowed Vehicle to emit sound that is in violation of the city's noise regulations, specifically Article 3 of Chapter XI of the City Code.

14-606. Operation of all-terrain vehicles(ATVs), pocket bikes, and motorized scooters.

The operation of all-terrain vehicles, pocket bikes, and motorized scooters on the streets, roads, and alleys within the corporate limits of the city is prohibited.

14-607. Violations; traffic infraction; penalties.

A violation of this article shall be deemed a traffic infraction. Upon an entry or plea of guilty or no contest, or upon being found guilty of a violation hereof, the penalty imposed shall be in accordance with the penalty section of the Standard Traffic Ordinance then in effect for the city.

SECTION 2: Repealer. Upon the effective date of this Ordinance, Article 5 of Chapter 11 of the City Code is hereby repealed.

SECTION 3: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF DE SOTO, KANSAS ON THE 17th DAY OF AUGUST 2023.

RICK WALKER, Mayor

ATTEST:

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BRANDON MILLS, City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY, City Attorney