

(First published in The Marysville Advocate on January 24, 2019)

ORDINANCE NO. 1870

AN ORDINANCE CREATING AND ADOPTING ARTICLE 5 OF CHAPTER XIV TRAFFIC TO THE CODE OF THE CITY OF MARYSVILLE, KANSAS AUTHORIZING THE OPERATION OF UTILITY TERRAIN VEHICLES AND MICRO UTILITY TRUCKS ON THE PUBLIC STREETS, ROADS AND ALLEYS, WITHIN THE CORPORATE LIMITS OF THE CITY OF MARYSVILLE; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Governing Body of the City of Marysville desires to authorize the operation of Utility Terrain Vehicles and Micro Utility Trucks on public streets, roads and alleys, within the corporate limits of the City of Marysville;

WHEREAS, adoption of Article 5 to Chapter XIV Traffic to the Code of the City of Marysville, Kansas now comes before the Governing Body of the City for consideration.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Marysville, Marshall County, Kansas:

Article 5. Utility Terrain Vehicles (U.T.V.'s) and Micro Utility Trucks (M.U.T.'s).

14-501 Definition of U.T.V. and M.U.T.

- (a) A Utility Terrain Vehicle (U.T.V.) is defined as any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, and is manufactured with a metal roll bar and bench or bucket-type seating allowing at least two people to sit side-by-side.**
- (b) A Micro Utility Truck (M.U.T.) is defined as any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, or more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. Micro-utility truck does not include a work-site utility vehicle.**

14-502 Operation of U.T.V.'s and M.U.T.'s.

- (a) U.T.V.'s and M.U.T.'s may be operated upon the public streets, roads and alleys between sunrise and sunset within the corporate limits of the City; provided however, that no U.T.V. or M.U.T. may be operated upon any public street, road and alley with a posted speed limit in excess of thirty miles per hour or upon any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a U.T.V. or M.U.T. from crossing a federal or state highway or a street or highway with a posted speed limit greater than thirty miles per hour.**
- (b) No U.T.V. or M.U.T. shall be operated on any public sidewalk or other area not specifically designated as a traffic lane.**

(c) Headlamps and tail lamps and turn signals must be operated whenever the vehicle is in use.

(d) Every person operating a U.T.V. or M.U.T. on the public streets, roads and alleys of the city shall be subject to all of the duties applicable to a licensed driver of a vehicle imposed by law in accordance with the Standard Traffic Ordinance, and amendments, thereto or such other similar provisions as the City may then have in effect.

14-503 Valid Driver's license required, age restriction and penalty.

(a) No person shall operate a U.T.V. or M.U.T. on any public street, road or alley within the corporate limits of the City unless such person has a valid driver's license; and

(b) U.T.V. or M.U.T. operator must be at least eighteen years of age.

(c) 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.

14-504 Liability insurance. *All insurance requirements contained in Article 19, Section 200, of the Standard Traffic Ordinance shall apply to U.T.V.'s and M.U.T.'s and shall carry the same possible penalties.*

14-505 Required equipment. *All U.T.V.'s and M.U.T.'s shall be equipped with the following before registering with the City of Marysville:*

(a) Head lamps;

(b) Tail lamps;

(c) Rear reflectors;

(d) Stop lamps;

(e) Turn signals;

(f) Mirror on left side of vehicle;

(g) Mirror on right side or inside center;

(h) Safety belts and shoulder harnesses;

(i) Mufflers and noise suppressing system; and

(j) Windshield or eye protection

14-506 Registration and License Sticker Display.

(a) Every person operating a U.T.V. or M.U.T. within the corporate limits of the City shall before operating said vehicle on the public streets, roads, or alleys within the corporate limits of the City, register such vehicle with the City and obtain a registration license sticker for such vehicle. The registration license sticker issued by the City Clerk shall be valid through December 31 of the year for which issued. Annual renewals are required by February 1 of the subsequent year.

(b) Before the City Clerk shall issue any annual registration license sticker for such vehicle, the owner of such vehicle shall provide:

- 1. A certificate of title (or bill of sale if no title was issued) to the vehicle showing proof of ownership issued by the State of Kansas;*

- 2. Proof of motor vehicle liability insurance in accordance with the Kansas Automobile Injury Reparations Act;**
- 3. Proof of assessment from the Marshall County Appraiser; and**
- 4. Payment of initial registration fee of \$100.00 with inspection form signed by a City of Marysville law enforcement officer, registration fee to be \$25.00 yearly thereafter. Inspection required by a law enforcement officer every two years with payment of \$10 inspection fee.**

(c) The registration license sticker must be attached thereto and displayed at all times of operation.

(d) 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 a violation of this section, the penalty shall be imposed in accordance with the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the City may then have in effect.

(e) The registration license sticker issued hereunder is not transferable. In the event of sale or other transfer of the ownership of any vehicle, the registration license sticker shall be removed by the owner.

(f) In the event a registration license sticker is lost or destroyed, the City Clerk shall issue a new registration license sticker for a fee of twenty-five dollars, in accordance with the provisions of this section.

14-507 All- terrain vehicles and golf carts are excluded. All-terrain vehicles are not permitted at any time within the corporate limits of the city, except during snow removal operations. All-terrain vehicles are defined as any motorized non-highway vehicle 50 inches or less in width, having dry weight of 1,500 pounds or less, and having a seat to be straddled by the operator, along with handlebars for steering control.

Golf carts are defined as any 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.

14-508 Any violation of this Article, other than 14-503 and 14-504, is punishable by a fine of not less than \$200.00 and not more than \$1,000.00.

14-509 Repealed. Sections 114.1 and 114.2 of the 2018 Standard Traffic Ordinance as adopted by the City in Ordinance No. 1864 shall be repealed.

WHEREAS, this ordinance will take effect and be in full force from and after its publication in the official city newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 14th day of January 2019, to be effective April 1, 2019.

ATTEST:

CARLA GRUND

Mayor

LUCINDA HOLLE

City Clerk

(SEAL)