

## **ORDINANCE NO. 3761**

**AN ORDINANCE AMENDING SECTION 10.04.90 UTILITY TERRAIN VEHICLES (U.T.V.) OF THE FORT SCOTT MUNICIPAL CODE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS:**

**ORDINANCE 3486 is amended as follows:**

### **10.04.90 - UTILITY TERRAIN VEHICLES (U.T.V.)**

#### **SECTION 1. Operation of utility terrain vehicles [hereinafter U.T.V.]**

- a) U.T.V.s may be operated **UPON** the public highways, streets, roads and alleys within the corporate limits of the City; provided, however, that no U.T.V. may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 35 miles per hour or upon any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a U.T.V. from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.
- b) No U.T.V. shall be operated on any public sidewalk or other area not specifically designated as a traffic lane.
- c) Every person operating a U.T.V. on the public highways, streets, roads and alleys of the City shall be subject to all of the duties applicable to a licensed driver or a vehicle imposed by law.

#### **SECTION 2. VALID DRIVER'S LICENSE REQUIRED; PENALTY.**

No person shall operate a U.T.V. on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license and is 18 years of age or older. Violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

### **SECTION 3 - DEFINITION**

A "U.T.V." 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 1,000 pounds, can exceed 25 miles per hour and originally manufactured. This definition does not include an All Terrain Vehicle [A.T.V.] which is a vehicle designed with a seat to be straddled and which is not authorized to be on the City streets.

### **SECTION 4 - PENALTY**

Unless specifically provided herein, a violation of this section shall be deemed a 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

### **SECTION 5 - INSURANCE REQUIRED; PENALTY**

- a) Every owner of a U.T.V. shall provide liability insurance coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, KSA 3101, et seq., and amendments thereto.
- b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto shall be applicable to all owners and operators of U.T.V.s.

### **SECTION 6. REGISTRATION AND LICENSE; FEE, APPLICATION; INSPECTION; PENALTY.**

- a. Before operating any U.T.V. on a 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 U.T.V. The license fee shall be \$50.00 per calendar year [ending on December 31 of each year], payable in advance to the City Clerk. 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 U.T.V. shall be made by the owner, or owner's agent, in the office of the City Clerk. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residential 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 D shall be furnished at the time of application for registration.
- c. Prior to the issuance of the registration and license, each applicant for a U.T.V. license shall first present such vehicle for an official inspection. If a previous license for the prior year has been issued by the City then no such inspection shall be required. An inspection shall be required if the vehicle has been transferred to a new owner. If upon inspection and completion of the registration application such vehicle is found to be in a safe mechanical condition, and upon 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 maintained and filed at City Hall with a copy provided to the Fort Scott 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 not transferable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.
- f. In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment of a fee of \$25.00, shall issue a new license in accordance with the provisions of this section.

**Before an inspection is done on any U.T.V. to be registered with City of Fort Scott, proof of title registration must be provided. If no title registration can be provided the City of Fort Scott will not consider a U.T.V. for inspection.**

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 U.T.V., as defined herein, 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. A violation of this subsection 7.b. shall constitute an unclassified misdemeanor punishable by a fine of not less than \$100.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
- 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 U.T.V.. 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 U.T.V. not lawfully issued for such vehicle.
- f. Any person convicted of, or a violation of, any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than \$500.00.

## **SECTION 7 - REQUIRED EQUIPMENT**

Required equipment. All U.T.V.s shall be equipped with the following before registering with the City of Fort Scott:

- a. Head lamps
- b. Tail lamps
- c. Reflectors (rear)

- d. Stop lamps
- e. Turn signals
- f. Mirror: left side of vehicle
- g. Mirror: right side or inside center
- h. Safety belts and shoulder harnesses
- i. Mufflers and noise suppressing system

## **SECTION 7 - PROHIBITED STREETS:**

Other than to cross at an appropriately designated intersection or crossing, it is a violation of this chapter for a U.T.V. to be operated on any of the following streets:

**East Wall Street (U.S. 54 Highway)**

**U.S. 69 Highway**

## **SECTION 8: PUBLICATION; EFFECTIVE DATE.**

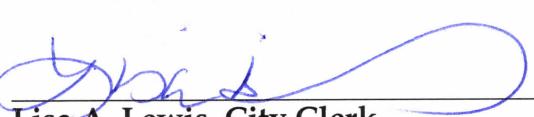
This ordinance shall be published one time in the official city newspaper, The Fort Scott Tribune, and shall take effect and be in force from and after said publication.

**PASSED AND APPROVED by the Governing Body this 19th day of MARCH, 2024**



Attest:

  
Tracy Dancer, Mayor

  
Lisa A. Lewis, City Clerk