

(First Published in the Columbus Advocate _____ day of _____, 2009)

ORDINANCE NO. 1269

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF COLUMBUS, KANSAS, PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 1266 SECTION 114.4, STANDARD TRAFFIC ORDINANCE, OF THE CODE OF THE CITY OF COLUMBUS, KANSAS.

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

Section 1. OPERATION OF GOLF CARTS. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that 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. 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.

(b) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(d) Every person operating a golf cart shall operate it in the far right hand lane of traffic; if the width of the roadway is sufficient, the golf cart operator shall drive to the extreme right.

(e) Golf carts shall not be operated with a number of passengers which exceeds the seating capacity thereof.

(f) Golf carts shall yield right-of-way to all pedestrians and other vehicular traffic.

Section 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. 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 is 18 years of age or older and 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 3. SAME; DEFINITION: "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 4. SAME; PENALTY. Unless specifically provided 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

Section 5. SAME; EQUIPMENT AND DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

(a) It shall be illegal to operate a golf carts vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) All golf carts shall have a bicycle flag extended to a height of not less than seven (7) feet above the ground.

(e) All golf carts shall have at least one working headlight and not less than two working tail lights which show red to the rear at a distance of two hundred (200) feet, and which shall be lit while the golf cart is in operation.

(f) All golf carts shall be equipped with at least one rear view mirror.

(g) All golf carts shall contain a seat which does not allow the operator thereof to straddle the vehicle.

(h) All golf carts shall be equipped with adequate brakes kept in good working order.

(i) Golf carts that are equipped with a "bed" have special restrictions. The "bed" portion of the golf cart shall be used for the transportation of goods only. It shall be unlawful for any person to operate such golf cart while another person or an animal is riding in the "bed" portion thereof.

(j) Golf carts shall not be allowed to pull or tow any type of wagon, cart, trailer or implement.

Section 6. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the 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 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 7. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY:

(a) Before operating any golf cart 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 golf cart. The license fee shall be fifteen dollars (\$15.00) per calendar year, payable in advance to the Chief of Police. 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/operator or owners/operators, in the office of the Chief of Police. The application shall be made upon forms provided by the City and each application shall contain the name of the owner or owners, 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 6 shall be furnished at the time of the initial application for registration and annually thereafter. Registration and licensing of a golf cart shall be limited to no more than two owners/operators.

(c) Prior to the issuance of the registration and license, each applicant for a golf cart license shall first present such vehicle for an official inspection prior to the issuance of the first registration for licensing the golf cart. If, upon inspection and completion of the registration application, such vehicle is found to be in 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 accounted for and then filed in the police department.

(d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such licenses during the time in which the same is operative.

(e) The license issued hereunder is not transferrable. 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 Chief of Police, upon proper showing by the licensee and the payment of a fee of eight dollars (\$8.00), shall issue a new license in accordance with the provisions of this section.

(g) Annual renewal of a golf cart license requires proof of current liability insurance in the office of the Chief of Police.

(h) 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, 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.

(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 mandatory court appearance and forfeiture of the item 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 golf cart. 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 golf cart not lawfully issued for such vehicle.

(6) Any person convicted of a violation of any of the provisions sections (1), (2) or (3) shall be punished by a fine not exceeding \$2500 or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment. Any person violating sections (4) or (5), shall for the first conviction thereof be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$1000 or by imprisonment for not more than six months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$2500 or by imprisonment for not more than one year or by both such fine and imprisonment.

Section 8. PUBLICATION; EFFECTIVE DATE: This ordinance shall be published one time in the official city newspaper and shall take effect and be in force January 1, 2010.

PASSED and APPROVED by the Governing body this 6th day of October, 2009.


MARIE NEPPLE, MAYOR

ATTEST:


JANICE BLANCETT, CITY CLERK

(SEAL)