

*Ordinance Summary published in the Miami County Republic on October 21, 2020 and the full text of the Ordinance made available at [www.cityofpaola.com](http://www.cityofpaola.com) for a minimum of 1 week from the date of publication.*

### **Ordinance No. 3165 Summary**

On October 13, 2020, the City of Paola, Kansas, adopted Ordinance No. 3165, amending Section 300.010 of the Code of the City of Paola, Kansas, 2009, incorporating by reference the "Standard Traffic Ordinance for Kansas Cities, Edition of 2019", omitting Section 114.1 - Unlawful Operation of All-Terrain Vehicle; Section 114.4 - Unlawful Operation of a Golf Cart; Section 114.5 – Unlawful Operation of a Work-Site Utility Vehicle; and Section 195.1 - Operation of a Motor Vehicle When a Habitual Violator; and amending Section 194 - Driving While License Canceled, Suspended or Revoked; Penalty; and affirming that Section 305.060 Unlawful Operation of All-Terrain and Unregistered Vehicles is not amended, modified or repealed and amending Section 305-070 – Operation of Golf Carts; and adding Section 305.080 – Operations of Work-Site Utility Vehicle. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at [www.cityofpaola.com](http://www.cityofpaola.com). This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

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### **ORDINANCE NO 3165**

**AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2019", WITH CERTAIN OMISSIONS AND AMENDEMENTS; AND AFFIRMING THAT SECTION 305.060 UNLAWFUL OPERATION OF ALL-TERRAIN AND UNREGISTERED VEHICLES OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, IS NOT AMENDED, MODIFIED OR REPEALED; AND AMENDING SECTION 305.070 OPERATION OF GOLF CARTS AND ADDING SECTION 305.080 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF.**

**Be it Ordained by the Governing Body of the City of Paola, Kansas:**

**Section 1.** That Section 300.010 of the Code of the City of Paola, Kansas, 2009, is hereby amended as follows:

#### **"SECTION 300.010: STANDARD TRAFFIC ORDINANCE**

**A. INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Paola, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities, Edition of 2019" prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No less than one copy of the Standard Traffic Ordinance shall be marked or stamped "OFFICIAL COPY AS ADOPTED BY ORDINANCE NO. 3165", and to which shall be attached a copy of this ordinance, and filed

with the City Clerk to be open for 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 the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

B. OMISSION. The following section of the Standard Traffic Ordinance for Kansas Cities, Edition of 2019, relating to the following matter, is hereby omitted and deleted:

Section 114.1	Unlawful Operation of All-Terrain Vehicle
Section 114.4	Unlawful Operation of a Golf Cart
Section 114.5	Unlawful Operation of a Work-Site Utility Vehicle
Section 195.1	Operation of a Motor Vehicle When a Habitual Violator

C. AMENDMENT. That Section 194 of the Standard Traffic Ordinance for Kansas Cities, Edition of 2019 shall be amended to read as follows:

**Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty.**

- (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked, shall upon first conviction be punished by imprisonment for not more than six months or fined not to exceed \$1,000, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section such person shall be punished by imprisonment of not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- (3) Every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

- (b) For the purposes of determining whether a conviction is a first, second, or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section."

**Section 2.** That Section 305.080 of the Code of the City of Paola, Kansas 2009, is hereby amended to read as follows:

**“SECTION 305.080:      OPERATION OF WORK-SITE UTILITY VEHICLE.**

- A. “Work-Site Utility Vehicle, or UTV” means any vehicle designed for off-highway use which has: a width no less than 48 inches; an overall length, including the bumper, of not more than 135 inches; four or more wheels; low pressure tires; side by side seating; a steering wheel; non-straddle seating; manufacturer provided foot controls for throttle and braking, excluding any modifications for use by handicapped persons; occupant restraints, and rollover protective structures.
- B. Work-Site Utility Vehicle may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no work-site utility vehicle may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 45 miles per hour. 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 with a posted speed limit greater than 45 miles per hour.
- C. No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle is equipped with lights, turn signals, and reflectors as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated (K.S.A.), and amendment thereto.
- D. In addition to any equipment required by this ordinance, a UTV operating upon any public highway, street, road or alley shall be equipped with at least one rear view mirror and side mirrors.
- E. All UTV shall comply with noise and muffler requirements as set forth in K.S.A.8-1739, and amendments thereto.
- F. Every person operating a work-site utility vehicle 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.
- G. No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid, unrestricted, 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.
- H. Every owner of a work-site utility vehicle, before operating said vehicle on the public highways, streets, roads, or alleys within the corporate limits of the City of Paola, shall register said vehicle with the Paola Police Department and obtain a registration sticker. The registration sticker issued by the city shall be valid through December 31 for the year for which it is issued and be permanently affixed to the vehicles left rear quarter panel.
  - 1. Before the city will issue any annual registration license for a work-site utility vehicle, the owner of said vehicle must provide:
    - a. Current valid, unrestricted driver’s license.
    - b. Proof of liability insurance specifically listing the UTV vehicle, in accordance with the Kansas Automobile Injury Reparations Act.
    - c. Payment of the initial registration fee of \$150.00 or the annual license renewal fee of \$25.00
- I. It shall be illegal for any person to operate a work-site utility vehicle on any public highway, street, road or alley with more passengers than the work-site utility vehicle is designed to seat and all persons are required to wear seatbelts.
- J. 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, 2009 Standard

Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

**Section 3.** That Section 305.060: Unlawful Operation of All-Terrain and Unregistered Vehicles of the Code of the City of Paola, Kansas, 2009, is hereby affirmed and said Section 305.060 is not intended to be amended, modified, or repealed by this ordinance.

**Section 4.** That Section 305.070: Operation of Golf Carts of the Code of the City of Paola, Kansas, 2009, is hereby amended to read as follows:

**“SECTION 305.070: 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. 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 has a valid, unrestricted, 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.
- E. “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 six persons, including the driver.
- F. It shall be illegal for any person to operate a golf cart on any public highway, street, road or alley with more passengers than the golf cart is designed to seat.
- G. 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, 2009 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.
- H. 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.
  1. 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.
  2. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.”

**Section 5.** That this ordinance shall become effective after its passage, approval and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

**PASSED AND APPROVED** by the Governing Body this 13<sup>th</sup> day of October, 2020.

**APPROVED** by the Mayor this 13<sup>th</sup> day of October, 2020.

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Artie Stuterville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk