

(*Ordinance published at www.andoverks.com on December 13, 2023*)

ORDINANCE NO. 1890

AN ORDINANCE AUTHORIZING THE OPERATION OF UTILITY TERRAIN VEHICLES (UTV) ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ANDOVER, KANSAS; AND AMENDING CHAPTER XVIII, ARTICLE 5, SECTIONS 18-501 AND 18-502 OF THE CODE OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the Standard Traffic Ordinance For Kansas Cities (50th Edition) (the “STO”) and Kansas law, subject to certain restrictions, allows cities to authorize the operation of work-site utility vehicles (“UTV”) upon public highways, streets, roads, or alleyways within the corporate limits of such cities; and

WHEREAS, certain capacity UTVs are already included in the meaning of an All-Terrain Vehicle.

WHEREAS, the Governing Body of the City of Andover, Kansas (the “City”) already finds it advisable to allow generally, but also to restrict, the operation of All-Terrain Vehicles within the corporate limits of the City.

WHEREAS, the Governing Body of the City finds it advisable to expand the operation of All-Terrain Vehicles to specifically include UTVs per STO guidelines.

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

Section 1. Section 18-501 of Chapter XVIII, Article 5 of the Code of the City of Andover, Kansas (the “Code”) is hereby amended to read as follows:

Section 18-501. Definitions.

- (a) “Golf Cart,” “Work-Site Utility Vehicle,” “Micro-Utility Truck,” and “All-Terrain Vehicle” shall have the same meaning as set forth for the term as in the then effective edition of the Standard Traffic Ordinance, as the same shall from time to time be incorporated into the Code by reference.
- (b) “Utility Terrain Vehicle” (UTV) or also known as a Side-by-Side (SxS) or Recreational Off-highway Vehicle (ROV) is the same as a “Work-Site Utility Vehicle.”
- (c) “Special purpose vehicle” means Golf Cart, Work-Site Utility Vehicle, Micro-Utility Truck, All-Terrain Vehicle (ATV), and Utility Terrain Vehicle (UTV) either individually or collectively.

Section 2. Section 18-502 of Chapter XVIII, Article 5 of the Code is hereby amended to read as follows:

Section 18-502. Operation of special purpose vehicles on city streets; special conditions and restrictions on operation.

(a) Golf Carts may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city, except as follows (subject to any allowance required by federal law, including the Americans with Disability Act):

- (1) No Golf Cart may be operated upon any public highway, street, road, and alley with a posted speed limit in excess of thirty (30) miles per hour, however, that the provisions of this subsection shall not prohibit a Golf Cart from crossing any public highway, street, road or alley.
- (2) No Golf Cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.
- (3) All Golf Cart operators must have a valid driver's license in their possession at all times while operating a Golf Cart.
- (4) The number of passengers in a Golf Cart is limited to the passenger design of the Golf Cart.
- (5) No Golf Cart shall be operated on any sidewalk, pedestrian walkway, or bike path; provided however that the provision of this Subsection shall not prohibit a Golf Cart from crossing a sidewalk, pedestrian walkway, or bike path.

(b) Micro-Utility Trucks may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city, except as follows:

- (1) No Micro-Utility Truck may be operated upon any public highway, street, road, and alley with a posted speed limit in excess of thirty (30) miles per hour; however, that the provisions of this subsection shall not prohibit a Micro-Utility Truck from crossing any public highway, street, road or alley.
- (2) No Micro-Utility Truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
- (3) The operator and all passengers must wear a seat belt at all times.
- (4) Children who would be required to use a safety seat, child restraint, or booster seat in an automobile are not permitted to ride as a passenger in a Micro-Utility Truck under any circumstances. (Generally, all passengers must be at least eight (8) years old, weigh more than eighty (80) pounds, and be at least four (4) feet and nine (9) inches tall).

- (5) All Micro-Utility Truck operators must have a valid driver's license in their possession at all times while operating a Micro-Utility Vehicle.
- (6) The number of passengers in a Micro-Utility Truck is limited to the passenger design of the Micro-Utility Truck.
- (7) No Micro-Utility Truck shall be operated on any sidewalk, pedestrian walkway, or bike path; provided, however, that the provisions of this Subsection shall not prohibit a Micro-Utility Truck from crossing a sidewalk, pedestrian walkway or bike path.

(c) Work-Site Utility Vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city, except as follows:

- (1) No Work-Site Utility Vehicle may be operated upon any public highway, street, road, and alley with a posted speed limit in excess of thirty (30) miles per hour unless properly equipped (see subsection (c)(3) for proper minimum equipment) to operate on any street, roads and alley. No Work-Site Utility Vehicle, (regardless of equipment) shall be operated upon (A) any interstate highway, (B) federal highway (including U.S. Highway 54), or (C) state highway within the corporate limits of the city if such state highway has a posted speed limit sign in excess of sixty-five (65) miles per hour; however, that the provisions of this subsection shall not prohibit a Work-Site Utility Vehicle from crossing any public highway, street, road or alley.
- (2) No Work-Site Utility Vehicle shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
- (3) No Work-Site Utility Vehicle may be operated upon the City roads, streets, or alleys in excess of thirty (30) miles, unless properly equipped with equipment required by Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. § 8-1493, and the following minimum equipment:
 - (i) Low-pressure tires;
 - (ii) Manufacturer-provided foot controls for throttle and braking (excluding any modification for use by disabled persons);
 - (iii) Occupant restraints;
 - (iv) Rollover protective structures;
 - (v) At least two working headlights;
 - (vi) Left and right turn signals;

- (vii) Two or more brake lights;
- (viii) A working vehicle powered horn;
- (ix) One rear-view mirror mounted on the left side of the vehicle and a second rear-view mirror mounted either inside the vehicle or on its right side; and
- (x) Capable of maintaining and/or exceeding forty (40) miles per hour as originally manufactured.

(4) The operator and all passengers must wear a seat belt at all times.

(5) Children who would be required to use a safety seat, child restraint, or booster seat in an automobile are not permitted to ride as a passenger in a Work-Site Utility Vehicle under any circumstances. (Generally, all passengers must be at least eight (8) years old, weigh more than eighty (80) pounds, and be at least four (4) feet and nine (9) inches tall).

(6) All Work-Site Utility Vehicle operators must have a valid driver's license in their possession at all times while operating a Micro-Utility Vehicle.

(7) The number of passengers in a Work-Site Utility Vehicle is limited to the passenger design of the Work-Site Utility Vehicle.

(8) No Work-Site Utility Vehicle shall be operated on any sidewalk, pedestrian walkway, or bike path; provided, however, that the provisions of this Subsection shall not prohibit a Work-Site Utility Vehicle from crossing a sidewalk, pedestrian walkway, or bike path.

(d) All-Terrain Vehicles may be operated upon the public highway, streets, roads, and alleys within the corporate limits of the city, except as follows:

- (1) No All-Terrain Vehicle may be operated upon any public highway, street, road and alley with a posted speed limit in excess of thirty (30) miles per hour; however, that the provisions of this subsection shall not prohibit an All-Terrain Vehicle from crossing any public highway, street, road, or alley.
- (2) No All-Terrain Vehicle may be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motorcycles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.
- (3) All-Terrain Vehicle operators must have a valid driver's license in their possession at all times while operating an All-Terrain Vehicle.
- (4) The number of passengers in on an All-Terrain Vehicle is limited to the passenger design of all All-Terrain Vehicle.

(5) No All-Terrain Vehicle shall be operated on any sidewalk, pedestrian walkway, or bike path; provided, however, that the provisions of this Subsection shall not prohibit an All-Terrain Vehicle from crossing a sidewalk, pedestrian walkway, or bike path.

(e) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.

(f) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

(g) This Section shall be supplemental to the then effective edition of the Standard Traffic Ordinance, as the same shall from time to time be incorporated into the Code by reference.

Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this
12th day of December, 2023.

[seal]



CITY OF ANDOVER, KANSAS

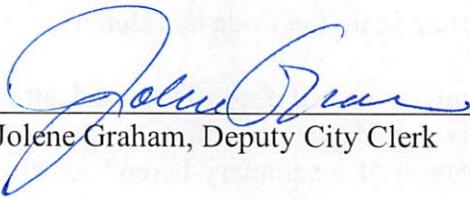
By



Ronnie Price, Mayor

ATTEST:

By



Jolene Graham, Deputy City Clerk