

(First published in the Western Butler County Times July 15, 1971)

ORDINANCE NO. 155

AN ORDINANCE DEFINING THE TERM MOTORCYCLE, PRESCRIBING THE DUTIES OF THE DRIVER OF THE SAME AND PRESCRIBING THE METHOD OF RIDING OR OPERATING THE SAME AS WELL AS ESTABLISHING CERTAIN RULES OF THE ROAD TO BE OBSERVED BY THE OPERATOR OR PASSENGER OF SAID MOTORCYCLE AND PROHIBITING THE OPERATION OF THE SAME WHILE CLINGING TO ANOTHER, PROVIDING STANDARDS FOR FOOTRESTS AND HANDLEBARS AND REQUIRING AN OPERATOR OR PASSENGER OF A MOTORCYCLE TO WEAR A CRASH HELMET AND PROVIDING THAT THE OPERATOR OF THE SAME HAVE A VALID KANSAS OPERATOR'S LICENSE AND PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE AND ADOPTING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY TO EXIST AND PROVIDING FOR THE ADOPTION OF THE SAME ON FIRST READING

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

Section 1. DEFINITION: For the purpose of this ordinance the term "motorcycle" shall be meant to include every motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding those vehicles commonly known and used as tractors or mowers, and including but not limited to so-called motor scooters, motor bikes and trail bikes.

Section 2. APPLICABILITY OF ORDINANCE: Every person operating a motor bike shall be subject to all of the duties applicable to the driver of any other motor vehicle under the ordinances of said City, except as to those provisions which by their very nature can have no application.

Section 3. RIDING ON MOTORCYCLES: (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event, a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (K.S.A. 1970 Supp. 8-577g)

SECTION 4 OPERATING MOTORCYCLES ON ROADWAYS LANED FOR TRAFFIC:

(a) all motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to two motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (K.S.A. 1970 Supp. 8-577h)

Section 5. CLINGING TO OTHER VEHICLES: No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway. (K.S.A. 1970 Sup. 8-577i)

Section 6. MOTORCYCLE FOOTRESTS AND HANDLEBARS:

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator. (K.S.A. 1970 Supp. 8-577j)

Section 7. CRASH HELMET FOR MOTORCYCLE OPERATOR OR RIDER:

(a) No person shall operate or ride as a passenger on a motorcycle or motor-driven cycle unless he is wearing a crash helmet or other adequate protective headgear of a type authorized and approved by the State Highway Commission.

(b) This Section shall not apply to persons riding within an enclosed cab.

Section 8. OPERATOR'S LICENSE REQUIRED: Nothing in this ordinance shall be construed as permitting any person to operate a motor vehicle upon the streets, alleys, roadways or public grounds of the City of Andover, Kansas, without a valid Kansas Motor Vehicle Operator's License in his possession.

Section 9. Any person found guilty of the violation of any of the terms of this ordinance may be fined not less than \$5.00, nor more than \$100.00, or sentenced to serve 30 days in jail, or both such fine and imprisonment.

Section 10. That should any Section or portion of Section of this ordinance be determined unconstitutional, then notwithstanding such unconstitutionality, the remaining sections or portions of sections of such ordinance shall be in full force and effect

Section 11. That pursuant to Section 2 of Ordinance No. 147 as adopted by the Governing Body of the City of Andover, Kansas, it is hereby declared that the adoption of this ordinance is urgent and necessary, and the first reading of the same is suspended by the Governing Body.

The above ordinance duly passed and adopted by the Governing Body of the City of Andover, Kansas, this 29th day of July, 1971.

Eugene Miller
Eugene Miller, Mayor

ATTEST:

(Seal)

Charles Clay
Charles Clay, City Clerk, *acting*