

(First published in the *High Plains Daily Leader*, Liberal, Kansas, this 28th day of August, 2009.) t1

ORDINANCE NO. 4374

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL; AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED by the Governing Body of the City of Liberal, 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, subject to the limitations provided in this Article.

(b) Golf carts may only be driven from point of storage to and from Willow Tree Golf Course and/or to and from the Liberal Country Club Golf Course.

(c) No golf cart may be operated on the following streets:

- i. Western Avenue,
- ii. Tucker Road,
- iii. Pine Avenue,
- iv. Kansas Avenue
- v. 15th Street east of the Western Avenue and 15th Street intersection,
- vi. any other public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour,
- vii. any interstate highway, federal highway or state highway.

(d) Nothing contained herein shall prohibit an operator of a golf cart from crossing any of the streets or highways listed above at a legal crossing site or intersection.

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

(f) Golf carts shall not be operated on sidewalks.

(g) Nothing contained in this Section shall confer upon any operator of a golf cart the right to drive said golf cart on private property without first obtaining the permission of the property owner.

(h) Golf cart operators shall stay to the far right of the traveled portion of the road and yield the right of way to overtaking vehicles and will otherwise adhere to all traffic flow patterns.

(i) The maximum number of occupants in a golf cart shall be no more than four (4) and shall otherwise be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion.

Section 2. SAME: DUTY TO ADHERE TO THE STANDARD TRAFFIC ORDINANCE AND LIBERAL MUNICIPAL CODE. Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the laws applicable to a driver of a vehicle as specified in the Standard Traffic Ordinance and Liberal Municipal Code. However, nothing contained herein shall require a golf cart to be equipped with any of the equipment required to be installed in or on motor vehicles, except as specifically referenced in this Article.

Section 3. 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 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 4. 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 5. 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, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 6. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the 2008 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 2008 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 an individual license decal shall be obtained and placed on the golf cart. The license fee shall be ten dollars (\$10.00) per calendar 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 golf cart 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 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 application for registration.

(c) Upon establishing proof of insurance and payment of the fees herein provided, a license decal shall be issued to the owner who shall attach it to the vehicle. The license decal 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 license decals 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 decal 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 decal is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment of a fee of ten dollars (\$10.00), shall issue a new license in accordance with the provisions of this section.

(g) 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 decal 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 violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$500 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

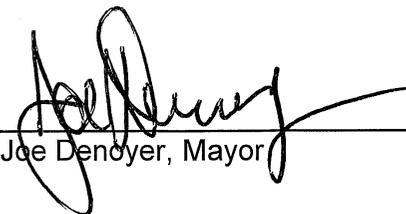
(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4) Carry or display a registered number plate or plates or registration decal upon any golf cart not lawfully issued for such vehicle.

Section 8. SAME; SEVERABILITY. If any section, subsection, sentence or term of this Ordinance or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of the Ordinance or its application to any remaining portion of the Ordinance or its application to any other person or circumstance.

Section 9. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the *High Plains Daily Leader*, the official city paper.

PASSED AND APPROVED by the Governing Body of the City of Liberal, this 25th day of August, 2009.



Joe Denoyer, Mayor

ATTEST:



Debra S. Giskie, CMC, City Clerk

