

ORDINANCE NO. 08-12

THIS IS AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY AND OTHER SMALL VEHICLES ON THE STREETS OF THE CITY OF GALENA, KANSAS; AND, PROVIDING FOR REGULATION OF RELATED MATTERS INCLUDING PENALTIES FOR VIOLATION THEREOF.

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

Section 1. The Code of the City of Galena, Kansas, is hereby amended by adding the following sections 14-501 through 14-503 which shall read as follows:

14-501 Definitions.

“Small vehicles” shall include all of the following vehicles listed within this subsection, as follows:

An “all-terrain vehicle” means any motorized non-highway vehicle which is 48 inches or less in width, having a dry weight of 1000 pounds or less, traveling on three or more low-pressure tires, having a seat designed to be straddled by the operator. As used in this section, “low-pressure tire” means any pneumatic tire six inches or more in width, designed for use on wheels with a rim diameter of 12 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

A “work-site utility vehicle” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an un-laden weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. “Work-site utility vehicle does not include a micro utility truck;

A “micro utility truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more

than 144 inches, has an un-laden weight, including fuel and fluids, of more than 1500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. A "micro utility truck" does not include a work-site utility vehicle;

A "low speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles pursuant to 49 C.F.R. 571.500;

A "Motorized bicycle" means every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has: (a) a motor which produces not more than 3.5 brake horsepower; (b) a cylinder capacity of not more than 130 cubic centimeters; (c) an automatic transmission; and (d) the capability of a maximum design speed of no more than 30 miles per hour, except a low power cycle; and,

An "Electric-assisted bicycle" mean a bicycle with two or more wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of not more than 1000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

"Operation" shall mean the operation of a small vehicle upon the streets and roads of the city of Galena, Kansas.

14-502 Operation of Small Vehicles.

All vehicles described in Section 14-501 shall not be operated within a half hour after dawn and a half hour before dusk, except that a "work-site utility vehicle" may be operated without regard to the time of the day.

The operator of a "micro utility truck" shall be required to carry motor vehicle liability insurance upon such vehicle.

The operators of all small vehicles upon authorized streets within the city shall by December 31st before the upcoming year obtain an annual inspection of the small vehicle by the City of Galena before operating such small vehicle upon the streets of the city. The inspection fee shall be paid at the time of the inspection and shall be \$35.00 for a micro-utility vehicle and \$20.00 for all other small vehicles. An inspection shall be made and approved by the City before any small vehicle may operate therein.

Upon an approved inspection, a permit shall be issued by the city to be affixed to the small vehicle prior to the operation of such vehicle upon city streets.

In the event the request for inspection is done for the purpose of operating a small vehicle during the same year in which the request is made, the inspection fee shall be as stated immediately above, and such fee shall not be subject to prorating.

No small vehicles may be operated within the city on 7th Street and on Main Street from the southern boundary of the intersection of Main Street and 1st Street southward to the southern city limits, except a micro-utility vehicle which may be operated upon any streets within the city. Provided, small vehicles may cross Main Street and 7th Street in the areas of such streets where the operation of small vehicles are otherwise prohibited, provided the length of travel along such prohibited street shall not be greater than the entry point upon such prohibited street to the next intersection such prohibited street has with another street.

All operators of small vehicles upon streets within the city shall have a valid driver's license.

No all-terrain vehicles shall be operated upon streets in the city unless such vehicle has a 4 cycle engine with a standard muffler. No all-terrain vehicle with 2 cycle engine shall be operated upon the streets of the city.

No person under 18 years of age shall operate, or be a passenger during the operation of, a small vehicle upon the streets of Galena, Kansas, without wearing a helmet that meets the standards set forth in the Code of Federal Regulations of the United States of America in Title 49, Section 571.218, that fits snugly to the head of the operator or passenger, and contains no visible defects.

All small vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any small vehicle of the full use of a lane. The operator of a small vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken. No person shall operate a small vehicle between lanes of traffic or between the adjacent lines or rows of vehicles. No small vehicles shall pass any other vehicles upon the streets of the city.

14-503 Penalties for Violations.

No person shall knowingly operate a small vehicle, as described above, within the corporate limits of the City of Galena, Kansas, in violation of the terms of this Article 5 of Chapter 14 of the Code of the City of Galena,

Kansas. Violation of the terms hereof shall constitute the offense of "Unlawful Operation of a Small Vehicle" and shall be punishable by a fine of not less than \$100.00, nor more than \$500.00.

Section 2. This Ordinance shall take effect upon one publication in the official city newspaper.

Passed and approved by the City Council of the City of Galena, Kansas, this 16th day of December, 2008.

Approved by the Mayor of the City of Galena, Kansas, this 16th day of December, 2008.



Dale Oglesby
Mayor of Galena, Kansas

Attest:



Deborah Kitch
City Clerk