

Ordinance 2023-05

AN ORDINANCE AMENDING ARTICLE 5 OF THE BENTON CITY CODE AUTHORIZING OPERATION OF ALL TERRAIN VEHICLES (ATV) AS SPECIAL PURPOSE VEHICLES ON THE STREETS OF BENTON, KANSAS, AS PROVIDED BY K.S.A. 8-15,100 AND PROVIDING FOR CERTAIN RESTRICTIONS AND PENALTIES FOR VIOLATION OF THE SAME.

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

SECTION 1.

Article 5, paragraph 14-501

(a) Add a period "." after "25 miles per hour", delete " and is designed to carry not more than four persons, including the driver."

ADD

(f) All-Terrain Vehicle" ("ATV") means any motorized nonhighway vehicle 48 inches or less in width, having a dry weight of 1,000 pounds or less, traveling on three or more low-pressure tires, having a seat designed to be straddled by the operator.

SECTION 2.

Article 5, paragraph 14-502

(a) After "micro utility truck" add ", ATV"

(a)(1) After "micro utility truck" add ", ATV"

(a)(2) After "micro utility truck" add ", ATV"

(a)(2) Delete the period ".", Add "by most direct route."

(a)(3) After "micro utility truck" add ", ATV"

(a)(3) Delete the period ".", Add "unless said vehicle is equipped with lights as required by law for motorcycles."

Add – (a)(5) Notwithstanding other restrictions in this ordinance, a special purpose vehicle may be operated at any time by law enforcement for law enforcement purposes or when used in a parade authorized by the City governing body or by City personnel in connection with city work or maintenance.

Add – (a)(6) Notwithstanding other restrictions in this ordinance, Special Purpose Vehicles owned and operated by a county noxious weed department, or Special Purpose Vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas Department of Transportation may be allowed to operate such ATVs upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such ATVs may be operated incidentally upon such federal highway or state highway.

Add – (a)(7) No passengers will be allowed on a Special Purpose Vehicle operating on any public highway, street, road or alley within the corporate limits of the City unless the vehicle is manufactured as a multi-person unit. Passengers are limited to a maximum of the designed limit of the vehicle, including the driver.

Add – (a)(8) No vehicle otherwise meeting the definition of Special Purpose Vehicle may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City if such vehicle is powered by an internal combustion engine commonly known as a two-stroke cycle engine.

Add – (a)(9) Operation is allowed, subject to other restrictions and requirements of this ordinance, along SW 30th Road between Main Street and Prairie Creek Road. Regardless of where operated, the speed limit for Special Purpose Vehicles shall be 25 mph.

Add – (a)(10) Any ATV operator or passenger under age 18 is required to wear a helmet.

Add – (a)(11) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

ADOPTED AND PASSED by the governing body of the City of Benton, Kansas on April 17, 2023 and;

APPROVED AND SIGNED by the Mayor.



TYLER GOTTSCHALK, Mayor

ATTEST:



JOYCE CASADY, City Clerk