

WORK SESSION AGENDA

June 1, 2022

5:00 p.m.

I. Work Session Discussion Items:

- i.** Tall Weeds and Grass Amendment (Native Grass Plantings)
- ii.** Golf Cart Ordinance
- iii.** Park Capital Plan
- iv.** BASE Grant Finance Plan

II. Regular Agenda Preview:

a. Items to be Placed on the Consent Agenda

- i.** Meeting Minutes
- ii.** City Band Proclamation
- iii.** CASA Volunteers Day Proclamation

b. Items to be Placed on the Regular Agenda

- i.** Liquor Tax Allocation
- ii.** BASE Grant Local Match Authorization Resolution
- iii.** Deer Run Public Infrastructure Bids
- iv.** Industrial Water Tower Project Bids

c. Items to be Placed on the Land Bank Consent Agenda

- i.** None

d. Executive Session

- i.** None

III. Reports:

- a.** City Commission Reports
- b.** City Manager Report

TO: City Commission
FROM: Mike Holton, Police Chief
SUBJ: Special Purpose Vehicles
DATE: May 27, 2022

Background:

The City of El Dorado passed a special purpose vehicle ordinance in 2012. This ordinance allowed the following:

- “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 unladen 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.
- “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 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. “Micro utility truck” does not include a work-site utility vehicle.
- “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.
- “Slow-moving vehicle emblem” has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- “Special Purpose Vehicle” means work-site utility vehicle, micro utility truck or golf cart, either individually or collectively.

The Police Department would like to propose amendments to the ordinance, due to confusion over the definition of items listed above.

Attachments:

Previous Ordinance
Proposed Ordinance

Policy Issue:

Should the City Commission allow the use of special purpose vehicles on the streets of El Dorado, and if so, what type of vehicle should be allowed?

Alternatives:

1. The City Commission could choose to leave the current Ordinance in place.
2. The City Commission could choose to accept the recommendations of staff.
3. The City Commission could request more information and that staff return at a later date.

Fiscal Impact:

There is no estimated fiscal impact to the City of El Dorado in regards to special purpose vehicles.

Trade-offs:

There has been a recent increase in questions and utilization of special purpose vehicles, and therefore staff time on the issue has increased. However, it is negligible at this time.

Staff Recommendation:

The recommendation of staff is to continue to allow golf carts on city streets with the restrictions listed in the attached ordinance. Staff would recommend to remove the work-site utility vehicle and micro utility truck from the allowable vehicles.

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ORDINANCE NO. G-

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF EL DORADO; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTIONS 114.2, 114.4 AND 114.5 OF THE 2012 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. G-1141.

Be it Ordained by the Governing Body of the City of El Dorado, Kansas:

Section 1: DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

- (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 unladen 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.
- (b) "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 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.
- (c) "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.
- (d) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- (e) "Special Purpose Vehicle" means work-site utility vehicle, micro utility truck or golf cart, either individually or collectively.

Section 2: OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION. Special Purpose Vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, with the following exceptions.

- (a) No special purpose vehicle may be operated upon any interstate, federal or state highway.
- (b) No special purpose vehicle may be operated upon any public highway, street, road or alley with a posted speed limit in excess of 30 miles per hour or as otherwise specifically

excluded. This includes, but is not limited to the following:

- i. Central Avenue
 - ii. Main Street
 - iii. Sixth Avenue
 - iv. Southwest Traffic Way
 - v. McCollum Road
 - vi. Haverhill Road
- (c) The provisions of subsections (a) and (b) shall not prohibit a special purpose vehicle from crossing a federal highway, state or public highway, street, road or alley with a posted speed limit in excess of 30 miles per hour.
- (d) No special purpose vehicle may be operated on any public sidewalk, bicycle path or other recreational path not designated for their specific use.
- (e) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.
- (f) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.
- (g) 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.
- (h) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 3: **DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.** It shall be illegal to operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

Section 4: **VALID DRIVER'S LICENSE REQUIRED; PENALTY.** No person shall operate a special purpose vehicle 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 5: **INSURANCE REQUIRED; PENALTY.** Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2012 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto. All provisions of Section 200 of the 2012 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 6: **REGISTRATION; FEE; APPLICATION.** Before operating any special purpose vehicle

on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the City Clerk's Office and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's driver license number, 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 5 shall be furnished at the time of application for registration. The annual registration fee for a special purpose vehicle shall be \$25. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferrable.

Section 7: PENALTIES. Unless specifically provided herein, a violation of any provision in sections (1) through (6) 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, 2012 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 8: REPEALER. Sections 114.2, 114.4 and 114.5 of the 2012 Standard Traffic Ordinance, as adopted in Ordinance No. G-1141 is hereby repealed.

Section 9: PUBLICATION; EFFECTIVE DATE. Sections 1-5, 7 and 8 of this ordinance, and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body on this ____ day of _____.