ORIGINAL

ORDINANCE NO. 479

ORDER AMENDING CHAPTER XI, TO INCORPORATE ARTICLE 4, MOTORIZED PLAY AND RECREATION VEHICLES, SECTIONS 11-401, 11-402, 11-403, 11-404, 11-405 AND 11-506 OF THE CITY OF BASEHOR, KANSAS

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

Article 4. To incorporate Article 4 Motorized Play and Recreation Vehicles within the code of the city of Basehor.

Article 4. Motorized Play and Recreation Vehicles

Section 1. To incorporate section 11-401, Definitions of Motorized Play and Recreation Vehicles

Definitions. Motorized Play and Recreation Vehicles are defined as any motorized scooter and/or mini-motorcycles (pocket rockets) not more than 51" in length, 14" in width and 30" in height, by the manufacturer's specifications (both with or without a seat), to include gas or electric motor propelled devices of less than or equal to 49cc.

Section 2. To incorporate section 11-402, Restrictions

(a) **Restrictions. Gasoline or Electric Powered Scooters**: "It is unlawful to operate, or for the owner to permit the operation of, a gasoline or electric powered motorized scooter and/or mini-motorcycle (pocket rocket) within the City of Basehor upon any of the following property

a. Any public sidewalk or parkway;
b. Any public park;
c. Any public parking lot;
d. Any public property;
e. Any bicycle lanes or bicycle ways;
f. Any county or state highways;
g. Any city street.

(b) **Operation on Private Property Restricted**: No person shall operate a gasoline or electric powered scooter on any private property within the City of Basehor not owned or controlled by such operator without the express consent and written permission of the owner of such property.

Section 3. **To incorporate section 11-403. Applicability**

Applicability: Provisions of this ordinance apply to motorized scooters (both with and without seats), mini bikes, ATV's, motorized bicycles, go-carts, miniature motorcycles (pocket rockets) and any other self-propelled device not more than 51" in length, 14" in length, 14" in width and 30" in height, to include motor propelled devices less then or equal to 49cc.

Section 4. **To incorporate section 11-404, Parental Responsibility**

Parental Responsibility: No adult, may knowingly permit or fail to take action to prevent a person under the age of eighteen (18) years of age for whom they are parent or custodial parent, or legal guardian from engaging in conduct that is in violation of said ordinance.

Section 5. **To incorporate section 11-405, Penalty**

Penalty:

1st Offense	$50.00
2nd Offense	$75.00
3rd Offense	$100.00

**At officers discretion the self-propelled used to violate this ordinance may be impounded for safety and evidentiary purposes, to be held in custody pending court action.*

Section 6. **To incorporate section 11-406, Exception**

Exception: (a). Provisions of this ordinance shall not apply to a motorized mobility device issued by a physically challenged or elderly person.
(b). Adoption of this ordinance shall not conflict with any article in the Kansas Standard Traffic Ordinance.

Section 7. **This ordinance shall be in full force and effective from and after its passage, and publication in the official city newspaper**.

Approved by the City council this 8th day of September, 2005.

Approved by the Mayor this 8th day of September, 2005.

Chris Garcia, Mayor

Approved for Content:

John F. Thompson, City Attorney

Attest:

Mary Ann Mogle, City Clerk

THE CITY OF BASEHOR, KANSAS CORPORATE SEAL