



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**KRIS W. KOBACH**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

February 27, 2025

ATTORNEY GENERAL OPINION NO. 2025-6

Barry Arbuckle  
Valley Center City Attorney  
5565 N. Saint Clair Ave.  
Wichita, KS 67204

Re: Automobiles and Other Vehicles—Uniform Act Regulating Traffic;  
Rules of the Road—Miscellaneous Traffic Rules—Driving Upon  
Sidewalk

Synopsis: K.S.A. 8-1575 prohibits a person from driving a golf cart on a sidewalk. Whether a particular pathway constitutes a “sidewalk” depends on the facts. A city may not exempt itself from this statute by enacting a charter ordinance. Cited herein: K.S.A. 8-2001; 8-1465; 8-1575; Kan. Const., Art. 12, § 5.

\* \* \*

Dear Mr. Arbuckle:

As City Attorney for Valley Center, you ask whether K.S.A. 8-1575 prevents a city from enacting an ordinance allowing people to drive golf carts on certain pathways. Specifically, you note that Valley Center has constructed two ten-foot-wide pathways to connect newly developing residential areas with the existing city core, and there is interest in allowing the mixed use of these pathways by both golf carts and pedestrian traffic.

K.S.A. 8-1575 provides that “[n]o person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.” A “vehicle” is defined as “every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.”<sup>1</sup> Golf carts fall under this definition of “vehicle,” as Attorney General Opinion 97-78 concluded.<sup>2</sup> Thus, it is illegal to drive a golf cart on a sidewalk.

K.S.A. 8-1465 defines “sidewalk” as “that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.” Whether a particular pathway meets this definition will depend on the facts. For instance, a pathway that runs through the middle of a park, rather than between the edge of the road and the adjacent property line, is not a sidewalk. A sidewalk is also limited to that area “intended for use by pedestrians.” So if a wide pathway is divided into lanes, one for pedestrian traffic and one for non-pedestrian traffic, only that portion of the pathway designated for pedestrian traffic would constitute a sidewalk.

Notwithstanding the prohibition in K.S.A. 8-1575, you suggest that cities might rely on their constitutional home rule authority to authorize the driving of golf carts on sidewalks. We disagree. K.S.A. 8-2001 provides that the Uniform Act Regulating Traffic on Highways, of which K.S.A. 8-1575 is a part,<sup>3</sup> “shall be applicable and uniform throughout this state and in all cities and other political subdivisions therein, and no local authority shall enact or enforce any ordinance in conflict with the provisions of this act unless expressly authorized.”<sup>4</sup> Even apart from this statute, it is well settled that a city may not enact an ordinary (i.e., non-charter) ordinance that conflicts with state law.<sup>5</sup> A conflict exists when an ordinance “permits what the statute forbids or prohibits what the statute authorizes.”<sup>6</sup> Permitting golf carts to be driven on a sidewalk, which is forbidden by K.S.A. 8-1575, would be a clear conflict.

Nor could a city enact a charter ordinance to exempt itself from the provisions of K.S.A. 8-1575. Article 12, Section 5(c)(1) of the Kansas Constitution allows cities to enact charter ordinances providing that certain statutes shall not apply to them, but cities may not use charter ordinances to exempt themselves from enactments

---

<sup>1</sup> K.S.A. 8-1485.

<sup>2</sup> That opinion actually addressed the definition of “vehicle” in K.S.A. 8-126, but the definition in K.S.A. 8-126 is materially the same as in K.S.A. 8-1485.

<sup>3</sup> See K.S.A. 8-2204.

<sup>4</sup> For this reason, Attorney General Opinion 85-82 concluded that cities may not enact an ordinance that conflicts with K.S.A. 8-1572.

<sup>5</sup> See *State v. Jenkins*, 295 Kan. 431, 437, 284 P.3d 1037 (2012).

<sup>6</sup> *Id.* at 439 (quoting *City of Junction City v. Cadoret*, 263 Kan. 164, 170, 946 P.2d 1256 (1997)).

that apply uniformly to all cities.<sup>7</sup> As Attorney General Opinion 97-78 explained, the Uniform Act Regulating Traffic on Highways applies uniformly to all cities, so a city may not charter out of any of its provisions.

Sincerely,

/s/ Kris W. Kobach

Kris W. Kobach  
Attorney General

/s/ Dwight R. Carswell

Dwight R. Carswell  
Deputy Solicitor General

---

<sup>7</sup> See Kan. Const., Art. 12, § 5(c)(1) (“Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city.”).