

Chapter XIV. TRAFFIC

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ARTICLE 1. STANDARD TRAFFIC ORDINANCE

- 14-101. Section 1. **INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of WaKeeney, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1445," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charges with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient. Ord. 1445 dated 8/1/2017
- 14-102. Section 2. **SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.
(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses. (Code 1998)
- 14-103. Section 3. **PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$30, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500. (Code 1998)

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

- 14-201. **TRAFFIC CONTROL DEVICES AND MARKINGS.** The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:
The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The City shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of WaKeeney for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. (Code 1991)
- 14-202. **CARELESS DRIVING.** (a) No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or in such a manner as to endanger or be likely to endanger, any person or property.
(b) Every person convicted of a violation of this section shall be punished for first conviction thereof by a fine of not more than \$100 or by imprisonment for not more than 10 days for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment; upon a third or subsequent conviction within one year, such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 1204, Sec. 1:2)
- 14-203. **BICYCLE TRAFFIC.** (a) No person shall ride a bicycle upon a sidewalk within that area designated as the downtown section.
(b) The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, it shall be unlawful for any person to disobey the same.
(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give audible signal before overtaking and passing such pedestrian.
(d) No person riding a bicycle on a sidewalk shall exceed a speed of five miles per hour. (Ord. 1209, Sec. 1)

- 14-204. **PARKING; SELF-PROPELLED VEHICLES ONLY.**
 Parking of any vehicle other than one that is self-propelled is prohibited from parking on the public streets and alley ways within the city limits. (Ord. 1227, Sec. 1)
- 14-205. **PRIVATE PARKING AREAS; TRESPASS.** (a) It shall be unlawful for any person or motor vehicle to trespass in a private parking area adjacent to or near a business establishment or organization offering goods or services of any nature to the public after a specified time selected by the owner or operator of the business or organization, providing the private parking area has been suitably marked, as a No Trespassing area. For purposes of this section; a suitable marker shall be one that contains the words No Trespassing After (a specified time) or words to similar impact.
 (b) Permission by the owner or operator of the private parking areas shall be a defense to this section. (Ord. 1241, Secs. 1:2)
- 14-206. **RESIDENTIAL PARKING AND STANDING LIMITATIONS.** It shall be unlawful for any person to park or to allow to stand any truck, truck trailer and semi-trailer having a tag rated capacity of over 16M on any street or alley adjacent to or abutting any property zoned as residential for a period of longer than two hours. (Ord. 1261, Sec. 1)
- 14-207. **COMMERCIAL PARKING AND STANDING LIMITATION.** It shall be unlawful for any person to park or to allow to stand any truck, truck trailer, and semi-trailer having a tag rated capacity of over 16M on any street or alley adjacent to or abutting any property zoned as commercial for a period of time longer than 24 hours. (Ord. 1261, Sec. 2)
- 14-208. **EXCEPTIONS.** The provisions of sections 14-207:208 shall not be applicable to those vehicles engaged in repairing, maintaining or constructing streets, utility services, conducting refuse collection or other city vehicles. (Ord. 1261, Sec. 3)
- 14-209. **TRUCK PARKING.** It shall be unlawful for any person or persons to park, cause to be parked or permit to remain parked on any street within the city, any truck whose gross weight, including load if any, exceeds 15,000 pounds; any semi-trailer, or any trailer of any kind whose gross weight, with load if any, weights 15,000 pounds, any other vehicle of any kind whose gross weight exceeds 15,000 pounds; provided, that any such vehicle may be parked for such time as may be necessary to load or unload merchandise, freight or cargo; provided further, that truck tractors which are detached from semi-trailers or trailers shall be excluded from the provisions of this section. (Code 1973, 15-201)

ARTICLE 3. IMPOUNDMENT OF MOTOR VEHICLES

14-301. **DEFINITIONS.** For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings:

(a) Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this article, it means street, avenue, boulevard, thoroughfare, alley, and other public way for vehicular travel by whatever name, unless the context clearly indicates otherwise.

(b) Motor Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

(c) Owner or Occupant. A party having free simple title in the real property, or a party having a leasehold interest in the real property, or a party who is the beneficiary of a private easement for the purpose of egress or ingress to or from said real property. (Code 1991)

14-302. **IMPOUNDING VEHICLES.** The police department may cause to be impounded:

(a) Any motor vehicle unlawfully parked on a highway in violation of any provision of a city ordinance which prohibits the parking of vehicles at the place where or time when the impounded motor vehicle is found.

(b) Any motor vehicle that has been abandoned and left on a highway or other property open to use by the public for a period in excess of 48 hours pursuant to K.S.A. 8-1102.

(c) Any motor vehicle which:

(1) is subject to removal pursuant to K.S.A. 8-1570, or 8-1102, or

(2) is subject to seizure and forfeiture under the laws of the state

or

(3) is subject to being held for use as evidence in a criminal trial.

(d) Any motor vehicle, the continued presence of which, because of the physical location or condition of the motor vehicle, poses a danger to the public safety or to the motor vehicle.

(e) Any motor vehicle which has been abandoned or parked on any real property, other than public property or property open to use by the public, may be moved and disposed of in accordance with the terms of this article by the police department upon the request of the owner or occupant of such real property. The real property referred to herein shall not be owned or leased by the person who abandons or parks said vehicle or by the owner or lessee of such vehicle. The city or any person, partnership, corporation or their agent conducting a business enterprise for the purpose of towing vehicles which removes such vehicle from the real property at

the request of the police department shall have a possessory lien on such vehicle for the cost incurred in removing, towing and storing such vehicle. For purposes of this article, common areas shall be construed not to mean public property or property open to the public. (Code 1991)

14-303. **SAME.** The police department may authorize storage of such impounded motor vehicles at any location, public or private, which is zoned for the storage of motor vehicles. (Code 1991)

14-304. **NOTICE OF IMPOUNDMENT; STORAGE OF VEHICLE.**

(a) When Owner Present. When the police department intends to impound a motor vehicle pursuant to section 14-302 and the owner of the motor vehicle is then present, the police department shall before the motor vehicle is removed, provide the owner with a notice, in the form prescribed by the police department that the motor vehicle is being impounded, that towing and storage charges will be assessed against the impounded motor vehicle, that the owner may claim and regain possession of the impounded motor vehicle at the location to which it is being removed for storage without prepayment of towing and storage charges and that the owner may request a hearing as to the propriety of the impoundment and as to the amount of and the owner's liability for the towing and storage charges. The notice shall also state the location where the impounded motor vehicle will be stored and the place where the owner may make his or her request for the hearing. The notice shall also state, in prominent language, that failure by the owner to request a hearing within five days after receipt of the notice may act as a waiver of his or her right to a hearing and that this may result in the placing of a lien against the motor vehicle for the towing and storage charges without further notice to the owner; and that the motor vehicle be sold at public auction to the highest bidder for cash after 15 days from the date of the mailing of the notice. The owner of the impounded motor vehicle shall sign the notice as an acknowledgment that he or she has received a copy of the notice and a copy of the notice shall be provided to the owner.

(b) When Owner not Present. (1) When the police department impounds or removes a motor vehicle pursuant to section 14-302(a) and the owner of the motor vehicle is not present at the time of the impoundment, the police department shall, if such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with said division, mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall be in the form prescribed by the police department containing the same information as required by section 14-304(a) The police department shall use reasonable diligence in determining the title owner, or if from a non-title state, the registered owner, of the vehicle, and

shall inquire by mail of the office of the register of deeds of the county in which the title shows the owner resides, if registered in this state, as to whether there are any lienholders of record. If the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed to be a resident of the state whose whereabouts are unknown and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

If the owner does not reside in the state, as appears from the motor vehicle registration and the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed a nonresident of the state and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

(c) Failure or Refusal to Sign Notice. If any person required by this section to sign a notice of impoundment willfully fails or refuses to do so, or if such person cannot be found, the police department shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section. (Code 1991)

14-305.

IMPOUNDMENT AFTER REQUEST TO LEAVE MOTOR VEHICLE. In all cases wherein the owner or operator of a motor vehicle which is on a public street has requested that the motor vehicle be left unattended at that location, in lieu of impoundment of the motor vehicle pursuant to section 14-302, the police department may honor said request for a period of time not exceeding 24 hours, after which time the motor vehicle shall either be removed from the location by the owner or operator or be impounded by the police department pursuant to section 14-304. The police department shall be immune from liability for any damage, loss or destruction of the motor vehicle occasioned by its being left unattended pursuant to the request of the owner or operator thereof, in lieu of impoundment. Nothing in this section shall be construed to limit the authority of the police department to order the removal of a motor vehicle by its owner or operator or to impound a motor vehicle pursuant to section 14-304 at any time whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety. (Code 1991)

14-306.

RELEASE OF MOTOR VEHICLE FROM IMPOUNDMENT. (a) Generally. Unless the vehicle is impounded pursuant to section 14-302(b) herein, the owner of an impounded motor vehicle may secure the release of the motor vehicle from impoundment upon requesting such release and presenting proof of ownership satisfactory to the custodian of the place where the motor vehicle is stored. If the custodian is satisfied that the person making the request is the owner or his or her authorized agent, he or she shall release the motor vehicle to the owner or his or her agent. Nothing in the preceding sentence shall

preclude the owner of the impounded motor vehicle or his or her agent from paying any towing and storage charges that may be assessed against the motor vehicle, but neither the police department nor the custodian of the storage space may require payment of any towing or storage charges as a condition precedent to such release. At the same time as the owner or his or her agent requests release of the impounded motor vehicle, and if such request is made with 40 days after the owner receives a copy of the notice of impoundment, the police department shall provide him or her an opportunity to make a request for a hearing on the propriety of the impoundment and on the amount and his or her liability for the towing and storage charges occasioned by the impoundment; provided, that if the owner or his or her agent requests release of the impounded motor vehicle more than 40 days after the owner receives a copy of the notice of impoundment, no hearing may be requested on the impoundment or on the towing and storage charges and the owner shall be conclusively presumed to have consented to the impoundment and to the amount of and his or her liability for the towing and storage charges.

(b) Security for Payment of Charges. If the ownership of the impounded motor vehicle is evidenced by a title certificate issued by the Kansas Department of Highway Safety and Motor Vehicles, the owner or his or her agent may secure the release of the motor vehicle from impoundment without the payment of any towing or storage charges or the deposit of any security for the payment thereof. If the ownership of the impounded motor vehicle is evidenced by a foreign title instrument, or if the jurisdiction in which title is recorded is not evidenced from the document establishing ownership, the owner or his or her agent, before the custodian of the place where the motor vehicle is stored authorizes release of the motor vehicle from impoundment, shall deposit with the custodian cash in the amount of the towing and storage charges to the date of the request. If the owner or his or her agent refuses to provide the cash deposit, the custodian shall not authorize release of the impounded motor vehicle but if the request is timely made, a date shall be set for the hearing on the impoundment and charges. (Code 1991)

14-307.

HEARING. If the owner of an impounded motor vehicle or his or her agent timely requests the release of the motor vehicle from impoundment and a hearing on the impoundment and charges, as provided in section 14-306, a date shall be set, not more than five days after the date of request, for the hearing. The city attorney shall provide a hearing examiner to conduct the hearings required by this section. At the hearing, the owner, his or her agent, or his or her attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his or her objections to (a) the impoundment of the motor vehicle and (b)(1) the amount of the towing and storage charges and (2) his or her liability for the payment thereof. If the owner or his or her agent requested the hearing more than five days but not more than 40 days after the owner received a

copy of the notice of impoundment, the owner, his or her agent or his or her attorney shall be required at the hearing, as a condition precedent to the presentation of any objections by the owner, to show good cause for the delay in making the request more than five days after the owner received a copy of the notice of impoundment: if good cause cannot be shown, the hearing officer shall dismiss the hearing and make the finding stated in subsection (b) below; otherwise, the hearing examiner shall proceed to hear the owner's objections. At the conclusion of the hearing on the owner's objections, the hearing examiner shall render his or her decision if the hearing examiner;

(a) Finds that the impoundment was improper, he or she shall:

(1) Find that the owner is not liable for any towing or storage charges occasioned by the impoundment and

(2) Determine whether and to what extent the city shall be the expense of the towing and storage charges; or

(b) Finds that the impoundment was proper, he or she shall establish:

(1) The amount of the towing and storage charges to be assessed against the impounded motor vehicle and

(2) The extent of the liability of the owner for payment of the towing and storage charges so established. The decision of the hearing examiner shall be final, and a copy of the decision shall be furnished to the owner of the impounded motor vehicle, to the custodian of the place where the motor vehicle is stored and to the city attorney.

In the event that the impoundment was pursuant to K.S.A. 8-1102(b), the owner or occupant of the real property upon which the abandoned vehicle was located shall not be assessed the costs of towing and storage of the vehicle. Further, nothing within this article shall be construed to modify or effect the validity of the possessory lien of the person removing such vehicle from the real property established by K.S.A. 8-1102(b). (Code 1991)

14-308.

CHARGES CONSTITUTE A LIEN. The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to section 14-302 shall be and constitute a lien upon the impounded motor vehicle, except as provided in this section. If the hearing examiner finds pursuant to section 14-307 that the impoundment was improper and if he or she determines that the city shall bear part or all of the towing and storage charges, the lien created by this section shall be discharged. If the hearing examiner finds pursuant to section 14-306 that the impoundment was proper but that the towing and storage charges should be in an amount less than the amount of the lien, the lien created by this section shall be discharged to the extent that it exceeds the amount established by the hearing examiner. The holder of a lien created by this section may perfect such lien in any manner provided by law, but he or she may not retain possession of the motor vehicle when it has been released pursuant to

section 14-306(a). In the event that the impounded motor vehicle is released from impoundment and the owner or his or her agent has provided security for payment of charges as required by section 14-306(b), the lien created by this section shall also be a lien against the security so provided, subject to being wholly or partially discharged as provided in this section. (Code 1991)

14-309.

SATISFACTION OF LIEN; NOTICE OF PUBLIC SALE.

The holder of a lien against a motor vehicle created by section 14-308, to the extent that such lien has not been discharged as provided in section 14-308 or otherwise satisfied, may enforce such lien in any manner provided by law after 60 days from the date the motor vehicle is impounded by the police department. If the owner of the motor vehicle or his or her agent has provided security for the payment of the lien as provided in section 14-306(b), the lien shall first be satisfied out of the security so provided and, if any portion of the lien remains unsatisfied and undischarged, may then be enforced in any manner provided by law. If the motor vehicle against which the lien is created pursuant to section 14-308 is still under impoundment 60 days from the date it is impounded by the police department and the owner has not requested release of the motor vehicle from impoundment nor paid the towing and storage charges that are the basis for the lien, the motor vehicle shall be sold at public sale to the highest and best bidder for cash to satisfy the lien. Notice of the sale shall be given in accordance with K.S.A. 8-1102. Publication, required by K.S.A. 8-1102, may be made before the termination of the 60 day period for a sale thereafter. (Code 1991)

14-310.

REDEMPTION. If the city is to conduct the sale:

(a) Any holder of a recorded lien or retained title on a motor vehicle to be sold by the city under the provisions of section 14-309 may claim and take possession thereof, upon payment of accrued charges and estimated costs of publication of the notice of sale to the police department and the deposit with the police department of sufficient assurance by surety bond or otherwise, approved by the city attorney, that the motor vehicle will be forthcoming for public sale thereof or upon claim of the rightful owner prior to the sale. The police department shall, within three days, make a report to the city treasurer and deliver the charges and costs so paid to the city treasurer, taking a receipt therefor and filing it, together with a duplicate copy of the report to the city treasurer, with the records in his or her office. The funds shall be held in a trust account until final disposition of the motor vehicle. Not less than five days before the date for sale of the motor vehicle, the police department shall notify the lienholder or retained titleholder of the time and place for the sale, and the lienholder or retained titleholder shall deliver such motor vehicle to the police department at or before 12:00 noon of the day before the sale. At the sale the amount paid shall be credited on the bid of the lienholder or

retained titleholder. If the lienholder or retained titleholder is the successful bidder for the motor vehicle, the police department shall report this fact to the city treasurer and then the funds previously paid by the lienholder or retained titleholder shall be relieved of the trust previously impressed and become the same as other funds received by the city for storage and costs of impounded motor vehicles. If the motor vehicle is sold for a higher bid to any person other than the lienholder or retained titleholder, the police department shall report this fact to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him out of the trust account.

(b) And if the rightful owner of the motor vehicle claims the same before the sale by payment of the accrued charges, the police department shall immediately notify the lienholder or retained titleholder in possession of the motor vehicle and he or she shall return the same to the police department within 12 hours. The police department shall report this redemption by the rightful owner to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him or her out of the trust accounts. (Code 1991)

14-311. **SALE PROCEEDS.** The proceeds of a public sale held pursuant to section 14-308 whether such sale was conducted by the city or by any other person, after payment of the towing and storage charges and costs and expenses incident to the sale, shall be deposited with the city treasurer, if the owner of the motor vehicle is absent from the sale, for credit to the trust account. The funds deposited in the trust account pursuant to this section shall remain in the account subject to the order of the person legally entitled thereto, but if no claim is made for these funds within a period of one year after the sale, the funds shall become the property of the city, be released from the trust account and be paid into the general fund as miscellaneous revenues. (Code 1991)

14-312. **STATUTORY PROCEDURES.** Nothing in this article shall be construed to augment, diminish, supersede or otherwise interfere with any statutory procedure established by the legislature for the collection of unpaid towing and storage charges. The procedures in this article are supplementary and cumulative to any statutory procedures. (Code 1991)

14-313. **IMPLEMENTATION OF ARTICLE.** The police department and city treasurer are authorized to make rules for the implementation and administration of this article. (Code 1991)

14-314. **REIMBURSEMENT FOR DISCHARGED LIENS.** If a lien created by section 14-308 and held by a private wrecker or towing firm is discharged by section 14-308 pursuant to a determination by a hearing examiner that an impoundment was improper and that the city shall bear part or all of the towing and storage charges, the city shall pay to the firm

the amount determined by the hearing examiner. No payment shall be made until it is authorized by the city attorney. (Code 1991)

ARTICLE 4. HAZARDOUS MATERIALS

14-401. **HAZARDOUS MATERIAL DEFINED.** As used in this article, the term hazardous material shall mean any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, radioactive material or any substance that due to its nature may cause death or disability injury upon contact therewith. (Code 1991)

14-402. **SAME; EXCEPTIONS.** The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 1991)

14-403. **TRANSPORTATION OF HAZARDOUS MATERIALS.** It shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city, except to those locations that are purchasing or discarding hazardous material as defined in 14-401. Provided furthermore, that the destination for delivery or pick-up is the most direct route to and from the point of delivery or pick-up. (Code 1991)

14-404. **PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS.** (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within the fire limits or residential property as defined in Chapter 16 of this code:

(b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are delivering to, or loading, at locations within the fire limits or residential property of the city.

(c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-

trailer is not parked within 500 feet of any structure used for human habitation. (Code 1991)

14-405.

REMOVAL OF ILLEGALLY PARKED TRAILERS. If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property. (Code 1991)

ARTICLE 5. SPECIAL PURPOSE VEHICLES

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES.

(a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise. No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway or a street or highway.

(c) Every person operating a work-site utility 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 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility 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 and be eighteen (18) years of age or older. 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 3. SAME; DEFINITION: "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.

Section 4. SAME; PENALTY. Unless specifically provided for herein, a violation of this section 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 5. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM OR FLAG. (a) It shall be illegal to operate a work-site utility 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.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) In place of a slow moving vehicle sign a Flag, bright in color (red or orange) may be placed on the rear of the vehicle. The Flag must be mounted at a height of 4 feet above the ground and be visible from the rear of the vehicle. Flags must be approved by the Chief of Police.

Section 6. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a work-site utility vehicle shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.

Section 7: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY: Before operating any work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 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 4 shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle shall be \$25.00. 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 8. OPERATION OF MICRO UTILITY TRUCKS.

(a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) 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. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

(c) Every person operating a micro utility truck 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.

(d) No micro utility truck shall be operated on any public highway, street, road or alley between sunset and sunrise.

(e) It shall be illegal to operate a micro utility truck 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 or have an approved Flag.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) In place of a slow moving vehicle sign a Flag, bright in color (red or orange) may be placed on the rear of the vehicle. The Flag must be mounted at a height of 4 feet above the ground and be visible from the rear of the vehicle. Flags must be approved by the Chief of Police.

Section 9. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a micro utility truck on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license and be

eighteen (18) years of age or older. 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 10. SAME; DEFINITION: "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.

Section 11. SAME; PENALTY. Unless specifically provided for herein, a violation of this section 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 12. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a micro utility truck shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of micro utility trucks.

Section 13: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY: Before operating any micro utility truck on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 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 11 shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle shall be \$25.00. 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 transferable.

Section 14. OPERATION OF ALL-TERRAIN VEHICLES.

(a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no all terrain vehicle shall be operated on any interstate highway, federal highway or state highway. The provisions of this subsection shall not prohibit a all-terrain vehicle from crossing a federal or state highway or a street or highway.

(b) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating an all-terrain 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.

(d) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person

nor shall any other person ride on a all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(e) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(f) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(g) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(h)) It shall be illegal to operate an All-Terrain 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 or has an approved Flag.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) In place of a slow moving vehicle sign a Flag, bright in color (red or orange) may be placed on the rear of the vehicle. The Flag must be mounted at a height of 4 feet above the ground and be visible from the rear of the vehicle. Flags must be approved by the Chief of Police.

Section 15. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate an all-terrain 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 and be eighteen (18) years of age or older. 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 16. SAME; DEFINITION. "All-terrain vehicle" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this subsection, "non-highway tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

Section 17. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of an all-terrain vehicle shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of all-terrain vehicles.

Section 18: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY: Before operating any all-terrain vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 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 16 shall be furnished at the time of application for registration. The annual registration fee for an all-terrain vehicle shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The registration of an all-terrain vehicles shall be non-transferable.

Section 19. SAME; ROADWAYS LANE FOR TRAFFIC. (a) All all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

Section 20. SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon a all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

Section 21. SAME; OPERATION OF ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS. (a) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) 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.

Section 22. SAME; PENALTIES. Unless specifically provided herein, a violation of any provision in sections () through () 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 23. OPERATION OF GOLF CARTS.

(a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this

subsection shall not prohibit a golf cart from crossing a federal or state highway or a street or highway.

(b) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating a golf cart 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 24. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license and be eighteen (18) years of age or older. 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 25. SAME; DEFINITION: "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.

Section 26. SAME; PENALTY. Unless specifically provided herein, a violation of this section 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 27. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. (a) It shall be illegal to operate a golf cart 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 or displays an approved Flag.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) In place of a slow moving vehicle sign a Flag, bright in color (red or orange) may be placed on the rear of the vehicle. The Flag must be mounted at a height of 4 feet above the ground and be visible from the rear of the vehicle. Flags must be approved by the Chief of Police.

Section 28. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 29: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY: Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 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 26 shall be furnished at the time of application for registration. The annual registration fee for a golf cart shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. Registration of golf cart shall be non-transferable.

Section 30: SAME; OPERATION OF LOW-SPEED VEHICLES; MOTORIZED SKATEBOARDS; AND OTHER NON-REGISTERED VEHICLES:

(a) Low-speed vehicles, motorized skateboards and other non-registered vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that none may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. None shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit the crossing of a federal or state highway or a street or highway.

(b) No Low-speed vehicles, motorized skateboards and other non-registered vehicles shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating a low-speed vehicles, motorized skateboards and other non-registered vehicles 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 24. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a low-speed vehicles, motorized skateboards and other non-registered vehicles on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license and be eighteen (18) years of age or older. 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 25. SAME; DEFINITION: Low-speed vehicles, motorized skateboards and other non-registered vehicles means any motor vehicle that has not been defined in this ordinance and subject to the approval and definition of the Chief of Police.

Section 26. SAME; PENALTY. Unless specifically provided herein, a violation of this section 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 27. SAME; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. (a) It shall be illegal to operate a low-speed vehicles, motorized skateboards and other non-registered vehicles 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 or an approved flag.

(b) For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(c) the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(d) In place of a slow moving vehicle sign a Flag, bright in color (red or orange) may be placed on the rear of the vehicle. The Flag must be mounted at a height of 4 feet above the ground and be visible from the rear of the vehicle. Flags must be approved by the Chief of Police.

Section 28. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of a low-speed vehicles, motorized skateboards and other non-registered vehicles shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators.

Section 29: SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY: Before operating any low-speed vehicles, motorized skateboards and other non-registered vehicles on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department 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 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 26 shall be furnished at the time of application for registration. The annual registration fee shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. Registration is non-transferable.

Section 30. REPEALER. Sections 109.1, 114.1, 114.2, 114.3, 114.4 and 114.5 of the Standard Traffic Ordinance, as adopted in Ordinance No. 1428 is hereby repealed.