

CHAPTER XIV: TRAFFIC

Article

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ARTICLE 1: STANDARD TRAFFIC ORDINANCE

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§ 14-101 INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition 2014, 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 Ord. 1498", and to which shall be attached a copy of this article, 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 charged with enforcement of the article 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.
(1996 Code, § 14-101) (Ord. 1498, passed 9-28-2015)

§ 14-102 SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this chapter 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. 8-2118.

(b) All traffic violations which are included within this chapter, and which are not ordinance traffic infractions, as defined in division (a) above, shall be considered traffic offenses.
(1996 Code, § 14-102) (Ord. 1498, passed 9-28-2015)

§ 14-103 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 \$1,000. 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.

(1996 Code, § 14-103) (Ord. 1498, passed 9-28-2015)

§ 14-104 LOCAL REGULATIONS.

All local traffic regulations as set forth in Article 2 of Chapter 14 of this code of ordinances shall remain in full force and effect and shall not be effected be the implementation of this Standard Traffic Ordinance, but shall be supplemental and in addition thereto.

(1996 Code, § 14-104) (Ord. 1498, passed 9-28-2015)

ARTICLE 2: LOCAL TRAFFIC REGULATIONS

Section

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- 14-224 Speed limits on Old Highway K-246

§ 14-201 TRAFFIC CONTROL DEVICES AND MARKINGS.

(a) The Standard Traffic Ordinance, as adopted, is hereby modified by adding thereto the following.

(b) 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 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.
(1996 Code, § 14-201)

§ 14-202 SCHOOL ZONE SPEED LIMITS.

(a) The speed limit of 20 mph shall be in effect from 7:30 a.m. through 8:30 a.m.; 10:30 a.m. through 11:30 a.m.; and 2:30 p.m. through 4:00 p.m. for the following streets in the city: beginning at a point 0.05 miles east of the intersection of Oregon and Sixth Street, thence east to a point 207 feet west of the center of the intersection of U.S. Highway 75 and Oregon Street; also, beginning at a point 0.1 mile north of the intersection of Oregon Street and First Street, thence south to the intersection of Oregon Street and First Street.

(b) The speed limit of 20 mph shall be in effect at all times on Bluejay Boulevard and all other streets within the education complex, beginning at the intersection of Bluejay Boulevard and Oregon Street, thence south to the termination of Bluejay Boulevard.

(c) The speed limit of ten mph shall be in effect at all times in any parking lot within the education complex, to include the parking lot at the Sabetha Elementary School, the parking lot at the Sabetha Middle School and the parking lot at Sabetha High School; and, all other traffic regulations in effect within the city shall be enforced within the said school property.
(1996 Code, § 14-202) (Ord. 1015, passed - -; Ord. 1384, passed 9-8-2003)

§ 14-203 THROUGH STREETS.

In accordance with the provisions of Article 10 of the Standard Traffic Ordinance, as amended, and K.S.A. 8-2002(a)(6) and when signs are erected giving notice thereof, drivers of vehicles shall stop or yield as the sign directs at every intersection before entering the following streets or parts of streets which are hereby designated through streets:

- (a) Highway 75 from the north city limits to the south city limits;
- (b) Main Street from Highway 75 west to city limits;
- (c) Sixth Street from Main Street south to Oregon except for Virginia Street;
- (d) Sixth Street from Main Street north to Berwick Road;
- (e) Oregon Street from Highway 75 west to city limits;
- (f) Jefferson Street from Sixth Street west to Fourteenth Street;
- (g) Fourteenth Street south from city limits to Main Street; and

(h) Fourteenth Street from Main Street south to Oregon Street.
(1996 Code, § 14-203) (Ord. 1269, passed - -)

§ 14-204 STOP INTERSECTIONS ON OTHER THAN THROUGH STREETS.

In accordance with the provisions of Article 10 of the Standard Traffic Ordinance, as adopted from time to time, and K.S.A. 8-2008, the governing body of the city shall designate certain intersections as stop or yield intersections, and when signs are erected at one or more entrances as stated, the drivers of vehicles shall stop or yield as provided by § 59 of the Standard Traffic Ordinance.
(1996 Code, § 14-204) (Ord. 1269, passed - -; Ord. 1465, passed 6-13-2011)

§ 14-205 PARKING ON MAIN STREET.

(a) No motor vehicle or trailer shall be parked between the hours of 2:00 a.m. and 6:00 a.m. Monday and Friday on Main Street, from Seventh to Twelfth Street.

(b) Any vehicle or trailer parked in violation of the terms of this section may be removed by the city at the owner's expense.
(1996 Code, § 14-205) (Ord. 878, passed - -)

§ 14-206 FREE PARKING AREA.

It shall be unlawful for any person to park or leave unattended any vehicle of any kind and description in or upon the free parking area located at the southwest corner of Ninth and Grant Streets for any continuous period of time in excess of 24 hours.
(1996 Code, § 14-206) (Ord. 939, passed - -)

§ 14-207 TRUCK ROUTES.

(a) No vehicle of one or more units, the total weight of which is more than 12,000 pounds with or without load, shall be driven on any street or highway other than the following:

(1) *North and south streets.*

(A) U.S. Highway 75;

(B) Sixth Street from Main Street north to the city limits;

(C) Eighth Street from Main Street south to Iowa Street and north to Grant Street;

(D) Ninth Street from Main Street north to the city limits and south to Oregon Street;

(E) Eleventh Street from Main Street north to Roosevelt Street;

(F) Twelfth Street from Main Street south to Oregon Street;

(G) Fourteenth Street from Main Street north to the city limits and south to the city limits;

and

(H) Sixth Street from Oregon Street south to its point of termination.

(2) *East and west streets.*

(A) Oregon Street from U.S. Highway 75 west to city limits;

(B) Main Street from U.S. Highway 75 west to Fourteenth Street;

(C) Grant Street from Sixth Street west to Eleventh Street; and

(D) Roosevelt Street from Sixth Street west to Fourteenth Street.

(b) Authorized emergency vehicles are excepted from the provisions of this section. All vehicles are excepted from the provisions of this section while making a local delivery of merchandise or materials, or en route to park on privately owned property.
(1996 Code, § 14-207) (Ord. 886, passed - -)

§ 14-208 PARKING; WEIGHT LIMIT.

No vehicle of one or more units, the total weight of which is more than 12,000 pounds with or without load, shall be parked on any street or highway; provided, that authorized emergency vehicles and vehicles making a load delivery of merchandise are excepted from the provisions of this section.
(1996 Code, § 14-208) (Ord. 886, passed - -)

§ 14-209 PARKING; LENGTH LIMIT.

No person shall park any vehicle over 26 feet in length on the streets of the city. No person shall park any truck tractor or truck in combination with a trailer, the total combined length of which exceeds 26 feet, upon the streets of the city.
(1996 Code, § 14-209) (Ord. 1007, passed - -)

§ 14-210 RESTRICTED DRIVER'S LICENSE.

(a) Any person of at least 14 years of age and not yet 16 years of age when applying for a restricted driver's license as provided by K.S.A. 8-237, as amended, shall first submit the application for such restricted driver's license to the chief law enforcement officer of the city. The chief law enforcement officer shall then make a recommendation concerning the application and forward the application and recommendation to the Division of Vehicles of the Department of Revenue of the state for action by the Department.

(b) A favorable recommendation by the chief law enforcement officer of the city may be withdrawn at such time as it appears the purpose for requesting the restricted license is terminated, the restricted driver has violated the restrictions of such license or it appears there is good and substantial reason for withdrawing the favorable recommendation.

(1996 Code, § 14-210) (Ord. 989, passed - -)

§ 14-211 SPEED LIMITS UPON U.S. 75 HIGHWAY.

The State Highway Commission has determined upon the basis of an engineering and traffic investigation that the speed limit as provided by law upon U.S. Highway 75 from the north city limits to the south city limits, or a distance of approximately eighty-five hundredths of a mile, a connecting link in the state highway system, is less than is reasonable or safe under the conditions found to exist, has determined and declared a reasonable and safe speed limit thereon to be 40 mph from the north city limits to a point approximately six-tenths of a mile south from the north city limits, and to be 50 mph approximately twenty-five hundredths of a mile or the balance of the distance to the south city limits, and has erected appropriate signs giving notice thereof; therefore, the speed limit on U.S. Highway 75 for the distances hereinbefore set forth is hereby set at 40 mph and 50 mph, respectively.

(1996 Code, § 14-211)

§ 14-212 BUS STOPS AND TAXI STANDS.

The governing body shall designate and establish zones or areas on the public streets for the stopping of buses for the safe and convenient unloading and loading of passengers and may designate, establish and maintain taxicab stands on the public streets in the manner and under the conditions hereinafter expressed:

(a) The owner of any taxicab or taxicabs shall first obtain and file with the City Clerk and the written consent of the owner, or of the one in control, of the property abutting the street where the stand is to be established and maintained;

(b) The one granting such consent or permit may revoke the same by giving at least ten days' notice in writing to the operator and filing with the City Clerk proof of the service thereof; and

(c) The governing body may revoke any such license or permit whenever it appears to be for the best interest of the public so to do.

(1996 Code, § 14-212)

§ 14-213 PARKING AND STANDING OF TAXICABS AND BUSES; OTHER DRIVERS.

The driver of a bus or taxicab in the city shall not stand nor park the same on any street in any business district in any place other than a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of, and while actually engaged in, loading or unloading passengers. No person shall stop, stand or park a vehicle other than buses in a bus stop, or other than taxis in a taxicab stand, when any such stop or stand has been officially

designated and properly signed; provided, that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter, or about to enter, such zones. (1996 Code, § 14-213)

§ 14-214 CARELESS DRIVING.

It shall be unlawful for any person to drive or operate a vehicle upon a highway or street in the city, in a careless, heedless or an inattentive manner, or without due caution and circumspection, or in any manner not constituting reckless driving, but so as to endanger, or be likely to endanger, any person or property. (1996 Code, § 14-214) (Ord. 895, passed - -)

§ 14-215 CREATING UNNECESSARY NOISE BY SCREECHING TIRES.

Creating unnecessary noise by screeching tires is the operation of any motor vehicle in such a way as to cause the tires thereof to screech, and leave black acceleration marks upon the roadway, except where the same is necessarily caused in an emergency in an attempt by the operator to avoid an accident or the causing of damage or injury. (1996 Code, § 14-215) (Ord. 895, passed - -)

§ 14-216 RIDING BICYCLES ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person or persons to ride a bicycle on any sidewalk within the city. (1996 Code, § 14-216) (Ord. 1153, passed - -)

§ 14-217 LEAVING BICYCLES ON SIDEWALK.

It shall be unlawful for any person or persons to place or leave a bicycle on any sidewalk in the city unless the same is in an upright or standing position, and such bicycle shall not be left in such position on the sidewalk in any one place for more than 15 minutes at one time, and such bicycle shall not at any time block the entrance to any business building or any dwelling house within the city. (1996 Code, § 14-217) (Ord. 1153, passed - -)

§ 14-218 INDUSTRIAL SPEED ZONES.

The speed limit on Grant Street between Sixth and Eighth Streets and on Eighth Street between Oregon and Iowa Street is hereby set at 15mph. (1996 Code, § 14-218) (Ord. 1203, passed - -)

§ 14-219 RESIDENTIAL SPEED ZONES.

The chief law enforcement officer of the city has determined, based upon a traffic investigation, that the speed limit as provided by law upon certain streets within the city limits of the city is more than what

is reasonable or safe under the residential conditions found to exist, and he has determined and declared a reasonable and safe speed limit thereon to be 20 mph on those designated streets and has erected appropriate signs giving notice thereof; therefore, the speed limit on the following described streets is hereby set at 20 mph:

(a) The part of Roosevelt Street west from Paramount Street;

(b) The part of Sixth Street north from Lincoln Street to 192nd Road; and

(c) The part of Timberlane Drive from Fourteenth Street thence southwesterly to the intersection of Utah Street, thence continuing southwesterly through the curve 850 feet.
(1996 Code, § 14-219) (Ord. 1259, passed - -; Ord. 1319, passed 2-23-1998; Ord. 1484, passed 12-10-2012)

§ 14-220 NO PARKING ZONE.

(a) There are hereby established no parking zones, in which there shall be no parking of any motor vehicles, on the following streets:

(1) On both the east and west sides of Eighth Street, between Main and Grant Streets, except as follows:

(A) Handicap parking in designated areas; and

(B) Sundays, when parallel parking shall be allowed on both sides of said portion of Eighth Street, when done in a fashion so as not to block alleys, driveways or obstruction to fire plugs in the area.

(2) On the east side of South Thirteenth Street between Virginia Street and Dakota Street;

(3) On the north side of Grant Street between Fourth Street and Fifth Street;

(4) On the west side of Fourteenth Street, between Main Street to Oregon Street at all times;
and

(5) On the east side of Fourteenth Street between Main Street to Oregon Street, from Monday through Friday, from 8:00 a.m. until 4:00 p.m.

(b) Anyone who parks in violation of the no parking zones as the same are herein established commits an unlawful act in violation of § 96 of the Standard Traffic Ordinance (STO), as the same now exists or is hereafter amended, and shall be subject to penalties in accordance with § 201 of the STO.
(1996 Code, § 14-220) (Ord. 1486, passed 3-25-2013)

§ 14-221 LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED.

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

(b) **SOUND AMPLIFICATION SYSTEM** means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(c) **PLAINLY AUDIBLE** means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

(1996 Code, § 14-221) (Ord. 1254, passed - -)

§ 14-222 MAIN STREET DESIGNATION.

(a) The street which begins at the east boundary line of old U.S. Highway 75 and Main Street and running thence easterly, thence southerly, thence easterly to the east boundary line of the intersection of new U.S. Highway 75 and 270th Road is hereby designated as "Main Street" and appropriate signs giving notice thereof shall be erected.

(b) A speed limit of 30 mph shall be in effect for that portion of Main Street which begins at the east boundary line of old U.S. Highway 75 and Main Street and running thence easterly, thence southerly, thence easterly to the east boundary line of the intersection of new U.S. Highway 75 and 270th Road.

(c) All other speed zones previously ordained for Main Street within the city shall remain in full force and effect, except as modified herein.
(Ord. 1412, passed 11-28-2005)

§ 14-223 USE OF MECHANICAL EXHAUST BRAKING DEVICE UNLAWFUL.

(a) *Use of mechanical exhaust braking device unlawful.* It shall be unlawful for the driver of any vehicle to use, or operate or cause to be used or operated, within the city any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

(b) *Penalty.* The penalty for violation of this section shall be the general penalty as set out in § 1-116 of this code of ordinances, as amended.
(Ord. 1397, passed 10-18-2004)

§ 14-224 SPEED LIMITS ON OLD HIGHWAY K-246.

The chief law enforcement officer of the city has determined, based upon a traffic investigation, that the speed limit as provided by law upon old Highway K-246 within the city limits of the city is less than what is reasonable or safe under the conditions found to exist, and he has determined and declared a reasonable and safe speed limit thereon to be 40 mph on old Highway K-246 from Commerce Street east to the east city limits of the city, and has erected appropriate signs giving notice thereof; therefore, the speed limit on the above-described street is hereby set at 40 mph.

(Ord. 1471, passed 9-12-2011)

ARTICLE 3: ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY

Section

- 14-301 Definitions
- 14-302 Impounding vehicles
- 14-303 Same
- 14-304 Notice of impoundment; storage of vehicle
- 14-305 Impoundment after request to leave motor vehicle
- 14-306 Release of motor vehicle from impoundment
- 14-307 Hearing
- 14-308 Charges constitute a lien
- 14-309 Satisfaction of lien; notice of public sale
- 14-310 Redemption
- 14-311 Sale proceeds
- 14-312 Statutory procedures
- 14-313 Implementation of article
- 14-314 Reimbursement for discharged liens

§ 14-301 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

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.

OWNER or OCCUPANT. A party having fee 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.

(1996 Code, § 14-301)

§ 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 K.S.A. 8-1102;

(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; and

(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 his, her or its 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.

(1996 Code, § 14-302)

§ 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.

(1996 Code, § 14-303)

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

(a) *When owner present.* When the Police Department intends to impound a motor vehicle pursuant to § 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 and remove a motor vehicle pursuant to § 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 division (a) above. 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.

(2) 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.

(1996 Code, § 14-304)

§ 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 § 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 § 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 § 14-304 at anytime whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety.
(1996 Code, § 14-305)

§ 14-306 RELEASE OF MOTOR VEHICLE FROM IMPOUNDMENT.

(a) *Generally.* Unless the vehicle is impounded pursuant to § 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.

(1996 Code, § 14-306)

§ 14-307 HEARING.

(a) 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 § 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.

(b) 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:

- (1) The impoundment of the motor vehicle: and
- (2) (A) The amount of the towing and storage charges; and
- (B) His or her liability for the payment thereof.

(c) 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 division (d)(2) below; otherwise, the hearing examiner shall proceed to hear the owner's objections.

(d) At the conclusion of the hearing on the owner's objections, the hearing examiner shall render his or her decision if the hearing examiner:

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

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

(B) Determine whether and to what extent the city shall be the expense of the towing and storage charges.

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

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

(B) The extent of the liability of the owner for payment of the towing and storage charges so established.

(e) 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.

(f) In the event that the impoundment was pursuant to K.S.A. 8-1102(6), 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).

(1996 Code, § 14-307)

§ 14-308 CHARGES CONSTITUTE A LIEN.

The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to § 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 § 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 § 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 § 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 § 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.

(1996 Code, § 14-308)

§ 14-309 SATISFACTION OF LIEN; NOTICE OF PUBLIC SALE.

The holder of a lien against a motor vehicle created by § 14-308, to the extent that such lien has not been discharged as provided in § 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 § 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 § 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.

(1996 Code, § 14-309)

§ 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 § 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 or her out of the trust account; and

(b) 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 account.

(1996 Code, § 14-310)

§ 14-311 SALE PROCEEDS.

The proceeds of a public sale held pursuant to § 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. (1996 Code, § 14-311)

§ 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. (1996 Code, § 14-312)

§ 14-313 IMPLEMENTATION OF ARTICLE.

The Police Department and City Treasurer are authorized to make rules for the implementation and administration of this article. (1996 Code, § 14-313)

§ 14-314 REIMBURSEMENT FOR DISCHARGED LIENS.

If a lien created by § 14-308 and held by a private wrecker or towing firm is discharged by § 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. (1996 Code, § 14-314)

ARTICLE 4: HAZARDOUS MATERIALS

Section

- 14-401 Hazardous material defined
- 14-402 Same; exceptions
- 14-403 Transportation of hazardous materials
- 14-404 Hazardous materials routes
- 14-405 Parking of vehicles or trailers carrying hazardous materials
- 14-406 Removal of illegally parked trailers

§ 14-401 HAZARDOUS MATERIAL DEFINED.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HAZARDOUS MATERIAL. 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.

(1996 Code, § 14-401)

§ 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.

(1996 Code, § 14-402)

§ 14-403 TRANSPORTATION OF HAZARDOUS MATERIALS.

Except as provided in § 14-404, 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.

(1996 Code, § 14-403)

§ 14-404 HAZARDOUS MATERIALS ROUTES.

(a) The provisions of § 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public rights-of-way within the city except those specified within this section where transportation of hazardous materials shall be allowed and those streets necessary for a vehicle to make a delivery in the city.

(b) Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:

(1) Highway 75;

(2) Kansas 246; and

(3) Main and Oregon Streets.

(1996 Code, § 14-404)

§ 14-405 PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS.

(a) Except as provided in divisions (b) and (c) below, it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semitrailer carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code: any district zoned Residential.

(b) Division (a) above shall not apply to vehicles, trailers or semitrailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semitrailers are parked along those routes specified in § 14-404 of this code.

(c) Division (a) above shall not apply to any vehicle, trailer or semitrailer carrying any hazardous material where such vehicle, trailer or semitrailer is not parked within 500 feet of any structure used for human habitation.

(1996 Code, § 14-405)

§ 14-406 REMOVAL OF ILLEGALLY PARKED TRAILERS.

If any vehicle, trailer or a semitrailer 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 semitrailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.

(1996 Code, § 14-406)

ARTICLE 5: ALL-TERRAIN VEHICLES

Section

- 14-501 Operation of micro-utility vehicles, work-site utility vehicle, all-terrain vehicles and golf carts; penalty
- 14-502 Same; definitions
- 14-503 Same; valid driver's license required; penalty
- 14-504 Liability insurance
- 14-505 Registration and license sticker display

§ 14-501 OPERATION OF MICRO-UTILITY VEHICLES, WORK-SITE UTILITY VEHICLE, ALL-TERRAIN VEHICLES AND GOLF CARTS; PENALTY.

(a) Micro-utility vehicles, work-site utility vehicles and all-terrain vehicles may be operated upon any public highways, streets, roads or alleys within the corporate limits of the city.

(b) (1) Golf carts may be operated upon any public streets, roads or alleys within the corporate limits of the city. Golf carts may not be operated on highways within the corporate limits of the city unless they meet the requirements of K.S.A. 8-1488 to be classified as a low-speed vehicle. Those golf carts meeting the requirements as described in K.S.A. 8-1488 must then register said low-speed vehicle with the County Treasurer's office.

(2) Golf carts are required to ride as close to the right side of the roadway as possible. Golf carts are not permitted on a pedestrian sidewalk. Golf carts are not permitted to operate on any street with a speed greater than 30 mph, except to cross such streets.

(c) The operator of any micro-utility vehicle, work-site utility vehicle, all-terrain vehicle or golf cart upon any public highway, street, road or alley shall adhere to and be subject to penalty of any and all the city and state traffic laws.

(d) All micro-utility vehicles, work-site utility vehicles, all-terrain vehicles or golf carts operated upon any public highway, street, road or alley shall comply with the equipment requirements under the provisions of K.S.A. Chapter 8, Article 17, except as set forth in division (d) below.

(e) All operators of micro-utility vehicles, work-site utility vehicles, all-terrain vehicles or golf carts that do not meet the equipment requirements under the provisions of K.S.A. Chapter 8, Article 17

shall operate said vehicles with caution and use proper Department of Motor Vehicles approved hand signals for stopping, slowing and turning. Use of hand signals shall be utilized the same as lighted stop lamps or turn signals.

(f) All micro-utility vehicles, work-site utility vehicles, all-terrain vehicles or golf carts shall comply with the motor vehicle equipment requirements under the provisions of K.S.A. Chapter 8, Article 17 if operated between sunset and sunrise.

(g) No more than three individuals may ride in any micro-utility vehicle, work-site utility vehicle, all-terrain vehicle or golf cart at the same time unless such vehicle is manufactured to hold more than three individuals. All individuals shall be properly seated in any micro-utility vehicle, work-site utility vehicle, all-terrain vehicle or golf cart regardless of age. Any operator knowingly allowing an individual to ride improperly may be charged with unlawful riding, regardless of age.

(h) 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 Article 20, of the Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.
(Ord. 1470, passed 9-12-2011)

§ 14-502 SAME; DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. Any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator. As used in this definition, **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.

GOLF CART. Any small, electric or gas powered, car-like vehicle designed to carry two golfers and their golf clubs around a golf course whose top speed is less than 20 mph.

MICRO-UTILITY VEHICLE. 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 mph as originally manufactured and is manufactured with a metal cab.

WORK-SITE UTILITY VEHICLE. Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of 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 material.
(Ord. 1470, passed 9-12-2011)

§ 14-503 SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY.

No person shall operate a micro-utility vehicle, work-site utility vehicle, all-terrain vehicle or 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. The operator's driver's license shall be in his or her possession at the time of the vehicle operation. 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.
(Ord. 1470, passed 9-12-2011)

§ 14-504 LIABILITY INSURANCE.

All insurance requirements of § 200 of the Standard Traffic Ordinance shall apply to micro-utility vehicles, work-site utility vehicles, all-terrain vehicles and golf carts, and shall carry the same penalty.
(Ord. 1470, passed 9-12-2011)

§ 14-505 REGISTRATION AND LICENSE STICKER DISPLAY.

(a) Every person operating a micro-utility vehicle, work-site utility vehicle, all-terrain vehicle and golf cart within the corporate limits of the city shall before operating said vehicle on the public highways, streets, roads or alleys within the corporate limits of the city, register such vehicle with the city and obtain a license sticker for such vehicle. The registration sticker issued by the City Clerk or the city shall be valid through December 31 of the year for which issued.

(b) The registration sticker shall be affixed to the rear of the vehicle in an area which would be highly visible to any law enforcement officer. The registration sticker shall be unobstructed. A registration sticker not clearly visible to a law enforcement officer shall be grounds for reasonable suspicion to stop.

(c) Before the City Clerk shall issue any annual registration license for such vehicle, the owner of such vehicle shall provide:

(1) Documentation of ownership by way of notarized bill of sale, certificate of title or other verifiable means of proof of ownership;

(2) Proof of motor vehicle liability insurance in accordance with the Kansas Automobile Injury Reparations Act;

(3) Any new non-renewal register shall have a vehicle check for warrants completed by the City Police Department. The owner shall be responsible for any fees required of this action; and

(4) Payment of the annual registration fee of \$50.

(d) Violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of plea of guilty or no contest or upon being convicted of a violation of this section, the penalty shall be imposed

in accordance with § 201 of the Standard Traffic Ordinance, and amendments thereto, as adopted by the city or such other similar provision as the city may then have in effect.
(Ord. 1470, passed 9-12-2011)