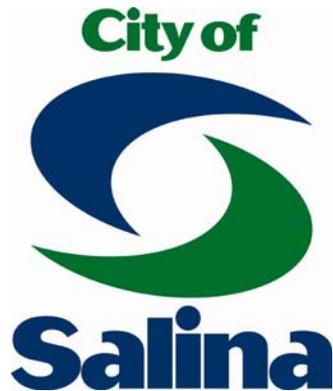


# **SALINA CODE**

## **CITY OF SALINA, KANSAS**



**Codified up to Ordinance No. 08-10439– February 29, 2008**

## CHAPTER 38. TRAFFIC AND MOTOR VEHICLES<sup>1</sup>

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### ARTICLE I. IN GENERAL

#### Sec. 38-1. Incorporating Standard Traffic Ordinance.

(a) *Incorporation by reference.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Salina, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 35<sup>th</sup> Edition (2007), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, except as Sections 33 and 85 contained therein are modified as set forth in paragraphs (b) and (c) below. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Office Copy as Adopted by Ordinance Number 07-10406", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

(b) *Amendment.* Section 33 of the Standard Traffic Ordinance is hereby amended to read as follows:

*"Section 33. Maximum speed limits.*

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
- (1) In any city park, fifteen (15) miles per hour, unless posted differently, in which case the maximum speed limit shall be the posted speed limit;
  - (2) In any school zone, twenty (20) miles per hour;
  - (3) In any non-arterial residential district, thirty (30) miles per hour;
  - (4) In any alley, ten (10) miles per hour;

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<sup>1</sup> **Cross references:** Ordinances prescribing traffic regulations for specific streets or areas saved from repeal, § 1-5(13); distributing matter in or attaching to motor vehicles, § 3-1; transportation of alcoholic liquor, § 5-23; mobile homes and trailers, Ch. 22; police, Ch. 30; standards for transportation in vehicles for private garbage haulers, § 34-51; streets, sidewalks and other public places, Ch. 35; vehicles for hire, Ch. 40. **State law references:** Automobiles and other vehicles generally, K.S.A. Ch. 8; powers of local authorities, K.S.A. Ch. 8, Art. 20.

- (5) In all other locations, fifty-five (55) miles per hour, unless posted differently, in which case the maximum speed limit shall be the posted speed limit.

The maximum speed limits established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof.

- (b) No person shall drive a school bus to or from school, or interschool functions or activities, at a speed greater than forty-five (45) miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

(c) *Amendment.* Section 85 of the Standard Traffic Ordinance is hereby amended to read as follows:

*"Section 85. Stopping, Standing or Parking Prohibited in Specified Places.* Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a crosswalk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers;
  - (11) At any place where official signs prohibit stopping; or
  - (12) Alongside the curb of a street where the curb is painted yellow.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
  - (1) In front of a public or private driveway;
  - (2) Within fifteen (15) feet of a fire hydrant;

- (3) Within twenty (20) feet of a crosswalk at an intersection;
- (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of the roadway;
- (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance, when properly sign-posted;
- (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
  - (1) Within fifty (50) feet of the nearest rail of a railroad crossing;
  - (2) At any place where official signs prohibit parking.
- (d) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property.

(Ord. No. 87-9175, § 1, 3-16-87; Ord. No. 88-9274, §§ 1, 2, 8-22-88; Ord. No. 90-9414, §§ 1, 2, 11-5-90; Ord. No. 91-9491, § 1, 12-19-91; Ord. No. 92-9538, § 1, 10-12-92; Ord. No. 93-9578, § 1, 6-28-93; Ord. No. 93-9584, § 1, 8-2-93; Ord. No. 94-9656, § 1, 9-26-94; Ord. No. 96-9743, § 1, 6-17-96; Ord. No. 96-9752, § 1, 8-5-96; Ord. No. 97-9821, § 1, 8-11-97; Ord. No. 98-9886, § 1, 8-17-98; Ord. No. 99-9952, § 1, 10-18-99; Ord. No. 00-10001, § 1, 10-2-00; Ord. No. 01-10043, § 1, 6-25-01; Ord. No. 02-10093, § 1, 8-5-02; Ord. No. 03-10157, § 1, 7-28-03; Ord. No. 04-10225, § 1, 8-9-04; Ord. No. 05-10295, § 1, 7-18-05; Ord. No. 06-10357, § 1, 8-8-06; Ord. No. 07-10406, § 1, 8-13-07)

**Sec. 38-1.1. 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 subsection (a) of this section shall be considered traffic offenses.

(Ord. No. 87-9175, § 2, 3-16-87)

**Sec. 38-1.2. Penalties for scheduled fines.**

The fine for violation of any ordinance traffic infraction or any other offense for which the municipal judge establishes a fine in a fine schedule shall not be less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). A person tried and convicted 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 five hundred dollars (\$500.00).

(Ord. No. 87-9175, § 3, 3-16-87)

**Sec. 38-2. Regulations to conform to street plan.**

All traffic regulations of the city shall conform, as nearly as practicable, with the master street plan adopted by the city, and filed with the city clerk.

(Code 1966, § 22-2)

**Sec. 38-3. Manager may designate use of streets for other purposes.**

The city manager shall have the authority to temporarily close any street or part thereof so as to allow the use of the street or any portion thereof for any activity or purpose having a general public or community-wide purpose or function and the city manager is hereby authorized to place appropriate signs or devices in the street indicating the temporary closing thereof.

(Code 1966, § 22-65)

**Sec. 38-4. Quiet zones.**

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle except in an emergency. The city manager shall have authority to temporarily establish a zone of quiet upon any street where a person is seriously ill if requested so to do by the written statement of at least one (1) registered physician certifying to its necessity. Such temporary zone of quiet shall embrace all territory with a radius of two hundred (200) feet of the building occupied by the person named in the request of said physician. Such temporary zone of quiet and any other zone of quiet declared by any ordinance of the city shall be designated by the city manager by placing at a conspicuous place in the street a sign or marking bearing the words "Quiet Zone."

(Code 1966, § 22-115)

**Secs. 38-5, 38-6. Reserved.**

**Editor's note:** Ord. No. 96-9753, § 1, adopted Aug. 5, 1996, repealed §§ 38-5 and 38-6, pertaining to licensing drivers under the age of sixteen, as derived from the Code of 1966, §§ 22-31 and 22-32.

**Sec. 38-7. Provisions not to interfere with real property owners.**

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as may seem best to such owner.

(Code 1966, § 22-13)

**State law references:** Similar provisions, K.S.A. 8-2012.

**Secs. 38-8, 38-9. Reserved.**

**Editor's note:** Section 1 of Ord. No. 97-9837, adopted Nov. 10, 1997, repealed §§ 38-8 and 38-9 in their entirety. Formerly, §§ 38-8 and 38-9 pertained to operating bicycles, etc., for children under the age of sixteen and derived from §§ 22-351 and 22-352 of the 1966 Code.

**Sec. 38-10. Definition of street or highway.**

In addition to the definition of a "street or highway" as set forth in the traffic ordinance for Kansas Cities as adopted by Ordinance Number 83-8943 the term "street or highway" shall also include in addition to those areas specifically enumerated therein, all areas open to the public for vehicular traffic, whether publicly or privately maintained.

(Ord. No. 83-8974, § 1, 10-17-83)

**Sec. 38-11. Provisions applicable to areas open to public vehicular traffic.**

The provisions of this chapter and all other traffic ordinances of the city shall be applicable to all areas open to the public for vehicular traffic, whether publicly or privately owned.

(Ord. No. 83-8974, § 1, 10-17-83)

**Secs. 38-12--38-20. Reserved.**

**ARTICLE II. MISCELLANEOUS RULES**

**Sec. 38-21. Careless driving.**

It shall be unlawful for any person to drive or operate a vehicle upon a highway or street in a careless or 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.

(Code 1966, § 22-77)

**Sec. 38-22. Boarding, alighting from moving vehicle.**

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1966, § 22-205)

**Secs. 38-23, 38-24. Reserved.**

**Editor's note:** Section 1 of Ord. No. 97-9837, adopted Nov. 10, 1997, repealed §§ 38-23 and 38-24 in their entirety. Formerly, §§ 38-23 and 38-24 pertained riding bicycles on sidewalks and derived from §§ 22-209 and 22-210 of the 1966 Code.

**Sec. 38-25. Impersonating blind or incapacitated person.**

It shall be unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

(Code 1966, § 22-222)

**Sec. 38-26. Obedience to school crossing guards.**

The driver of any vehicle traveling on any street designated as a school zone or school zone crosswalk shall bring such vehicle to a complete stop before passing or approaching any such school building or crosswalk whenever he is signaled or requested so to do by a traffic officer, school flagman or school patrol placed in such street for the purpose of directing traffic past any such school building or crosswalk; and after being signaled to stop, it shall be unlawful for the driver of any such vehicle to proceed along any such street until such street is cleared of school children and until the person giving such signal shall have signaled the driver of such vehicle to proceed.

(Code 1966, § 22-7)

**Sec. 38-27. Driving off roadway.**

It shall be unlawful for any person to drive any motor vehicle, motorcycle, mini-bike, or other motor driven vehicle upon or across any public or private grounds in the city or upon the flood control dikes of the city, except upon the improved portions of public streets, parking lots, permanent or temporary driveways and such other places as may be permitted by ordinances of the city; provided, however, the board of commissioners may, by resolution, designate areas where certain types of motor driven cycles or similar vehicles may be operated.

(Ord. No. 83-8975, § 1, 10-17-83)

**Sec. 38-28. Speed in school zones.**

No driver, when passing through a school zone or school speed zone shall, during the hours posted, operate any vehicle in excess of the posted speed limit.

(Ord. No. 83-8976, § 1, 10-17-83)

**Sec. 38-29. Riding bicycles in Salina Business Improvement District No. 1 and on publicly and privately owned property.**

- (a) It shall be unlawful for any person to ride a bicycle on any sidewalk within the boundaries of Salina Business Improvement District No. 1 as established by city ordinance.
- (b) It shall be unlawful for any person to ride a bicycle upon any street, alley, sidewalk, parking lot or other property, either publicly or privately owned and open to the public, when a sign prohibiting such activity is conspicuously posted on the property.

(Ord. No. 97-9837, § 1, 11-10-97)

**Sec. 38-30. Duties when riding bicycle on sidewalk.**

In residential districts, no person shall ride a bicycle on a sidewalk except with due care for the safety of pedestrians, and the rider of a bicycle on a sidewalk, when approaching or passing a pedestrian, shall slow or stop the same, if necessary, to avoid colliding with or interfering with the passage of any pedestrian on such sidewalk.

(Ord. No. 97-9837, § 1, 11-10-97)

**Sec. 38-31. Riding human powered wheeled devices on publicly and privately owned property.**

- (a) It shall be unlawful for any person to operate or ride upon a skateboard, roller skates, roller blades or other human powered device designed primarily for recreational use upon any public street, alley, sidewalk, parking lot or other publicly owned property located within the boundaries of Salina Business Improvement District No. 1 as established by city ordinance.
- (b) It shall be unlawful for any person to operate or ride upon a skateboard, roller skates, roller blades or other human powered wheeled device designed primarily for recreational use upon any street, alley, sidewalk, parking lot or other property, either publicly or privately owned and open to the public, when a sign prohibiting such activity is conspicuously posted on the property.

(Ord. No. 97-9837, § 1, 11-10-97)

**Sec. 38-32. Parental responsibility for violations by children.**

Any parent or guardian of any child under the age of sixteen (16) years who permits such child to ride or operate any vehicle; bicycle; or skateboard, roller skates, roller blades or other human powered wheeled device designed primarily for recreational use in the city shall be responsible for the obedience of such child to the requirements of this chapter, and it shall be unlawful for any parent or guardian of any such child to knowingly permit the violation by such child of any of the provisions of this chapter, or to furnish to or permit the use by any such child of any vehicle; bicycle; or skateboard, roller skates, roller blades or other human powered wheeled device designed primarily for recreational use in violation of the provisions of this chapter, and the continued violation by any such child of any provisions of this chapter after notice of such violation has been brought to the attention of such parent or guardian shall be presumed to be with the knowledge and consent of such parent or guardian.

(Ord. No. 97-9837, § 1, 11-10-97)

**Sec. 38-33. Police to take up vehicles, bicycles or other devices.**

If any child under the age of sixteen (16) years shall operate or ride on any vehicle; bicycle; or skateboard, roller skates, roller blades or other human powered wheeled device designed primarily for recreational use in violation of the provisions of this chapter or if any such vehicle, bicycle or device, or the equipment involved in its operation, fails to comply with the requirements of this chapter, any police officer of the city may take possession of such vehicle, bicycle or device and take the same to the police headquarters in the city, and there keep the same until the parents or guardian of such child are notified and until arrangements are made by such parent or guardian to comply with the requirements of this chapter.

(Ord. No. 97-9837, § 1, 11-10-97)

**Sec. 38-34 Pedestrians, certain vehicle restricted on interstate highway system**

It shall be unlawful for pedestrians, persons operating or using bicycles or other non-motorized traffic, persons leading, driving or riding animals or persons operating a vehicle of any type with a horsepower of less than five (5), to use any controlled access highway or any interstate highway system within the city limits.

(Ord. No. 02-10100, § 1, 8-19-02)

**Sec. 38-35. Notice of change of address or name.**

Whenever any person, after applying for or receiving a driver's license shall move from the mailing address or residence address named in such application or in the license issued to such person, or when the name of the licensee is changed by marriage or otherwise, such person, within 10 days thereafter, shall notify the Division of Motor Vehicles of the State of Kansas in writing of such person's old and new mailing and residence addresses or of such former and new names and of the number of any driver's license then held by such person.

(Ord. No. 04-10190, § 1, 4-5-04)

**Secs. 38-36--38-39. Reserved.**

## ARTICLE III. STOPPING, STANDING AND PARKING<sup>2</sup>

### DIVISION 1. GENERALLY

#### **Sec. 38-40. Designating prohibited or restricted parking.**

The city manager may designate, and direct appropriate signage or pavement markings for, prohibited or restricted parking areas on any public street, park road or public parking lot.

(Ord. No. 96-9777, § 1, 1-13-97)

**Editor's note:** Ord. No. 96-9777, adopted Jan. 13, 1997, repealed and replaced §§ 38-41.3, 38-41.7, 38-44 and 38-45, with new provisions, designated herein as §§ 38-40 and 38-44--38-48. Prior to repeal, §§ 38-41.3, 38-41.7, 38-44 and 38-45 pertained to parking regulations as derived from the Code of 1966, §§ 22-146, 22-158, 22-181, 22-183; Ord. No. 81-8885, § 1, adopted Nov. 2, 1981; Ord. No. 81-8886, § 1, adopted Nov. 2, 1981; Ord. No. 84-9045, § 1, adopted Sept. 24, 1984; and Ord. No. 86-1940, § 1, adopted July 7, 1986.

#### **Sec. 38-41. Parking of certain vehicles on streets in residential areas; arterial streets at night prohibited.**

It shall be unlawful for any person to use any residential street in the city for what is commonly known as nighttime parking of any truck (except pickup trucks), tractor, trailer, mobile home, motor home, boat or bus; provided however, this provision shall not apply to streets which are located in commercial or industrial areas and which have not been designated by the city as arterial streets; and if such truck is used for the transportation of livestock or gasoline or other flammable liquid, the same shall not be parked at any time in any driveway or yard within fifty (50) feet of any dwelling house occupied by any person or family other than the person or family of the person owning or using such truck or commercial vehicle. For the purpose of this section, "nighttime" shall be defined as the period of time from one-half ( 1/2) hour after sundown until one-half ( 1/2) hour before sunrise. For the purpose of this section, "residential area" shall be defined as an area where fifty (50) percent or more of the property abutting the street within the block is used for residential purposes. "Commercial or industrial areas" shall be defined as areas where fifty (50) percent or more of the property abutting the street within the block is used for commercial or industrial purposes.

(Code 1966, § 22-150)

#### **Sec. 38-42. Parking on private property without permission prohibited.**

- (a) It shall be unlawful for any person to park, place or leave standing, whether attended or unattended, any vehicle upon the private real property of another, without the consent of the owner or lessee of the real property.
- (b) Whenever any person complains under oath that a vehicle is standing on private real property in violation of subsection (a), any police officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety as outlined herein. Absent an emergency situation in which damage to property or personal injury is likely if the vehicle is not removed immediately, no vehicle shall be removed without either:

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<sup>2</sup> **Cross references:** Off-street parking and loading requirements, § 42-541 et seq.

- (1) Personally notifying the owner of the violation and giving said person a reasonable time to move said vehicle; or
- (2) Placing notice of the violation in a noticeable place on the vehicle, then waiting forty-eight (48) hours, and making a reasonable attempt to locate the owner of the illegally parked vehicle.

If an emergency situation exists, any police officer is authorized to provide for the removal of such vehicle immediately. The owner or other person entitled to the possession of such vehicle shall be required to pay the reasonable costs of such removal and storage before being entitled to possession of such vehicle.

- (c) It is declared to be a public offense for any person to violate subsection (a) and any person convicted of such violation thereof shall be punished by a fine of not more than fifty dollars (\$50.00).
- (d) If any person contests validity of the towing of his or her vehicle, or contests the costs and fees related to towing his or her vehicle, said person is entitled to a hearing on these issues within seventy-two (72) hours after notifying the clerk of the municipal court of the issue. Said hearing shall be in the municipal court of the City of Salina.

(Code 1966, §§ 22-153--22-155; Ord. No. 84-9023, § 1, 5-14-84)

### **Sec. 38-43. Impounding, removal of nuisance vehicles.**

- (a) Any unoccupied vehicle left parked continuously upon any street of the city twenty-four (24) hours or more is hereby declared to be a nuisance. It shall be the duty of the chief of police to cause any such vehicle to be removed and impounded in a public vehicular garage. Said removal shall take place only after the following procedures.
- (b) Absent an emergency situation in which damage to property or personal injury is likely if the vehicle is not moved immediately, no vehicle shall be removed without either:
  - (1) Personally notifying the owner of the violation and giving said person a reasonable time to move said vehicle; or
  - (2) Placing notice of the violation in a noticeable place on the vehicle then waiting forty-eight (48) hours, and making a reasonable attempt to locate the owner of the illegally parked vehicle.

If an emergency situation exists, any police officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety immediately. After towing a vehicle in an emergency situation, the chief of police is required to make a reasonable attempt to notify the owner of the towed vehicle of the location of said vehicle and the procedure for returning said vehicle to the owner or other person entitled to possession of said vehicle.

Any vehicle towed in an emergency or nonemergency situation shall be surrendered to the identified owner thereof, only upon the payment of storage charge and towing fee, which is necessarily incurred by the chief of police, or any other department of the city for the towing and storage of such vehicle.

- (c) Any vehicle against which there have been issued three (3) or more traffic summons, either for exceeding the parking limit or for being parked at a place where parking is prohibited, either by this chapter or any other ordinance of the city, and where the owner of such vehicle has failed to appear in municipal court for the disposition of such cases, is hereby declared to be a nuisance. It shall be the duty of the chief of police to cause such vehicle to be removed and impounded on sight, thereafter, such vehicle shall be surrendered to the duly identified owner thereof only upon payment of the storage charge and tow-in fee, which is necessarily incurred by the chief of police, or any other department of the city for towing and storage of said vehicle.

- (d) If any person contests validity of the towing of his or her vehicle, or contests the costs and fees related to the towing of his or her vehicle, under this section, said person is entitled to a hearing on said matter within seventy-two (72) hours. Said hearing shall be in the municipal court of Salina, Kansas.

(Code 1966, § 22-14; Ord. No. 84-9022, § 1, 5-14-84)

**Sec. 38-44. Establishing zones.**

The board of commissioners shall from time to time, by resolution, designate and establish parking zones and time limits therein.

(Ord. No. 96-9777, § 1, 1-13-97)

**Note:** See editor's note following § 38-41.

**Sec. 38-45. Overtime parking prohibited.**

- (a) It shall be unlawful for any person to cause, allow or permit any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any city street or parking lot.
- (b) Whenever any motor vehicle without driver is found in violation of this section, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner or operator, and shall conspicuously affix to such vehicle a traffic citation.

The owner or operator may, within forty-eight (48) hours of the time when such notice was attached to such vehicle, enclose the notice with two dollars (\$2.00) if the violation was for parking beyond the period of legal parking for the zone in violation of subsection (a) and pay the same to the clerk of the municipal court or by depositing the fine and notice in a courtesy fine collection box as a penalty for and in full satisfaction of such violation.

If the penalty is not paid within forty-eight (48) hours of the time when the citation was attached to such vehicle, the penalty for the violation shall increase to five dollars (\$5.00), payable to the clerk of the municipal court or by depositing the fine and notice in a courtesy fine collection box.

The owner or operator may contest the ticket by contacting the clerk of the municipal court and requesting a trial date. Once a request for a trial date has been made to the clerk, the enforcement provisions are stayed, pending decision by the municipal court judge.

If the owner or operator does not pay or request a hearing within a period of forty-eight (48) hours, the clerk of the municipal court shall send to the owner, of the motor vehicle to which the traffic citation was affixed, a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued. The fine will then increase to twenty-five dollars (\$25.00) which will be the amount of the bond.

The failure of such owner or operator to make such provisions within forty-eight (48) hours of the time the citation was issued shall render the owner or operator subject to the penalties hereinafter provided for violation of the provisions of this division. Court costs are not assessed for overparking tickets.

(Ord. No. 96-9777, § 1, 1-13-97)

**Sec. 38-46. Marking of vehicles in areas where parking time is limited.**

The police department shall cause all vehicles parked in areas where the length of parking time is limited to be marked in such manner as to distinguish such vehicles during the hours in which the parking requirements within such areas are effective, and any person who shall remove, erase, or destroy or cause to be removed, erased or destroyed any mark placed upon any such vehicle or upon the tires thereof by any police officer, otherwise than for the purpose and in the course of complying [with] the provisions of this chapter, shall be guilty of a misdemeanor with penalties set out in section 38-48.

(Ord. No. 96-9777, § 1, 1-13-97)

**Note:** See editor's note following § 38-41.

**Sec. 38-47. Temporary suspension.**

When warranted by the public interest, the city manager is hereby authorized to temporarily suspend the parking regulations outlined in this division as they apply to specific locations within the city.

(Ord. No. 96-9777, § 1, 1-13-97)

**Note:** See editor's note following § 38-41.

**Sec. 38-48. Violations.**

- (a) Any person who shall violate any parking provisions of the Code or any other parking regulations, except as otherwise provided, shall be punished by a fine of not more than twenty-five dollars (\$25.00) and court costs.
- (b) When a vehicle is parked within any area wherein parking is prohibited, each full hour shall be deemed to be a separate offense.
- (c) When a vehicle is parked within an area wherein the length of time a vehicle is permitted to park is limited, each successive period of time, equal to the permitted time, shall constitute a separate offense.

(Ord. No. 96-9777, § 1, 1-13-97)

**Note:** See editor's note following § 38-41.

**Secs. 38-49, 38-50. Reserved.**

**DIVISION 2. RESERVED<sup>3</sup>**

**Secs. 38-51--38-80. Reserved.**

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<sup>3</sup> **Editor's note:** Section 1 of Ord. No. 92-9507, adopted May 11, 1992, repealed Div. 2, §§ 38-51--38-71, in its entirety. Formerly, Div. 2 pertained to parking in parking meter zones and derived from the Code of 1966, §§ 22-169--22-191; Ord. No. 81-8885, § 1, adopted Nov. 2, 1981; Ord. No. 81-8886, § 1, adopted Nov. 2, 1981; Ord. No. 84-9045, § 2, adopted Sept. 24, 1984; and Ord. No. 87-9221, § 1, adopted Oct. 26, 1987.

## DIVISION 3. INOPERABLE VEHICLES<sup>4</sup>

### **Sec. 38-81. Finding of governing body.**

The board of commissioners finds that junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles, or parts thereof, in and upon all property within the city is a matter affecting the health, safety, and general welfare of the citizens of the city, for the following reasons:

- (1) Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (2) They are a danger to persons, particularly children because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports and because they are a ready source of fire and explosion;
- (3) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located thereby causing a loss in property value to surrounding property;
- (4) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures.

(Code 1966, § 23-171)

### **Sec. 38-82. Definitions.**

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

- (1) *Inoperable* means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed, or for which it may have been subsequently modified.
- (2) *Vehicle* means any automobile, truck, tractor, aircraft or motorcycle, which as originally built contained an engine or designed to contain an engine, regardless of whether it contains an engine at any other time.

(Code 1966, § 23-172)

**Cross references:** Definitions and rules of construction generally, § 1-2.

### **Sec. 38-83. Prohibitions and exceptions.**

It shall be unlawful for any person or his agent, either as owner, lessee, tenant, or occupant of any real property within the city to park, store, or deposit, or permit to be parked, stored, or deposited thereon an inoperable vehicle, unless:

- (1) The inoperable vehicle is enclosed in a garage or other building.
- (2) The person is a duly licensed automobile junk dealer and the inoperable vehicle is kept in compliance with section 33-38.
- (3) The inoperable vehicle is stored on property located in either the I-2 or the I-3 zoning district and completely enclosed by screening of not less than six (6) feet in height.

Provided, however, that nothing in this section authorizes the maintenance of a public nuisance.

(Code 1966, § 23-173; Ord. No. 87-9189, § 1, 5-18-87; Ord. No. 8-9356, § 1, 11-13-89)

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<sup>4</sup> **Cross references:** Nuisances generally, Ch. 24.

**Secs. 38-84, 38-85. Reserved.**

**Editor's note:** Ord. No. 87-9189, § 4, adopted May 18, 1987, repealed § 38-84 and § 38-85 in their entirety. Former § 38-84, concerning temporarily disabled vehicles, derived from the Code of 1966, § 23-174; and former § 38-85, concerning screening, derived from the Code of 1966, § 23-175.

**Sec. 38-86. Presumptions that a vehicle is inoperable.**

Any one (1) of the following conditions shall raise the presumption that a vehicle is inoperable:

- (1) Absence of an effective registration plate upon such vehicle;
- (2) Placement of the vehicle, or parts thereof, upon jacks, blocks, chains or other supports;
- (3) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

(Code 1966, § 23-176)

**Sec. 38-87. Nuisance and abatement.**

Any inoperable vehicle parked, stored or deposited in a manner other than that permitted under this division is hereby declared a nuisance and may be abated under the same authority and procedure for the abatement of nuisances as set forth in chapter 24, Nuisances, as they now exist or may be amended.

(Ord. No. 91-9422, § 1, 1-7-91)

**Editor's note:** Sections 1, 2 of Ord. No. 91-9422, adopted Jan. 7, 1991, repealed § 38-87 pertaining to procedure following informal complaint and provided for a new § 38-87 to read as herein set out. Former § 38-87 derived from the Code of 1966, § 23-177 and Ord. No. 87-9189, § 2, adopted May 18, 1987.

**Sec. 38-88. Penalty.**

- (a) Any person violating the provisions of this division shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00), or imprisoned not to exceed five (5) days, or be both so fined and imprisoned, for each offense. Each day such violation continues to exist shall constitute a separate offense.
- (b) Upon a conviction for violation of this division, it shall be within the court's discretion to order that the vehicle be removed and stored at the expense of the person so convicted.

(Code 1966, § 23-178; Ord. No. 87-9189, § 3, 5-18-87)

**Secs. 38-89--38-100. Reserved.**

**ARTICLE IV. PARADES AND PROCESSIONS**

**Sec. 38-101. Permit required.**

- (a) No procession or parade other than a funeral procession, excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and other regulations as set forth herein which may apply. A permit must be requested at least two (2) weeks prior to the parade or procession.
- (b) The permit fee shall be as prescribed in section 2-2.

(Code 1966, § 22-234)

**Sec. 38-102. Pennant or escort required for funeral procession.**

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of at least the first four (4) vehicles in such procession, of a pennant of a type designated by the chief of police or the traffic division of the police department, or shall be escorted by a police vehicle or vehicles.

(Code 1966, § 22-235)

**Sec. 38-103. Duties of drivers in processions.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as is practical and safe.

(Code 1966, § 22-236)

**Sec. 38-104. Driving through processions.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1966, § 22-237)

**Secs. 38-105--38-115. Reserved.**

**ARTICLE V. TRAINS AND RAILROADS<sup>5</sup>**

**Sec. 38-116. Trains blocking streets.**

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains of cars in motion other than those engaged in switching.

(Code 1966 § 22-254)

**Sec. 38-117. Backing trains, cars across crossings.**

It shall be unlawful for the directing officer or the operator of any railroad train or any brakeman, switchman, engineer, or other employee or officer of any railroad to permit or cause to permit any train or car or cars of a train or other object moving along such track to back across any street, avenue or thoroughfare in the city without first stationing, or causing to be stationed in said street, avenue or thoroughfare, a flagman or other employee of the railroad whose duty it shall be to warn, by suitable signals, all approaching traffic of the immediate approach of such train or car or cars of such train or other object moving along such track; provided, that no railroad car or cars, or other object moving along such track shall be shuttled, switched, driven or "bumped" across any street, avenue or thoroughfare in the city unless such cars are attached to an engine and under proper control.

(Code 1966, § 22-255)

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<sup>5</sup> Cross references: Railroad crossings, § 35-231 et seq.

**Secs. 38-118--38-130. Reserved.**

(Ord. No. 81-8835, § 1, 2-2-81 amended Sec. 38-118 pertaining to unlawful to sound train whistle at certain intersection. Ord No. 05-10284 repealed Sec. 38-118, 7-11-04)

**ARTICLE VI. SIZE, WEIGHT AND LOAD**

**Sec. 38-131. Compliance required.**

It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in Article 19 of Chapter 8 of Kansas Statutes Annotated or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout the city.

(Code 1966, § 22-325)

**State law references:** Similar provisions, K.S.A. 8-1901(a).

**Sec. 38-132. Exemptions.**

The provisions of this article governing size, weight and load shall not apply to fire apparatus, road machinery, farm tractors or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

(Code 1966, § 22-326)

**State law references:** Similar provisions, K.S.A. 8-1901(e).

**Sec. 38-133. Width of vehicles and loads thereon.**

- (a) The total outside width of any vehicle or the load thereon shall not exceed eight (8) feet, except as otherwise provided in this section.
- (b) A farm tractor or a fertilizer dispensing machine shall not be permitted to travel on any highway which is a part of the national system of interstate and defense highways. Whenever a farm tractor or implement of husbandry, and any load on any such vehicle, exceeds the width limitations prescribed by this section to the extent that the width of such vehicle, including any load thereon, exceeds the width of that portion of a roadway on which such vehicle is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic, the width of such vehicle exceeds more than one-half the width of such roadway, the driver shall move such vehicle as soon as possible as far to the right-hand side of the highway as is practicable and safe upon the approach of any oncoming or following vehicle and upon approaching the crest of a hill.
- (c) Whenever pneumatic tires, in substitution of the same type or other types of tires, have been heretofore or are hereafter placed upon a vehicle in operation upon the effective date of this chapter, the maximum width from the outside of one (1) wheel and tire to the outside of the opposite wheel and tire shall not exceed eight (8) feet six (6) inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed eight (8) feet.
- (d) The total outside width of the body of a bus, excluding all rearview mirrors, turn signal lamps and handhold equipment used in intercity transit operations or a bus used in local urban transit operations, shall not exceed eight (8) feet six (6) inches.

- (e) A vehicle may be loaded with cylindrically shaped bales of hay which extend not to exceed twelve (12) feet width-wise of the vehicle, but no vehicle so loaded may be moved on any highway designated as a part of the national system of interstate and defense highway system and no vehicle so loaded may be moved later than thirty (30) minutes after sunset or before thirty (30) minutes before sunrise. No vehicle loaded as authorized by this subsection (e) shall travel more distant than fifty (50) miles from the usual place the vehicle is parked when not in use.
- (f) A housetrailer or mobile home which exceeds the width as provided in subsection (c) may be moved on the highways of this state upon obtaining a permit as provided herein, if the driver of the vehicle pulling such housetrailer or mobile home has a valid driver's license and if such driver carries with him or her evidence that such housetrailer or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00) for injury to any one (1) person, and three hundred thousand dollars (\$300,000.00) for injury to person in any one (1) accident, and twenty-five thousand dollars (\$25,000.00) for injury to property.

(Code 1966, § 22-327)

**State law references:** Similar provisions, K.S.A. 8-1902, 8-1911(g).

#### **Sec. 38-134. Projecting loads on passenger vehicles.**

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six (6) inches beyond the right side thereof.

(Code 1966, § 22-328)

**State law references:** Similar provisions, K.S.A. 8-1903.

#### **Sec. 38-135. Height and length of vehicles and loads.**

- (a) No vehicle including any load thereon shall exceed a height of thirteen and one-half (13 1/2) feet.
- (b) No motor vehicle shall exceed a length of forty-two and one-half (42 1/2) feet extreme overall dimension, inclusive of front and rear bumpers.
- (c) Except as otherwise provided in subsections (d) and (e), no combination of vehicles coupled together shall exceed a total length of sixty-five (65) feet.
- (d) The limitations in this section governing maximum length of a truck tractor and semitrailer or other combinations of vehicles coupled together shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of eighty-five (85) feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to

K.S.A. 8-1911. For the purpose of authorizing the issuance of such special permits at ports of entry, weight stations or motor vehicle inspection stations, the secretary of transportation may contract with the secretary of revenue for such purpose, and in such event, the secretary of revenue or any agent or designee of the secretary of revenue may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

- (e) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such house trailer does not exceed fourteen (14) feet in width and such combination of vehicles does not exceed an overall length of ninety-five (95) feet.
- (f) The limitations of this section governing the maximum length of combinations of vehicles upon roads and highways under the jurisdiction of the secretary of transportation or local authorities shall not apply to any vehicle operating on a route designated by the secretary or local authority between a Kansas turnpike authority toll booth and a motor freight truck terminal located within a ten-mile radius of any such toll booth, under a permit issued pursuant to K.S.A. 8-1911, and amendments thereto, by the secretary with respect to roads and highways under the secretary's jurisdiction, or a local authority, with respect to roads and highways under such local authority's jurisdiction. Notwithstanding any other provision of law to the contrary, for the purposes of this subsection, all two-laned roads and highways within the corporate limits of a city shall be deemed to be under the jurisdiction of such city.

(Code 1966, § 22-329)

**State law references:** Similar provisions, K.S.A. 8-1904.

### **Sec. 38-136. Wheel and single-axle load limits.**

- (a) The gross weight upon any wheel of a vehicle shall not exceed the following:
  - (1) When the wheel is equipped with a high pressure pneumatic, solid rubber or cushion tire, eight thousand (8,000) pounds;
  - (2) When the vehicle is being operated on a highway of the interstate system or on a highway not approved and designated by the secretary of transportation pursuant to paragraph (3) of this subsection, and the wheel is equipped with a low pressure pneumatic tire, nine thousand (9,000) pounds;
  - (3) When the wheel is equipped with a low pressure pneumatic tire, ten thousand (10,000) pounds if the vehicle is operated on a highway not included in the interstate system and such highway has been approved and designated for such operations by the secretary of transportation.
- (b) The gross weight upon any one (1) axle of a vehicle shall not exceed the following:
  - (1) When the wheels attached to said axle are equipped with high pressure pneumatic, solid rubber or cushion tires, sixteen thousand (16,000) pounds;
  - (2) When the vehicle is being operated on a highway of the interstate system or on a highway not approved and designated by the secretary of transportation pursuant to paragraph (3) of this

subsection, and the wheels attached to said axle are equipped with low pressure pneumatic tires, eighteen thousand (18,000) pounds;

- (3) When the wheels attached to said axle are equipped with low pressure pneumatic tires, twenty thousand (20,000) pounds if the vehicle is operated on a highway not included in the interstate system and such highway has been approved and designated for such operations by the secretary of transportation.
- (c) When and if the congress of the United States returns to this state the exclusive power to determine wheel and axle load limits on the interstate system, or when and if the congress of the United States adopts gross weight limits on the interstate system commensurate with such limits prescribed by this section for vehicles not being operated on the interstate system, the wheel and axle load limits prescribed by this section for vehicles being operated on the interstate system shall no longer apply and thereupon the wheel and axle load limits prescribed by this section for vehicles not being operated on the interstate system shall apply to vehicles being operated on the interstate system.
- (d) For the purposes of this section, an axle load shall be defined as the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than forty (40) inches apart, and further, that any axle placed within seven (7) feet of any adjacent axle shall at all times carry its proportionate part of the load permitted on such pair of axles.
- (e) For the purposes of this section, every pneumatic tire designed for use and used when inflated with air to less than one hundred (100) pounds pressure shall be deemed a low pressure pneumatic tire, and every pneumatic tire inflated to one hundred (100) pounds pressure or more shall be deemed a high pressure pneumatic tire.
- (f) For the purposes of this section, the term "interstate system" means the national system of interstate and defense highways.

(Code 1966, § 22-332)

**State law references:** Similar provisions, K.S.A. 8-1908.

### **Sec. 38-137. Gross weight.**

No vehicle or combination of vehicles shall be moved or operated on any street or bridge when the gross weight thereof exceeds the limits specified in K.S.A. 8-1909.

(Code 1966, § 22-333)

### **Sec. 38-138. Enforcement of vehicle weight laws.**

- (a) Any police officer or properly designated department of revenue agent or employee having reason to believe that the gross weight of a vehicle or combination of vehicles or the gross weight on any axle or tandem axles is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to any scales suitable for this purpose within five (5) miles. When portable scales are used for weighing for the purpose of this section, the location of such portable scales shall be not more than ten (10) miles from any stationary scales whose accuracy is certified in accordance with law.
- (b) Whenever a police officer or properly designated department of revenue agent or employee upon weighing a vehicle or combination of vehicles, determines that the weight is unlawful, such officer, agent or employee may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle or combination of vehicles or remove or redistribute the gross weight on any axle or tandem

axles to such limit as permitted under Article 19 of Chapter 8 of Kansas Statutes Annotated. All material so unloaded shall be cared for by the owner, lessee or operator of such vehicle at the risk of such owner, lessee or operator.

- (c) Any driver of a vehicle or combination of vehicles who fails or refuses to stop and submit such vehicle or combination of vehicles to weighing as provided in this section or who fails or refuses when directed by an officer or properly designated department of revenue agent or employee, to comply with the provisions of this section, shall be guilty of a misdemeanor.

(Code 1966, § 22-334)

**State law references:** Similar provisions, K.S.A. 8-1910.

**Sec. 38-139. Through truck traffic prohibited on certain streets.**

Whenever, by resolution of the board of commissioners, a street is designated as one on which through truck traffic is prohibited, it shall be the duty of the city manager to erect appropriate signs giving notice thereof, and after the erection of such signs, it shall be unlawful for any person to operate a truck having a gross vehicle weight of over sixteen thousand (16,000) pounds thereon for any purpose other than making deliveries to premises located within the corporate limits of the city.

(Code 1966, § 22-335)

**Secs. 38-140--38-150. Reserved.**

## **ARTICLE VII. NOISE<sup>6</sup>**

**Sec. 38-151. Engine brakes prohibited in certain zones.**

- (a) It shall be unlawful for the driver of any vehicle to use, operate or cause to be used or operated an "engine brake" (sometimes referred to as a "compression brake") defined as "a device which retards the forward motion of a motor vehicle by the use of the compression of the engine of the motor vehicle" within zones within the city limits designated by the city manager and marked by signage stating "No engine brakes zone."
- (b) When designating the zones in which use or operation of the engine brakes is prohibited, the city manager shall consider roadway and traffic control characteristics and the potential for excessive noise from engine brake usage to disturb the peace in nearby residential districts.
- (c) It shall be an affirmative defense to prosecution under this section that the engine brakes were applied in an emergency and were necessary to prevent imminent danger to a person or to property.

(Ord. No. 02-10106, § 1, 10-21-02)

**Secs. 38-152, 38-153. Reserved.**

**Editor's note:** Section 1 of Ord. No. 90-9404, adopted Aug. 20, 1990, repealed §§ 38-151--38-153, pertaining to noise prohibitions and limits and deriving from Ord. No. 81-8873, § 1(22-124--22-126), adopted Aug. 24, 1981.

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<sup>6</sup> **Cross references:** Nuisances, Ch. 24.

**Sec. 38-154. Adequate mufflers or sound dissipative devices.**

- (a) It shall be unlawful for any person to operate, or cause to be operated, any motor vehicle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (b) It shall be unlawful for any person to remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repairs or replacement, any muffler sound dissipative device on a motor vehicle.

(Ord. No. 81-8873, § 1(22-127), 8-24-81)

**Sec. 38-155. Motor vehicle horns and signaling devices.**

The following acts, and causes thereof, are declared to be in violation of this article:

- (1) The sounding of any horn, or other auditory signaling device on or in any motor vehicle, except as a warning of danger;
- (2) The sounding of any horn, or other auditory signaling device which produces the sound level in excess of eighty-five (85) dBA at fifteen (15) meters (fifty (50) feet), except as a warning of danger.

(Ord. No. 81-8873, § 1(22-128), 8-24-81)

**Sec. 38-156. Standing motor vehicles.**

It shall be unlawful for any person to operate the engine providing motive power, or an auxiliary engine of a motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more or any auxiliary equipment attached thereto for a consecutive period longer than ten (10) minutes while such vehicle is standing and located within one hundred fifty (150) feet of property zoned and used for residential purposes between the hours of 11:00 p.m. and 7:00 a.m. the following day, except where vehicle is standing within a completely enclosed structure.

(Ord. No. 81-8873, § 1(22-129), 8-24-81)

**Sec. 38-157. Exempt vehicles.**

The following are exempt from the operation of this article:

- (1) Emergency vehicles designated as such by the laws of the state, or by ordinance of this city, and ambulances on emergency call;
- (2) Construction or agricultural equipment and street maintenance equipment that are on a job site or traveling on street or highways.

(Ord. No. 81-8873, § 1(22-130), 8-24-81)

## ARTICLE VIII. WORK-SITE UTILITY VEHICLES

### Sec. 38-158. Definitions.

- (a) “*Work-Site Utility Vehicle*” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.
- (b) “*Work*”
- a. Performing a particular job, task or undertaking, as either an owner/proprietor or while engaged in the employment of another, in some form of business or industry, as a means of earning one's livelihood.
  - b. Volunteer functions in support of nonprofit activities such as, but not limited to; Festivals, Fairs, Rodeos, Sports Events, Educational Events and/or maintenance of Educational, Sports, or Public Park facilities.

(Ord. No. 07-10412, § 1 9-10-07)

### Sec. 38-159. 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 subject to the following restrictions.
- (i) Work-site utility vehicles shall be operated only in the most direct route during the course of work as defined in Sec. 38-158(b).
  - (ii) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated.
  - (iii) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the work-site utility vehicle or the view of the operator.
  - (iv) 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.
  - (v) A violation of this section shall be deemed a traffic ordinance 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, 2007 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(Ord. No. 07-10412, § 1, 9-10-07)

### Sec. 38-160. 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. 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. No. 07-10412, § 1, 9-10-07)

**Sec. 38-161. Same; Roadways Laned for Traffic.**

- (a) All work-site utility vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any work-site utility vehicle of the full use of a lane.
- (b) The operator of a work-site utility vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a work-site utility vehicle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Subsections (b) and (c) shall not apply to police officers or fire personnel in the performance of their official duties.

(Ord. No. 07-10412, § 1, 9-10-07)

**Sec. 38-162. Same; Clinging to other Vehicles Prohibited.**

No person riding upon a work-site utility vehicle shall attach himself, herself or the work-site utility vehicle to any other vehicle on a roadway.

(Ord. No. 07-10412, § 1, 9-10-07)

**Sec. 38-163. Same; Penalties.**

A violation of any provision in sections 38-159 through 38-162 shall be deemed an ordinance traffic infraction. Upon 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, 2007 Standard Traffic Ordinance, as amended, or such other similar provision as the city may then have in effect.

(Ord. No. 07-10412, § 1, 9-10-07)

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