

CHAPTER XIV. TRAFFIC

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ARTICLE 1. STANDARD TRAFFIC ORDINANCE

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 of Colwich, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", "Edition of 2008, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Colwich, Kansas," 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. (Code 2004)

14-102 SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES. (a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses. (Code 2004)

14-103 PENALTY FOR SCHEDULED FINES. The fine for violations 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 \$60, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500. (Code 2004)

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

14-201 TRAFFIC CONTROL DEVICES AND MARKINGS. The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:

The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs,

signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of Colwich for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. (Code 2004)

14-202 STANDING OF TRAINS. It shall be unlawful for any firm, corporation, partnership, or individual to permit any trains, engines or cars to stand upon any street, thoroughfare or alley within the city limits for a period of time exceeding 10 minutes at any one time without leaving an opening in the travel portion of the street, thoroughfare or alley of at least 30 feet in width. (Ord. 372, Sec. 1; Code 2004)

14-203 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, loudspeaker, 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.

(d) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by the city or a gas, electric, communications or refuse company;

(4) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the city.

(5) The vehicle was used in authorized public activities, such as parades, fireworks, sport events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval. (Ord. 405, Sec. 1; Code 2004)

14-204 PARKING RESTRICTIONS. (a) Definitions. Recreational vehicle shall mean, a vehicle or a unit that may be independently motorized or may be mounted on or drawn by another vehicle which is primarily designed for temporary living or occasional use. Recreational vehicle includes travel trailers, camping trailers, truck, campers, converted buses, motor homes, fifth-wheelers, boats, boat trailers and unattached utility trailer.

(b) Recreational Vehicle Parking on City Streets. It shall be unlawful for any owner or operator of a recreational vehicle and/or utility trailer to park

such vehicle and/or utility trailer on any highway or street within the city limits for longer than a seven day period, for purposes of storage of such recreational vehicle and/or utility trailer; for purposes of this section, storage is hereby defined to be the non-use of such recreational vehicle and/or utility trailer for the purposes for which the recreational vehicle and/or utility trailer is designed and intended.

(c) Temporary Parking by Permit. Any owner or operator of a recreational vehicle may temporarily park such recreational vehicle on any highway or street within the city limits for a period of two weeks if such recreational vehicle is within the city limits on a temporary basis not to exceed two weeks for purposes of such owner or operator thereof visiting family or friends living within the city. In such event, the owner or operator shall apply for a permit at a cost of \$10 for such temporary parking for such temporary period through the office of the city clerk, provided, however, such permit to park shall be issued only for the duration of time and for the purposes heretofore stated in this section. It shall also be unlawful for any owner or operator to apply for more than two permits per year for any one recreational vehicle. (Ord. 407, Secs. 1,3; Ord. 428, Sec. 1; Code 2004)

14-205

MECHANICAL ENGINE BRAKES (JAKE BRAKES). (a) Definition. The term mechanical engine brake as used herein means any device commonly known by that name or any similar device used to slow a motor vehicle by engine compression creating loud or excessive noises to be emitted through the vehicle's exhaust system.

(b) Use of Mechanical Engine Brakes Prohibited. It shall be unlawful for any person operating a motor vehicle within the city limits, to use a mechanical engine brake system installed in the motor vehicle. (Ord. 496, Secs. 1:2, Code 2004)

ARTICLE 3. ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY

14-301

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 vehicle which interferes with public highway operations.

(d) Any motor vehicle which:

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

(2) Is subject to seizure and forfeiture under the laws of the state, or

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

(e) 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.

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

conducting a business enterprise for the purpose of towing vehicles which removes such vehicle from the real property at the request of the police department shall have a possessory lien on such vehicle for the cost incurred in removing, towing and storing such vehicle. For the purposes of this article, common areas shall be construed not to mean public property or property open to the public. The cost of such impoundment shall be borne by the owner of the vehicle. (Code 2004)

14-302 SAME. The police department may authorize storage of such impounded motor vehicles at any location, public or private, which is zoned for the storage of motor vehicles. (Code 2004)

14-303 IMPOUNDMENT AFTER REQUEST TO LEAVE MOTOR VEHICLE. In all cases wherein the owner or operator of a motor vehicle which is on a public street has requested that the motor vehicle be left unattended at that location, in lieu of impoundment of the motor vehicle pursuant to section 14-302, the police department may honor said request for a period of time not exceeding 48 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. 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. (Code 2004)

ARTICLE 4. HAZARDOUS MATERIALS

14-401 HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported, or disposed of or otherwise managed. (Code 2004)

14-402 SAME: EXCEPTIONS. The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 2004)

14-403 TRANSPORTATION OF HAZARDOUS MATERIALS. Except as provided in section 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. (Code 2004)

14-404 HAZARDOUS MATERIALS ROUTES. The provisions of section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this

section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways designated as truck routes:

- (a) Reserved
- (b) Reserved
- (c) Reserved

(Code 2004)

14-405

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

- (1) (Reserved)

(b) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in second 14-404 of this code.

(c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation. (Code 2004)

14-406

REMOVAL OF ILLEGALLY PARKED TRAILERS. If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property. The cost of such removal shall be borne by the owner of the trailer. (Code 2004)