

CHAPTER XIV. TRAFFIC

- Article 1. Standard Traffic Ordinance and Amendments
- Article 2. Local Traffic Regulations
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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 2017 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. A copy 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 Chapter or the Standard Traffic Ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp 8-2118.
- (b) All traffic violations which are included within the Standard Traffic Ordinance or any part of this Chapter, which are not ordinance traffic infractions, as defined above, 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 no more than \$500.00. 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)
- 14-104 CITATION; AMENDMENTS TO STANDARD TRAFFIC ORDINANCE.
- (a) The Standard Traffic Ordinance as incorporated by reference in section 14-101 of this article shall be properly cited by reference to the adopting Ordinance of this Code and the Section numbers as set forth within the Standard Traffic Ordinance.

(b) The Standard Traffic Ordinance is hereby amended to include the following sections, which shall be properly cited by reference to the adopting Ordinance of this Code and the Section numbers as set forth below, such section numbers conforming to the section numbering utilized in the Standard Traffic Ordinance.

Adding Section 11a - Stop Signs and Yield Signs.

Section 11a is hereby added to the Standard Traffic Ordinance and shall read as follows: Stop Signs and Yield Signs

Stop signs and yield signs, as enforced pursuant to Section 59 of the Standard Traffic Ordinance, shall be erected pursuant to resolution adopted by the Governing Body of the City of Colwich, Kansas, which specify particular intersections as stop and yield intersections and providing for the erection of stop signs and yield signs.

Speed Limit on Certain Other Streets.

The Governing Body having determined it in the best interest of the health, safety and welfare of the citizens of Colwich, Kansas, that the speed limit permitted under Section 33 of the Standard Traffic Ordinance, and amended herein, is not reasonable under the conditions found to exist upon Colorado Ave. within the corporate limits of the City of Colwich, Kansas, from Colwich Ave. to Chicago Ave. hereby determines and declares that the speed limit on such portion of Colorado Ave. within the corporate limits of the City of Colwich, Kansas is 20 miles per hour. Said speed limit is subordinate to all school zones properly established by ordinance.

The Governing Body having determined it in the best interest of the health, safety and welfare of the citizens of Colwich, Kansas, that the speed limit permitted under Section 33 of the Standard Traffic Ordinance, and amended herein, is not reasonable under the conditions found to exist upon Kansas Ave. within the corporate limits of the City of Colwich, Kansas, from Colorado Ave. to Fifth Street hereby determines and declares that the speed limit on such portion of Kansas Ave. within the corporate limits of the City of Colwich, Kansas is 20 miles per hour. Said speed limit is subordinate to all school zones properly established by ordinance.

The Governing Body having determined it in the best interest of the health, safety and welfare of the citizens of Colwich, Kansas, that the speed limit permitted under Section 33 of the Standard Traffic Ordinance, and amended herein, is not reasonable under the conditions found to exist upon Wichita Ave. within the corporate limits of the City of Colwich, Kansas, from First Street to Fifth Street hereby determines and declares that the speed limit on such portion of Wichita Ave. within the corporate limits of the City of Colwich, Kansas is 20 miles per hour. Said speed limit is subordinate to all

school zones properly established by ordinance.

Amending Section 37. Racing on Highways.

Section 37 of the Standard Traffic Ordinance is amended to read as follows:

Sec. 37 Racing On Highways/Exhibition of Speed/Power-braking.

(a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, spinning a vehicle to make a doughnut type mark in the roadway or in the parking lot of a commercial business, accelerate so quickly as to cause the vehicle to fishtail, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition. (See K.S.A. 8-1565).

(b) The practice commonly known as "power-braking" whereby a combination of brake power and rapid acceleration causes treads of tires to spin in place on any road prior to the forward or rearward acceleration of said vehicle.

(c) Driving or coasting of a vehicle in reverse with a rapid change forward causing either tire tread to spin, leaving rubber marks or tread marks on the roadway.

(d) Acceleration of an engine of a vehicle with a rapid or quick engagement of the drive train of said vehicle causing the tires of said vehicle to leave thread marks and the squealing of tires of said vehicle by reason of acceleration or any combination thereof.

(e) None of the definitions contained in this section shall apply to any act or acts of individuals attempting to avoid a collision with another vehicle, object, or person."

Adding Section 85.1: Parking Of Certain Vehicles in Residential Districts .

Section 85.1 is hereby added to the Standard Traffic Ordinance and shall read as follows: Sec. 85.1. Parking of Certain Vehicles in Residential Districts.

(a) Certain Parking Prohibited. It is unlawful, except when necessary to avoid conflict with other traffic, in obedience to traffic regulations or the directions of a traffic control device or a police officer, or when actively engaged in the loading or unloading of merchandise or goods, for any person to park a truck with a manufacturers' rated capacity of over 18,000 pounds, or a bus, truck tractor, trailer or semi-trailer, as defined in the version of the in the Standard Traffic Ordinance for Kansas Cities adopted by the Governing Body of the City of Colwich, Kansas at the time of occurrence, on any street in a residential district within the corporate limits of the City of Colwich, Kansas for longer than two (2) hours."

(b) 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.

(c) Residential District. For purposes of this section, a residential district shall be defined as any territory, area and/or street located within the corporate limits of the city upon which or in there are located structures occupied as residential dwellings or other places of abode and the streets, roadway, alleyways, or other ways used for vehicular traffic within said areas are subject to a speed limit of nom greater than thirty (30) miles per hour.

(d) Penalty. Any person, individual partnership, corporation or association who violates any of the provisions of this ordinance shall be found guilty of a non-moving violation, and shall be fined in an amount of not less than \$50.00 and not more than \$500.00. Each violation shall constitute a separate offense.

Adding Section 94.1. Designation of School Zones.

Section 94.1 is hereby added and shall read as follows: Designation of School Zones.

School zones are hereby established on Marian Street running south from Chicago Ave. (53rd Street) to a point 150 feet south of the south curb line of Breese Avenue and on Breese Avenue running east from the east line of Marian Street to the east line of Sixth Street, and Chicago (53rd St.) from the middle of the East Side of the Municipal Park west to Ball Diamond Drive, all within the corporate city limits of the City of Colwich, Kansas.

Adding Section 96.1. Designation of No Parking Zones.

Section 96.1 is hereby added to the Standard Traffic Ordinance and shall read as follows: Designation of No Parking Zones.

It shall be unlawful for any person to park or leave unattended any motor vehicle of any type or description on the following roadways:

(a) East side of Second Street from the North line of the East West alley, North to Wichita Avenue.

(b) West side of Second Street from the North line of the East West alley North to Wichita Avenue, except trucks may be parked in these areas for less than 2 hours for purposes of loading or unloading.

(c) Any person convicted of violating the provisions of this section

shall be subject to a fine not to exceed \$100.00.

Amending Section 97. Limited Time Parking Zones.

Section 97 of the Standard Traffic Ordinance is amended to read as follows:

Section 97: Limited Time Parking Zones.

(a) Whenever any appropriate sign shall be placed and maintained in any block by lawful authority of the city giving notice that the street or highway or city owned parking lot may be used for parking or standing vehicles for a limited time only it shall be unlawful for any person to fail or refuse to comply with such sign.

(b) Whenever any written notice has been attached to a vehicle notifying the owner of the vehicle of the City's intention to pave, repair, or in any manner service the roadway, such vehicle shall be immediately moved and not returned to such location until after the completion date provided by the City.

(c) No vehicle shall be parked on any City street for longer than 48 hours.

(d) Violation of any provision of this section shall be punishable by a fine of \$10.00. Court costs shall not apply to such citation. However, every day of violation is a further offense, and additionally such vehicle may be towed at the owner's expense to allow the City to complete road repair or service.

Adding Section 99.1: Truck Routes Established.

Section 99.1 is hereby added to the Standard Traffic Ordinance of the Code of Colwich, Kansas and shall read as follows: Sec. 99.1. Truck Routes Established.

(a) It shall be unlawful for any person, firm or corporation to operate a commercial vehicle with a registered gross vehicle weight in excess of 18,000 pounds, on any street within the corporate limits of the City, other than the designated truck routes listed as follows:

1. First Street, a.k.a. North 167th Street West, from the south city limits to the north city limits;

2. Chicago Avenue, a.k.a. West 53rd Street North, from the east City limits to the west City limits;

3. Wichita Avenue from the east City limits to Fifth Street;

4. Fifth Street from the south Missouri Pacific right-of-way to Wichita Avenue;

5. Colorado Avenue, from Chicago Avenue, a.k.a. West 53rd Street North, to Union Avenue;

6. Union Avenue from the west City limits to First Street, a.k.a. North 167th Street West;

7. Second Street, from the south Missouri Pacific right-of-way to Colwich Avenue.

8. Colwich Ave. between First Street, a.k.a. North 167th Street West to Second Street.

(b) Notwithstanding any provision to the contrary, trucks making intra-city deliveries or providing intra-city services shall travel the most direct route between origin and destination using truck routes whenever possible. Trucks may leave truck routes using truck delivery routes following the most direct route to a stop and back to a truck route. Trucks making multiple deliveries shall use truck routes whenever possible to reach their initial destination.

(c) The chief of police, or his or her designee, shall post appropriate signs to identify the truck routes established above; however, the absence of such signs shall not act as a defense to a violation of this section.

(d) The city clerk shall keep and maintain maps describing the routes on which truck traffic is permitted; the maps shall be on file in the office of the city clerk and shall be available to the public for inspection.

(e) The operation of authorized emergency vehicles is exempt from the requirements of this section.

(f) A commercial vehicle shall include a truck, semi-trailer, tractor trailer, or truck tractor over 18,000 pounds. Whether such vehicle is owned by a commercial company or being operated for commercial purposes shall not have bearing upon the determination of whether such vehicle meets this definition.

(g) Penalty. Any person, individual partnership, corporation or association who violates any of the provisions of this ordinance shall be found guilty of an ordinance traffic violation, and shall be fined in an amount of not less than \$50.00 and not more than \$500.00. Each violation shall constitute a separate offense.

Adding Section 106a: Consumption of Alcoholic Liquor or Cereal Malt Beverage While Operating a Motor Vehicle.

Section 106a is hereby added to the Standard Traffic Ordinance and shall read as follows: "Sec. 106a. Consumption of Alcoholic Liquor or Cereal Malt Beverage While Operating a Motor Vehicle.

(a) No person shall consume any alcoholic liquor or cereal malt beverage while operating any vehicle upon any street or highway. An open container of a substance containing alcoholic liquor or cereal malt beverage within the reach of an individual operating a vehicle and an odor of alcoholic liquor or cereal malt beverage upon such person's breath shall be prima facie evidence that such individual was operating such vehicle while consuming alcoholic liquor.

(b) Violation of this section is punishable by a fine of not less than \$50 or more than \$200.

Adding Section 106b: Careless Driving.

Section 106b is hereby added to the Standard Traffic Ordinance and shall read as follows: Sec. 106b. Careless Driving.

(a) No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or safety of others, engage in any activity which interferes with the safe control of his/her vehicle, or in such a manner as to endanger, or be likely to endanger, any person or property. However, this section shall not apply to a vehicle driven by a person upon property owned by him/her.

(b) Every person convicted of Careless Driving shall be punished by a fine of not less than \$100.00 and not more than \$500.00.

Adding Sec. 1.114.2: (1) Operation of Micro Utility Trucks. (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate city limits of the city.

(b) No micro utility truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway in the City. Further, no such vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subjected to all of the duties applicable to a driver of a vehicle imposed by law.

(d) No person under the age of 18 years shall operate a micro utility truck upon the public highways, streets, roads and alleys within the corporate limits of the city.

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

(3) SAME; DEFINITION. "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(4) SAME; PENALTY. Unless specifically provided herein, a violation of this ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2010 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(5) SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a micro utility truck shall provide liability coverage in accordance with Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto; and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

(b) All provisions of Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of micro utility trucks.

(6) SAME; REGISTRATION AND LICENSE; FEE; APPLICATIONS; PENALTY. Before operating any micro utility truck on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made to the City Clerk upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable.) Proof of insurance, as required in Section 5 shall be furnished at the time of application for registration. The annual registration fee for a micro utility truck shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder shall be non-transferable. The City shall be exempt from payment of the registration fee.

Adding Sec. 1.114.4: (1) Operation of Golf Carts. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate city limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that nothing herein shall prohibit golf carts from crossing such roadways.

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

(c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(2) SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. 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.

(3) SAME; DEFINITION. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than

25 miles per hour and is designed to carry not more than four persons, including a driver.

(4) SAME; PENALTY. Unless specifically provided herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201. 2010 Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

(5) SAME; OPERATION OF GOLF CARTS; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. (a) No person under the age of 18 years shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city. Further, it shall be illegal to operate a golf cart upon such roadways unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.

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

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

(6) SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a golf cart shall provide liability coverage in accordance with Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

(b) All provisions of Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

(7) SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY. Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made to the City Clerk upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable.) Proof of insurance, as required in Section 6 shall be furnished at the time of application for registration. The annual registration fee for a golf cart shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder shall be non-transferable. The City shall be exempt from payment of the registration fee.

Adding Sec. 1.114.5: (1) Operation of Work-Site Utility Vehicles. (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate city limits of the city.

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

Further, no work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway. However, that nothing herein shall prohibit work-site utility vehicles from crossing such roadways.

(c) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subjected to all of the duties applicable to a driver of a vehicle imposed by law.

(2) SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. 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.

(3) SAME; DEFINITION. "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(4) SAME; PENALTY. Unless specifically provided herein, a violation of this ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2010 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(5) SAME; OPERATION OF WORK-SITE UTILITY VEHICLES; DISPLAY OF SLOW-MOVING VEHICLE EMBLEM. (a) No person under the age of 18 years shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city. Further, it shall be illegal to operate a work-site utility vehicle unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.

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

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

(6) SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a work-site utility vehicle shall provide liability coverage in accordance with Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto; and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

(b) All provisions of Section 200 of the 2010 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.

(7) SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; PENALTY. Before operating any work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made to the City Clerk upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered. (including make, model and serial number, if applicable.) Proof of insurance, as required in Section 6 shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle shall be \$25.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder shall be non-transferable. The City shall be exempt from payment of the registration fee.

Adding Sec. 192.1.: Notification of the Division of Motor Vehicles of Change in Address.

Section 192.1 is hereby added to the Standard Traffic Ordinance and shall read as follows: Notification of the Division of Motor Vehicles of Change in Address

(a) Whenever any person, after applying for or receiving a driver's license, shall move from the 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 ten (10) days thereafter shall notify the Division of Motor Vehicles in writing of such changes and obtain a valid driver's license displaying such information.

(b) Failure to obtain an updated driver's license as required by this section is punishable by a fine of \$75.00. However, providing evidence to the court of subsequent compliance within ten (10) days of receiving such citation shall be grounds for dismissal of charges.

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)

(e) **Penalty.** Any person, individual partnership, corporation or association who violates any of the provisions of this ordinance shall be found guilty of a non-moving violation, and shall be fined in an amount of not less than \$50.00 and not more than \$500.00. Each violation shall constitute a separate offense.

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.

(1) It shall be unlawful for any owner or operator of a recreational vehicle and/or utility trailer to park such vehicle or trailer on any highway or street within the corporate city limits of the City of Colwich, Kansas, for longer than a seven (7) day period for purposes of storage of such recreational vehicle.

(2) For purposes of this section, storage is hereby defined to be neither using such vehicle for the purposes for which it was designed and/or failure to move such vehicle.

(3) Violation of this section is punishable by a fine of not less than \$25.00 nor more than \$100.00.

(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.

(c) The penalty for violation of this section shall be a fine of not less than \$50.00 nor more than \$100.00 per offense. (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. Costs of such storage shall be paid by the owner of the vehicle prior to such vehicle being returned to such owner. (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) Chicago Ave a.k.a. 53rd Street North from city limit to city limit.
- (b) First Street a.k.a. 167th Street West from city limit to city limit.
- (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, or remains parked upon a roadway for which notice of roadway repairs has been publicized 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 a 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, it may be removed in conformance with this section. The cost of such removal shall be borne by the owner of the vehicle, trailer or semi-trailer. (Code 2004)