

Chapter 142

TRAFFIC AND VEHICLES*

* **Cross References:** Department of public works, § 2-147; moving of structures, § 26-581 et seq.; traffic rules for ambulances, § 62-66 et seq.; streets, sidewalks and other public places, ch. 130; vehicles for hire, ch. 154.

State Law References: Automobiles and other vehicles generally, K.S.A. ch. 8; powers of local authorities, K.S.A. 8-2001 et seq.

Article I. In General

Sec. 142-1. Definitions.

Sec. 142-2. Entrances to private property posted.

Sec. 142-3. Required obedience to traffic regulations.

Sec. 142-4. Inspection and tests of vehicles; authority of law enforcement officers.

Sec. 142-5. Removal of vehicles for street and utility work.

Sec. 142-6. Display of license plates.

Sec. 142-7. Ambulance operators to notify police department of emergency calls.

Secs. 142-8--142-35. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

Sec. 142-36. Section of traffic engineering.

Sec. 142-37. Duties of traffic engineer.

Sec. 142-38. Traffic authority of police officers.

Sec. 142-39. Reserved.

Sec. 142-40. Driver's files to be maintained.

Sec. 142-41. Fees collected by the records section.

Sec. 142-42. Division of transportation operations.

Secs. 142-43--142-60. Reserved.

Division 2. Enforcement Procedures and Penalties

Sec. 142-61. Evidence constituting a prima facie case.

Sec. 142-62. Effect of sworn complaint.

Sec. 142-63. Disposition of fines and forfeitures.

Secs. 142-64--142-80. Reserved.

Division 3. Accidents and Accident Reports

Sec. 142-81. Reporting of accident.

Sec. 142-82. Duty of garagekeepers to report to police department.

Sec. 142-83. Investigation of accidents.

Sec. 142-84. Filing of reports.

Secs. 142-85--142-100. Reserved.

Division 4. Vehicle Impoundment

Sec. 142-101. Authorized.

Sec. 142-102. Traffic warrants.

Sec. 142-103. Immobilization.

Sec. 142-104. Unclaimed motor vehicles.

Secs. 142-105--142-120. Reserved.

Division 5. Traffic Control Signs, Signals, Devices and Markings

Sec. 142-121. Authority to install traffic control devices.

Sec. 142-122. Traffic control signal legend.

Sec. 142-123. Uniform traffic manual adopted.
Secs. 142-124--142-150. Reserved.

Article III. Standard Traffic Ordinance

Sec. 142-151. Incorporation of Standard Traffic Ordinance.
Sec. 142-152. Amendments.
Secs. 142-153--142-180. Reserved.

Article IV. General Rules of Vehicle Operation

Division 1. Generally

Sec. 142-181. Motorcycle area.
Sec. 142-182. Bicycle trail.
Sec. 142-183. Pedestrians, certain vehicles restricted on interstate highway system.
Sec. 142-184. Vehicles used for primary purpose of advertising.
Sec. 142-185. Vehicles on levee unlawful.
Sec. 142-186. Reserved.
Sec. 142-187. Speed limits.
Sec. 142-188. Reserved.
Sec. 142-189. Through streets.
Sec. 142-190. Funeral processions.
Sec. 142-191. Loud sound amplification systems in vehicles.
Sec. 142-192. Inattentive, negligent or unsafe driving.
Sec. 142-193 Reserved.
Sec. 142-194. Unlawful use of a jake brake.
Sec. 142-195. Work-site utility vehicles.
Secs. 142-196--142-210. Reserved.

Division 2. School Speed Zones

Sec. 142-211. Declaration of purpose.
Sec. 142-212. Definitions.
Sec. 142-213. Posting of signs; deviations authorized.
Sec. 142-214. Maximum school zone speed limit.
Sec. 142-215. Penalties for violation.
Secs. 142-216--142-235. Reserved.

Division 3. Turning Movements and Signals

Sec. 142-236. Authority to place and obedience to turning markers.
Sec. 142-237. Authority to place and obedience to restricted turn signs.
Sec. 142-238. U-turns.
Sec. 142-239. Left turns by franchised buses.
Sec. 142-240. Turning left into alley or driveway prohibited; exceptions.
Secs. 142-241--142-265. Reserved.

Article V. Abandoned and Junked Vehicles

Sec. 142-266. Prohibitions.
Sec. 142-267. Authority to impound.
Sec. 142-268. Complaint; hold harmless agreement for towing off of private property.
Sec. 142-269. Notification of impoundment and procedure for claiming impounded vehicles.
Sec. 142-270. Towing and storage fees.
Sec. 142-271. Disposing of vehicles as junk.
Sec. 142-272. Proceeds of sales.
Secs. 142-273--142-300. Reserved.

Article VI. Stopping, Standing and Parking

Division 1. Generally

Sec. 142-301. Fine schedule.
Sec. 142-302. Operating, parking or occupying vehicle in parking lot during hours lot is closed.

Sec. 142-303. Parking vehicle having offensive odor.
Secs. 142-304--142-325. Reserved.

Division 2. Delivery Vehicles

Sec. 142-326. Purpose--Adoption of rules and regulations.
Sec. 142-327. Issuance of permits.
Sec. 142-328. Permit restrictions.
Sec. 142-329. Permit fees.
Secs. 142-330--142-350. Reserved.

Division 3. Limited or Prohibited Times or Places

Sec. 142-351. Stopping, standing or parking prohibited in street parkings.
Sec. 142-352. All night parking in business district limited; night parking on certain days.
Sec. 142-353. Parking more than 48 hours.
Sec. 142-354. Financial institution parking areas or lots.
Sec. 142-355. Parking of vehicles on non-paved surfaces.
Sec. 142-356. Stopping, standing, or parking prohibited in city owned reserved parking.
Sec. 142-357. Auction, parking permit.
Secs. 142-358--142-375. Reserved.

Division 4. Parking Meter Zones

Sec. 142-376. Establishment.
Sec. 142-377. Installation of parking meters.
Sec. 142-378. Parking meter spaces.
Sec. 142-379. Deposit of coins and time limits; disabled veterans exempt.
Sec. 142-380. Unlawful to deposit slugs.
Sec. 142-381. Parking meter rates.
Sec. 142-382. Rates and fees.
Sec. 142-383. Permit for hood or cover.
Sec. 142-384. Unlawful use of or interference with hooded meters.
Sec. 142-385. Tampering with meters; hitching animals.
Sec. 142-386. Overtime parking.
Sec. 142-387. Multiple violations.
Secs. 142-388--142-400. Reserved.

Division 5. Handicapped Parking

Sec. 142-401. "Handicapped person" defined.
Sec. 142-402. Traffic engineering survey.
Sec. 142-403. Designation of spaces by traffic engineer.
Sec. 142-404. Vehicles with disabled veteran tags.
Sec. 142-405. Volunteer program for enforcement assistance.
Secs. 142-406--142-425. Reserved.

Division 6. Block Parking Zones

Sec. 142-426. Defined.
Sec. 142-427. Parking restriction.
Sec. 142-428. Overtime parking.
Sec. 142-429. Duty of traffic officers.
Sec. 142-430. Violations.
Sec. 142-431. Exemptions.
Secs. 142-432--142-450. Reserved.

Division 7. Municipal Parking Stations

Sec. 142-451. Supervision.
Sec. 142-452. Rates of operation generally.
Sec. 142-453. Change of fees.
Sec. 142-454. Use of skateboards, roller skates or bicycles prohibited.
Secs. 142-455--142-475. Reserved.

Division 8. Loading Zones

Sec. 142-476. Established.
Sec. 142-477. Application.
Sec. 142-478. Marking.
Sec. 142-479. Revocation of privilege; transferability.
Sec. 142-480. Unlawful use.
Secs. 142-481--142-500. Reserved.

Division 9. Bus and Taxicab Stands

Sec. 142-501. Establishment.
Sec. 142-502. Application for and conditions of permit for taxicab stands.
Sec. 142-503. Parking and standing of taxicabs and buses.
Sec. 142-504. Obedience by drivers of other vehicles.
Sec. 142-505. Authority to impound unauthorized vehicles in designated zones.
Secs. 142-506--142-515. Reserved.

Division 10. Parking Violations

Sec. 142-516. Purpose; adoption of rules and regulations.
Sec. 142-517. Violation; penalty.
Sec. 142-518. Prima facie responsibility for violation and penalty; parking violation issuance and removal.
Sec. 142-519. Violation notices; contents, distribution and record keeping.
Sec. 142-520. Determination of liability.
Sec. 142-521. Grounds for adjudication by mail or administrative hearing.
Sec. 142-522. Adjudication by mail; procedure.
Sec. 142-523. Administrative hearing; procedure.
Sec. 142-524. Hearing; determination of liability or of no liability; petition.
Sec. 142-525. Notice of final determination.
Secs. 142-526--142-535. Reserved.

Article VII. Snow Routes

Sec. 142-536. Definitions.
Sec. 142-537. Traffic emergency proclamation.
Sec. 142-538. Reserved.
Sec. 142-539. Establishment.
Sec. 142-540. Posting of signs.
Sec. 142-541. Parking of vehicles on snow route prohibited during traffic emergency.
Sec. 142-542. Driving on snow routes restricted during traffic emergency.
Secs. 142-543--142-580. Reserved.

Article VIII. Trucks and Trailers

Sec. 142-581. Parking prohibited.
Sec. 142-582. Restricted in core area generally.
Sec. 142-583. Restricted in alleys in core area.
Sec. 142-584. Angle parking prohibited.
Secs. 142-585--142-610. Reserved.

Article IX. Bicycles

Division 1. Generally

Sec. 142-611. Riding on sidewalks regulated.
Secs. 142-612--142-635. Reserved.

Division 2. Reserved

Secs. 142-636--142-675. Reserved.

Division 3. Individual License

Sec. 142-676. Required.
Sec. 142-677. Issuance.
Sec. 142-678. Licensing procedure.
Sec. 142-679. Fees.

Sec. 142-680. Altering license.
Secs. 142-681--142-700. Reserved.

Division 4. Reserved

Secs. 142-701--142-735. Reserved.

Article X. Vehicle Weight Limits

Sec. 142-736. Definitions.
Sec. 142-737. Penalty for violation of article.
Sec. 142-738. Diversion; subsequent offenses.
Sec. 142-739. Compliance required.
Sec. 142-740. Stopping drivers suspected of violations.
Sec. 142-741. Removal of excess load.
Sec. 142-742. Failure to stop or comply.
Sec. 142-743. Weight-bearing axles.
Sec. 142-744. Weight limit-- Vehicles generally.
Sec. 142-745. Same--Wheel and tire.
Sec. 142-746. Same--One-axle.
Sec. 142-747. Same--Two-axle.
Sec. 142-748. Same--Multiple-axle.
Sec. 142-749. Excess size and weight move permit.
Sec. 142-750. Limitation for interstate highways.
Sec. 142-751. Exception for garbage, refuse or waste disposal trucks.
Sec. 142-752. Exception for certain materials trucks.
Secs. 142-753--142-780. Reserved.

Article XI. Parades

Division 1. Generally

Sec. 142-781. Definitions.
Sec. 142-782. Interference.
Sec. 142-783. Driving through parades.
Sec. 142-784. Parking on parade route.
Secs. 142-785--142-800. Reserved.

Division 2. Permit

Sec. 142-801. Required; exceptions.
Sec. 142-802. Application.
Sec. 142-803. Fee.
Sec. 142-804. Standards for issuance.
Sec. 142-805. Alternative permit.
Sec. 142-806. Notice of rejection.
Sec. 142-807. Appeal procedure.
Sec. 142-808. Notice to city and other officials.
Sec. 142-809. Contents of permit.
Sec. 142-810. Duties of permittee.
Sec. 142-811. Revocation.

ARTICLE I.

IN GENERAL

Sec. 142-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Angle or diagonal parking means the standing or parking of a motor vehicle on a public street with the long axis of the vehicle extending away from the street curb or roadway edge, and with the front of the vehicle away from the center of the street or roadway.

Central business district means that area bounded by Tyler Street, Madison Street, Second Street, and Huntoon Street.

Parallel parking means:

- (1) On streets with curbs, the standing or parking of the vehicle with the righthand wheels thereof parallel and within 12 inches of the righthand curb or roadway edge, subject to the exceptions permitting left side parallel parking as provided in this chapter.
- (2) On streets without curbs, the standing or parking of a motor vehicle with the righthand wheels thereof parallel with the right edge of the roadway so that at least 20 feet of the width of the roadway remains for the free movement of vehicular traffic.

Street parking means that portion of a street between the curb or lateral lines of a roadway and the adjacent lot lines not occupied by a sidewalk.

Traffic division means the traffic division of the city police department created by ordinance or such other unit of the police department as is designated functions under this chapter.

Traffic engineer means the traffic engineer of the city or any person designated by the public works director or designee for the purpose of implementing and enforcing ordinances of the city relating to traffic.

Transportation operations division means that division within the public works department which has responsibility for street maintenance, traffic operations and onstreet and offstreet parking.

Transportation operations superintendent means the supervisor of the transportation operations division within the public works department.

Vehicle as used in section 142-266(b) means any vehicle belonging to a person other than the person who owns or is entitled to possession of the private property on which abandonment occurs, propelled by power other than human power, designed to travel along the ground by use of wheels, tread, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

Zones:

- (1) *Curb loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (2) *No parking zones* means portions of streets described, designated and established by the city council as zones within which parking is prohibited at all times or at stated times when signposted.

- (3) *No standing zones* means portions of streets described, designated and established by the city council as zones within which standing or stopping is prohibited at all times or at stated times when signposted.
- (4) *Parking meter zones* means portions of streets described, designated or established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, referred to in this chapter as parking meters.
- (5) *Passenger curb loading zone* means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- (6) *Safety zone* means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Words and phrases not defined in this section shall have the meaning ascribed to them by the laws of the state relating to motor vehicles.

(Code 1981, § 43-1; Ord. No. 17620, § 1, 12-12-00)

Cross References: Definitions generally, § 1-2.

State Law References: Definitions applicable to traffic act, K.S.A. 8-1401 et seq.

Sec. 142-2. Entrances to private property posted.

Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

TRAFFIC REGULATIONS OF THE CITY OF TOPEKA ENFORCED ON THIS PROPERTY.
SPEED LIMIT 12 M.P.H. (OR AS POSTED.)

Then such private property shall thereafter be deemed to be under the traffic regulations of the city as provided by law.

(Code 1981, § 43-87)

Sec. 142-3. Required obedience to traffic regulations.

It is unlawful for any person to do any act forbidden, or fail to perform any act required, in this chapter.
(Code 1981, § 43-88)

Sec. 142-4. Inspection and tests of vehicles; authority of law enforcement officers.

(a) Any law enforcement officer may, upon reasonable cause, require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. If such vehicle is found to be in unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver, and such notice shall require that such vehicle be placed in a safe condition and its equipment in proper repair and adjustment and a

certificate of inspection and approval of such vehicle be obtained within ten days. Every owner or driver, upon receiving any such notice, shall comply therewith and shall, within such ten days, secure an endorsement upon such notice by any business doing vehicle repairs as a regular part of their business operations that such vehicle is in a safe condition and its equipment is in proper repair and adjustment.

(b) No person shall operate any vehicle after receiving a notice with reference thereto as provided in this section, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter; provided however, that the provisions of this section shall not be construed to deny the authority of a law enforcement officer to order any unsafe and dangerous vehicle to be removed from the streets by towing the vehicle to the residence or place of business of the owner or driver or to a garage selected by the owner or driver.

(c) At the option of the owner, instead of repair, the vehicle may be converted to a nonhighway title or junked. In that instance, proof of nonhighway title or a copy of the signed-over title, transferring ownership to a licensed salvage business for junking, will be considered as compliance with subsection (a) of this section. (Code 1981, § 43-43)

State Law References: Vehicle equipment, K.S.A. 8-1701 et seq.

Sec. 142-5. Removal of vehicles for street and utility work.

(a) *Authority to remove.* Any law enforcement officer is hereby authorized to remove or cause to be removed to the nearest garage, the police impound lot, or other place of safety, any vehicle found upon a street, road, alley or highway in the city when such vehicle is parked illegally in violation of signs prohibiting such parking, or if such vehicle is interfering with, or would soon interfere with, street or utility construction, street or utility maintenance, painting of street lines or traffic control devices, or any planned maintenance work on utilities.

(b) *Interference with emergency work on streets or utilities.* Any law enforcement officer may remove to a garage, police impound lot or other place of safety, any vehicle which is parked in such a manner as to interfere with emergency work on streets or utilities, regardless if such vehicle was otherwise lawfully parked.

(c) *Notification of vehicle removal.* Notification of such vehicle removal, assessment of towing fees and storage charges, challenges to such removal and disposal of unclaimed vehicles removed pursuant to this section shall be in accordance with the procedures established in article V of this chapter. (Code 1981, § 43-5)

Sec. 142-6. Display of license plates.

(a) Every vehicle, motor vehicle and motorized bicycle parked, stopped, standing or operated on the streets, public areas, park grounds, public or private parking lots or other publicly accessible areas of the city shall display a state license plate as provided by the laws of the state.

(b) It shall be unlawful to display on any vehicle described in subsection (a):

(1) Any license plate not lawfully issued to such vehicle;

- (2) Any expired license plate;
- (3) Any suspended, revoked or canceled license plate;
- (4) Any stolen license plate;
- (5) Any altered, defaced or fictitious license plate;
- (6) Any license plate without the current registration decal attached to it as required by state law;
- (7) Any state license plate that is not securely attached to the rear of the vehicle (unless such vehicle is a truck tractor), with the correct side up and in a manner that makes it clearly visible and legible; or
- (8) Any accessible parking placard which is fictitious, altered, defaced, canceled, revoked or suspended.

(c) It shall be unlawful for any person to allow any state license plate registered to such person to be used in any unlawful manner.

(Ord. No. 16584, § 1(43-707), 4-20-93)

State Law References: Display of license plates, K.S.A. 8-133.

Sec. 142-7. Ambulance operators to notify police department of emergency calls.

Every person operating an ambulance upon the streets of the city which answers calls in emergency cases shall, upon receipt of the call to convey a patient in an emergency case, immediately notify the police department of such call, giving the location of the patient, the time the call was received and, if possible, the hospital to which the patient is to be removed.

(Code 1981, § 43-96)

Cross References: Ambulances, § 62-26 et seq.

Secs. 142-8--142-35. Reserved.

ARTICLE II.

ADMINISTRATION AND ENFORCEMENT

DIVISION 1.

GENERALLY

Sec. 142-36. Section of traffic engineering.

(a) The section of traffic engineering shall be under the overall supervision and jurisdiction of the public works director or designee.

(b) The principal officer of the section of traffic engineering shall be the traffic engineer who shall

be a professional engineer with practical experience in traffic engineering and shall be appointed by the director of public works.

(c) The section of traffic engineering shall consist of such other employees in addition to the traffic engineer as are necessary for the operation of the section of traffic engineering.
(Ord. No. 17620, § 2, 12-12-00)

Sec. 142-37. Duties of traffic engineer.

It shall be the general duty of the traffic engineer to:

- (1) Conduct engineering investigations of traffic conditions;
- (2) Conduct engineering analyses of traffic accidents and devise remedial measures therefor;
- (3) Determine the installation, proper operation and maintenance of traffic control devices;
- (4) Cooperate with other city officials, including the transportation operations superintendent in the development of ways and means to improve traffic and parking conditions; and
- (5) Carry out the additional powers and duties imposed by this chapter and other ordinances of the city.

(Code 1981, § 43-19; Ord. No. 17620, § 3, 12-12-00)

Sec. 142-38. Traffic authority of police officers.

Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that if there is a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(Code 1981, § 43-90)

State Law References: Obedience to police required, K.S.A. 8-1503.

Sec. 142-39. Reserved.

Editors Note: Ordinance No. 17620, § 5, adopted December 12, 2000, repealed § 142-39, which pertained to the records of violations and derived from Code 1981, § 43-22(a). See the Code Comparative Table.

Sec. 142-40. Driver's files to be maintained.

The traffic engineer shall study the cases of all the drivers charged with serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent a reoccurrence of the same.

(Code 1981, § 43-23; Ord. No. 17620, § 6, 12-12-00)

Sec. 142-41. Fees collected by the records section.

- (a) *Employers.* In all cases where the records section of the police department is requested and

authorized to check and give information from its files regarding individuals who may be potential employees, or for any other purposes, a fee of \$5.00 shall be charged for each name checked, such fee to be due and payable at the time the check is made and the information is given.

(b) *Accident reports.* In all cases where the records section of the police department is requested to provide traffic accident reports from its accident report files, a flat fee of \$5.00 shall be charged, such fee to be due and payable at the time the accident report is given.

In any case where the records section is requested to provide any other report from its files, a fee of \$2.00 shall be charged for reports not exceeding five pages. For reports exceeding five pages, the fee shall be \$2.00 for the first five pages, plus \$1.00 per page for each page over five pages, such fee to be due and payable at the time the report copy is given. Requests which require research of files older than one year will be charged a research fee of \$25.00 per person-hour. An estimated amount may be required to be paid for such research in advance.

(c) *Photographs.* In all cases where the records section of the police department is requested to provide copies of photographs taken by the police department, the following fees shall be charged:

(1) For each black and white picture requested:

- a. For a 4-inch by 5-inch picture \$2.00
- b. For a 5-inch by 7-inch picture 2.50
- c. For a 8-inch by 10-inch picture 5.00
- d. For a 11-inch by 14-inch picture 6.50
- e. For each Polaroid copy 5.00
- f. For a 4-inch by 5-inch copy negative 5.00

(2) For each color picture requested:

- a. For standard 127 and 35MM prints 2.50
- b. For a 5-inch by 7-inch picture 3.50
- c. For a 8-inch by 10-inch picture 6.50
- d. For an 11-inch by 14-inch picture 8.00
- e. For each color Polaroid copy 7.00

(3) For color slides:

- a. Minimum order for slides 10.00
- b. Color slides from prints (each) 1.25

Such fees are due and payable at the time the copies of photographs are requested.

(d) *Disposition.* All fees collected under the provisions of this section shall be paid into the city treasury as provided by law.
 (Ord. No. 16419, § 1(43-24), 2-18-92; Ord. No. 17414, § 1, 10-5-99)

Sec. 142-42. Division of transportation operations.

The transportation operations division shall be under the supervision and jurisdiction of the public works director. The principal officer of the division shall be the transportation operations superintendent under direction of the director of public works. The division of transportation operations shall consist of such other employees in addition to the superintendent as are necessary for the operation of the division.

It shall be the duty of the superintendent to:

- (1) Conduct investigations and surveys regarding parking conditions;
- (2) Install and maintain control devices in accordance with the traffic engineer;
- (3) Administer and operate the municipal parking stations and onstreet parking determinations programs;
- (4) Cooperate with other city officials, including the traffic engineer, in the development of ways and means to improve traffic and parking conditions; and
- (5) Carry out the additional powers and duties imposed by this chapter and other ordinances of the city, including but not limited to pavement management, snow removal programs, and street maintenance.

(Ord. No. 17620, § 4, 12-2-00)

Editors Note: Ord. No. 17620, § 5, adopted Dec. 12, 2000, did not specifically amend the Code; hence, inclusion as § 142-42 was at the discretion of the editor.

Secs. 142-43--142-60. Reserved.

DIVISION 2.

ENFORCEMENT PROCEDURES AND PENALTIES*

* **State Law References:** Violations generally, K.S.A. 8-2101 et seq.

Sec. 142-61. Evidence constituting a prima facie case.

In any proceeding for the violation of the provisions of this chapter, the state registration number plate displayed upon the motor vehicle in violation shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such motor vehicle at the place where the violation occurred.

(Code 1981, § 43-44)

State Law References: Owners allowing violations, K.S.A. 8-2102; parking presumption, K.S.A. 8-2114.

Sec. 142-62. Effect of sworn complaint.

Whenever any complaint charging a violation of this chapter or other ordinance of the city regulating traffic is sworn to before a police officer or other competent person, such complaint shall be sufficient evidence of the facts alleged therein in the absence of evidence to the contrary.

(Code 1981, § 43-45)

Sec. 142-63. Disposition of fines and forfeitures.

All fines or forfeitures collected upon conviction, or upon the forfeiture of bail, of any person charged with a violation of any of the provisions of this chapter shall be paid into the city treasury and deposited in the general fund; provided however; all fines or penalties collected upon issuance of a violation notice and/or through a final determination of a violation notice in violation of section 142-386 shall be paid into the city treasury and deposited in the parking fund for the proper regulation, control and inspection of parking upon the public streets and municipal offstreet parking facilities as provided for in section 142-382(b).

(Code 1981, § 43-46; Ord. No. 17620, § 7, 12-12-00)

Secs. 142-64--142-80. Reserved.

DIVISION 3.

ACCIDENTS AND ACCIDENT REPORTS*

* **State Law References:** Accidents and accident reports, K.S.A. 8-1601 et seq.

Sec. 142-81. Reporting of accident.

It shall be the duty of the owner of every vehicle which shall have been involved in an accident while driven or under the physical control of any person other than the owner, and the accident has not been reported to the police department as provided in the Standard Traffic Ordinance as adopted and amended by the city, to report or cause a report of such accident to be made to the department forthwith upon discovery or knowledge of such accident.

(Code 1981, § 43-41)

Sec. 142-82. Duty of garagekeepers to report to police department.

It shall be the duty of the owner or person in charge of any garage or repair shop in the city to which is

brought any motor vehicle which shows evidence of having been involved in an accident or struck by any bullet to make a report to the police department within 24 hours after such vehicle is received, giving the engine number, registration number and the name and address of the owner or operator or bailor of such vehicle. (Code 1981, § 43-42)

Sec. 142-83. Investigation of accidents.

It shall be the duty of the traffic division, assisted by other officers of the police department, to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with a violation of law causing or contributing to such accidents. (Code 1981, § 43-21)

Sec. 142-84. Filing of reports.

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for use and information of the city traffic engineer. (Code 1981, § 43-22(b))

State Law References: Reports by law enforcement officers investigating accidents, K.S.A. 8-1611.

Secs. 142-85--142-100. Reserved.

DIVISION 4.

VEHICLE IMPOUNDMENT

Sec. 142-101. Authorized.

Unattended, unsafe, stolen or disabled vehicles may be impounded under the following conditions:

- (1) When any motor vehicle is left unattended upon a street, highway or other public way, or upon a bridge, viaduct or railroad tracks, and as a result thereof is either illegally parked or placed or positioned in such a manner as to constitute a definite hazard or obstruction to the movement of traffic.
- (2) When a motor vehicle upon a street, highway or other public way, or upon a bridge, viaduct or railroad tracks, is so disabled as to constitute an obstruction to traffic and the person in charge of the motor vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When the driver of any motor vehicle is taken into custody by the police department and such motor vehicle would thereby be left unattended on a street, highway or other public way.
- (4) When any motor vehicle is found being driven on the streets or other public ways and is not in a proper condition to be so operated.
- (5) When any motor vehicle is parked on a street, highway or other public way and such motor

vehicle has been reported or is reasonably suspected of being stolen, or when the motor vehicle does not display license plates, displays license plates reported stolen, or displays license plates not lawfully issued for such vehicle.

(Code 1981, § 43-420)

State Law References: Removal of vehicles from highways, K.S.A. 8-1570.

Sec. 142-102. Traffic warrants.

Members of the police department may impound any motor vehicle found upon a street, highway or other public property or way within the city against which there have been issued two or more traffic summonses for any violation of this chapter, and all amendments thereto, and when the owner of such motor vehicle has failed to appear as directed in the municipal court to answer any such charge.

(Code 1981, § 43-421)

Sec. 142-103. Immobilization.

(a) Where it is not feasible to tow or immediately remove motor vehicles against which there have been issued two or more summonses, members of the police department and their agents are authorized to temporarily and for a period not to exceed 48 hours immobilize the motor vehicle by attaching or affixing an appropriate device thereto. The person so attaching or affixing the immobilizing device shall also conspicuously attach or affix to such motor vehicle a notice in writing on a form to be provided by the chief of police that the motor vehicle has been immobilized; that release of the immobilization may be obtained at a designated time and place; and that unless arrangements are made for the release of the motor vehicle within 48 hours, the motor vehicle will be removed by the police department.

(b) It shall be unlawful for any person to remove or cause to be removed any immobilizing device or to move or cause to be moved any motor vehicle on which an immobilizing device has been placed before such vehicle is released by the police department. Whenever any motor vehicle has been so immobilized in the manner aforesaid, there shall be charged and collected by the police department before the release of such motor vehicle a fee of \$4.00.

(Code 1981, § 43-422)

Sec. 142-104. Unclaimed motor vehicles.

Where any motor vehicle impounded under authority of this division has not been claimed and all the costs, expenses and fines connected therewith paid within 48 hours from the time of the impoundment of the motor vehicle, then the motor vehicle shall be considered abandoned and may be disposed of in the manner provided in article V of this chapter.

(Code 1981, § 43-423)

Secs. 142-105--142-120. Reserved.

DIVISION 5.

TRAFFIC CONTROL SIGNS, SIGNALS, DEVICES AND MARKINGS*

* **State Law References:** Traffic control signs, signals, etc., K.S.A. 8-1507 et seq.; authority to regulate traffic by means of

traffic control devices, K.S.A. 8-2002(a)(2), 8-2005; state approval for erection of devices at certain locations, K.S.A. 8-2002(b).

Sec. 142-121. Authority to install traffic control devices.

The traffic engineer may 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 transportation operations division shall install and maintain such traffic control signs, signals and devices when and as may be required to make effective the provisions of this chapter and other ordinances for the regulation of traffic.

(Code 1981, § 43-133; Ord. No. 17415, § 1, 10-12-99; Ord. No. 17620, § 8, 12-12-00)

State Law References: Local traffic control devices, K.S.A. 8-2005.

Sec. 142-122. Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored, lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green indication:*

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise provided by a pedestrian control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Steady yellow indication:*

- a. Vehicular traffic facing a steady yellow light is thereby warned that the related green signal movement has been terminated and that a red signal (indicative that vehicular traffic shall not enter the intersection) will be exhibited immediately thereafter. Vehicular traffic facing a steady yellow signal shall stop before entering the nearest crosswalk at the intersection, or if none, at a clearly marked stop line, or if none, then before entering the intersection. Any driver of any vehicle who enters such crosswalk, or if none, such clearly marked stop line, or if none, such intersection, while facing a steady yellow signal

and thereupon turns or proceeds through the intersection, during which time the signal changes to red prior to such vehicle completely clearing the intersection, shall be guilty of a yellow light violation. Nothing in this subsection shall prohibit a driver from executing a lawful right turn on red after a complete stop in accordance with subsection (3)b of this section.

- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) *Steady red indication:*

- a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in subsections (3)b and (3)c of this section. Any turn provided for in subsections (3)b and (3)c of this section shall be governed by the applicable provisions of ordinance.
- b. Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (3)a of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. When appropriate signs are posted, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by subsection (3)a of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- d. Unless otherwise directed by a pedestrian control signal, pedestrians facing a steady red signal alone shall not enter the roadway.

If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(Ord. No. 16521, § 1(43-134), 10-20-92)

State Law References: Similar provisions, K.S.A. 8-1508.

Sec. 142-123. Uniform traffic manual adopted.

(a) The Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, hereinafter referred to as "MUTCD," approved by the Federal Highway Administrator as the National Standard

in accordance with Title 23, U.S. Code, Sections 109(d), 114(a), 217, 315 and 402(a), 23 CFR 655 and 49 CFR 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2), is adopted by reference and made a part of this chapter as if fully set out in this section; provided, however, that the lawful or designated authority empowered to make changes in sign sizes or other deviations as set forth in the manual shall be the city traffic engineer.

(b) Not less than one copy of the MUTCD, and of the ordinance or ordinances pertaining thereto, shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with the enforcement of such devices shall be supplied, at the cost of the city, such number of copies of MUTCD and ordinances pertaining thereto as may be deemed necessary.

(Code 1981, § 43-135; Ord. No. 17974, § 1, 3-11-03; Ord. No. 18719, § 1, 9-26-06)

State Law References: Adoption by reference, K.S.A. 12-3009 et seq., 12-3301 et seq.; sign manual, K.S.A. 8-2003.

Secs. 142-124--142-150. Reserved.

ARTICLE III.

STANDARD TRAFFIC ORDINANCE

Sec. 142-151. Incorporation of standard traffic ordinance.

(a) *Generally; copies.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas, that certain Standard Traffic Ordinance known as the "Standard Traffic Ordinance For Kansas Cities," edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. 18732," 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 ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(b) *Traffic infractions and traffic offenses.*

(1) A traffic infraction is a violation of any section of chapter 142 of the City Code or of the Standard Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this chapter and which are not traffic infractions as defined in paragraph (1) above of this section, shall be considered traffic offenses.

(Ord. No. 16632, § 1(43-63), 9-14-93; Ord. No. 16770, § 1, 10-25-94; Ord. No. 16865, § 1, 9-26-95; Ord. No. 16989, § 1, 8-15-96; Ord. No. 17171, § 1, 9-9-97; Ord. No. 17361, § 1, 3-9-99; Ord. No. 17420, § 1, 10-19-99; Ord. No. 17691, § 1, 6-12-01; Ord. No. 17696, § 1, 7-10-01; Ord. No. 17726, § 1, 10-2-01; Ord. No. 17892, § 1, 9-17-02; Ord. No. 18054, § 1, 8-5-03; Ord. No. 18732, § 1, 10-17-06)

State Law References: Adoption by reference, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 142-152. Amendments.

The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted by reference, shall be amended as follows:

The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted by reference, shall be amended as follows:

- (a) Section 1 of the standard traffic ordinance, relating to definitions, is hereby amended as follows:

Other competent evidence includes: (1) Alcohol concentration tests obtained from samples taken two hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing instrument.
- (b) Section 13 of the standard traffic ordinance, relating to traffic control signal legend, is hereby declared to be and is omitted and deleted.
- (c) Section 33 of the standard traffic ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted.
- (d) Section 37 of the standard traffic ordinance, relating to racing on highways; exhibition of speed, is amended to read as follows:
 - (1) No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, or test. For purposes of this section, "speed competition or contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to, rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other racing participants.
 - (2) No person shall knowingly engage in a speed exhibition on a highway. For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.
- (e) Section 50 of the standard traffic ordinance relating to right, left and U-turns at intersection: obedience to, is hereby declared to be and is omitted and deleted.
- (f) Section 67 of the standard traffic ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

- (g) Section 104 of the standard traffic ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted.
- (h) Section 107 of the standard traffic ordinance, relating to unattended motor vehicles, is hereby deleted in its entirety and the following provisions shall be substituted therefore:
 - (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
 - (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle.
 - (c) This section shall not apply to public or private utility vehicles engaged in the restoration of utility services or to emergency vehicles (as defined by K.S.A. 8-1404 either in use during an emergency or in the performance of law enforcement, firefighting, rescue or medical duties, including those vehicles transporting canines as part of a law enforcement function.
- (i) Section 114.1 of the standard traffic ordinance, relating to unlawful operation of all-terrain vehicle, is hereby deleted in its entirety and the following provisions shall be substituted therefore:
 - (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person to operate an all-terrain vehicle:
 - (1) On any interstate highway, federal highway or state highway; or
 - (2) Within the corporate limits of a city of the first class.
 - (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.
 - (c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated on streets, highways and elsewhere in the city by law enforcement officers performing law enforcement duties.
 - (d) No all-terrain vehicle shall be operated on any public highway, street or road between

sunset and sunrise unless equipped with lights as required by law for motorcycles.

(e) All-terrain vehicles operated pursuant to subsections (b) and (c) need not be registered pursuant to article 1, chapter 8 of the Kansas Statutes Annotated to operate on the public highways, streets, roads and alleys within the corporate limits of the city.

(i) Section 119 of the standard traffic ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted.

(j) Section 194 of the standard traffic ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

(k) Section 195.1 of the standard traffic ordinance, relating to operation of a motor vehicle when a habitual violator is hereby declared to be and is omitted and deleted.

(l) Section 198 of the standard traffic ordinance, relating to vehicle license; illegal tag, is hereby declared to be and is omitted and deleted.

(Code 1981, § 43-76; Ord. No. 16399, § 2(43-64), (43-76), (43-77), 12-16-91; Ord. No. 16608, § 1, 6-15-93; Ord. No. 17006, § 1, 9-24-96; Ord. No. 17362, § 1, 3-9-99; Ord. No. 17421, § 1, 10-19-99; Ord. No. 17692, § 1, 6-12-01; Ord. No. 17744, § 1, 10-23-01; Ord. No. 17893, § 1, 9-17-02; Ord. No. 18158, § 1, 1-13-04; Ord. No. 18684, § 1, 7-25-06; Ord. No. 18733, § 1, 10-17-06; Ord. No. 18972, § 1, 10-9-07)

Secs. 142-153--142-180. Reserved.

ARTICLE IV.

GENERAL RULES OF VEHICLE OPERATION

DIVISION 1.

GENERALLY

Sec. 142-181. Motorcycle area.

(a) The area described in this section is designated as being reserved for exclusive use by motorcycles, motorbikes, minibikes, motor-driven cycles, motor scooters and such other motor- or engine-powered two- (2), three (3) or four- (4) wheeled vehicles as may come under this general classification:

Riverside Motorcycle Park area, extended generally north of the Oakland wastewater treatment plant and in an area to be specifically designated and marked by appropriate signs, specifying the types of vehicles permitted and installed by the city.

(b) It shall be unlawful for any person to operate any motor vehicles not specifically described in subsection (a) in the area designated in this section.

(c) It shall be unlawful for any person to operate any vehicle in the park after 6:00 p.m. or before

9:00 a.m. central standard time and after 8:00 p.m. or before 9:00 a.m. daylight savings time.

(d) Nothing in this section shall prohibit the operation of authorized city maintenance vehicles in the area designated in this section at any time.

(Code 1981, § 43-561; Ord. No. 18042, § 1, 7-1-03; Ord. No. 18090, § 1, 9-9-03)

Sec. 142-182. Bicycle trail.

(a) The areas described in this section shall be reserved for exclusive use by bicycles and/or pedestrians:

(1) The top of the levee system known as the Oakland Unit of the Topeka Flood Protection Project, in such areas specifically designated and marked by appropriate signs, such signs to be installed by the city.

(2) The Shunga Bicycle/Pedestrian Trail, in such areas specifically designated and marked by appropriate signs at the trail entrances; such signs to be installed by the city.

(b) No motor vehicles shall be driven in the area designated by this section except authorized maintenance vehicles of the city. Bicycles shall be ridden only upon the top of the levee system and on designated areas of the Shunga Bicycle/Pedestrian Trail. Bicycles shall not be ridden on the face of the levee.

(Code 1981, § 43-589)

Sec. 142-183. Pedestrians, certain vehicles restricted on interstate highway system.

It shall be unlawful for pedestrians, persons operating or using bicycles or other nonmotorized traffic, persons leading, driving or riding animals or persons operating a motor-driven cycle of any type with a horsepower of less than five, to use the controlled access facilities and the interstate highway system within the corporate limits of the city.

(Code 1981, § 43-165)

State Law References: Authority to regulate or restrict use of controlled-access highways, K.S.A. 8-1525, 8-2002(a)(13).

Sec. 142-184. Vehicles used for primary purpose of advertising.

No person shall operate or stand any vehicle on any street in the city for the primary purpose of advertising without first securing a permit from the council which shall specify the terms and conditions of such authorization.

(Code 1981, § 43-121)

Sec. 142-185. Vehicles on levee unlawful.

(a) It shall be unlawful for any person to drive any motor-driven vehicle upon or over any flood-control levee within the city without specific authorization from the flood control supervisor.

(b) The flood control supervisor shall cause signs to be posted on all levees within the city to inform all persons of the provisions of this section.

(Code 1981, § 43-166)

Sec. 142-186. Reserved.

Editors Note: Ord. No. 17362, § 2, adopted 3-9-99, repealed § 142-186 in its entirety. Formerly, said section pertained to limitations on backing. See the Code Comparative Table.

Sec. 142-187. Speed limits.

(a) Except when a special hazard or road conditions exist that require lower speed for compliance with Standard Traffic Ordinance section 32, no person shall drive a vehicle on a roadway, street, alley or highway at a speed greater than the posted speed limit for that area or district.

(b) If no speed limit is posted, the following speed limits shall apply:

(1) Thirty (30) miles per hour in any urban district.

(2) Twenty (20) miles per hour in any park.

(3) Fifteen (15) miles per hour in any alley in both business and residential districts.

(c) It is hereby determined and declared that the maximum safe speed limit upon private property used by the public for purposes of vehicular travel by permission of the owner is 12 miles per hour; provided, however, that the provisions of this section are not to be construed to prohibit the owner from requiring other or different speed limits.

(Code 1981, §§ 43-250, 43-251; Ord. No. 18814, § 1, 2-13-07)

State Law References: Authority to fix speed limits, K.S.A. 8-2002(a)(5), (a)(10), (a)(15); speed restrictions generally, K.S.A. 8-1557 et seq.

Sec. 142-188. Reserved.

Editors Note: Ord. No. 17362, § 2, adopted 3-9-99, repealed § 142-188 in its entirety. Formerly, said section pertained to inattentive, negligent or unsafe driving. Further, this subject matter has been restated and included herein as § 142-92. See the Code Comparative Table.

Sec. 142-189. Through streets.

(a) *Designated.* Those streets and parts of streets described in this section are hereby declared to be through streets, except at those intersections where the traffic on the through streets is controlled by traffic signals or stop signs. It shall be the duty of the traffic engineer to designate on which of two through streets a stop sign or signs shall be placed and maintained.

(b) *Schedule.* The following named and described streets and avenues or portions thereof, in the city, are hereby designated as through highways or streets for the purposes of this chapter:

First Avenue from Interstate Highway 70 to Jefferson Street and from Story Street to MacVicar Avenue.

Second Street from Davies Street to Gray Street.

Fourth Street from Kansas Avenue to Buchanan Street, from Adams Street to Branner Street, from Branner Street to Golden Street, and from Adams Street to Kansas Avenue.

Sixth Avenue from east city limits to west city limits.

Eighth Avenue from Monroe Street to Summit Street.

East Eighth Avenue from Monroe Street to Locust Street.

Tenth Avenue from Monroe Street to west city limits.

East Tenth Avenue from Monroe Street to intersection with East Sixth Avenue.

East 15th Street from Kansas Avenue to Hudson Boulevard.

17th Street from Kansas Avenue to west city limits.

East 17th Street from Kansas Avenue to intersection with East 15th Street.

21st Street from Kansas Avenue to west city limits.

East 21st Street from Kansas Avenue to east city limits.

25th Street from Kansas Avenue to east city limits.

27th Street from Burlingame Road to Kansas Avenue.

29th Street from west city limits to east city limits.

37th Street from west city limits to east city limits.

Adams Street from south city limits to East 15th Street.

Branner Street from East Tenth Avenue to Seward Avenue.

Burlingame Road from West 27th Street to south city limits.

California Avenue from south city limits to East Sixth Avenue.

Chester Avenue from Seward Avenue to Sardou Avenue.

Davies Street from Sixth Avenue to Second Avenue.

Eugene Street from Topeka Avenue to Paramore Street.

Fairlawn Road from south city limits to Interstate Highway 70.

Gage Boulevard from south city limits to Interstate Highway 70.

Golden Avenue from 21st Street to Second Avenue.

Gordon Street from Vail Avenue to Kansas Avenue.

Gray Street from Second Avenue to Santa Fe tracks.

Hudson Boulevard from East 15th Street to East 21st Street.

Huntoon Street from Jackson Street to west city limits.

Kansas Avenue from north city limits to south city limits.

Lower Silver Lake Road from west city limits to Taylor Street.

MacVicar Avenue from West 21st Street to West Sixth Avenue and from Sixth Avenue to First Avenue.

Maryland Avenue from 21st Street to 29th Street.

Morse Street from Topeka Avenue to Monroe Street.

Oakley Avenue from Tenth Street to 21st Street.

Paramore Street from Tyler Street to Topeka Avenue.

Polk Street from Third Street to First Avenue.

Quincy Street from Laurent Street to Morse Street and from 11th Street to First Avenue.

Sardou Avenue from Monroe Street to Strait Avenue.

Seward Avenue from Branner Street to east city limits.

Story Street from Interstate Highway 70 to First Avenue.

Summit Avenue from Sixth Avenue to Tenth Avenue.

Sumner Avenue from Santa Fe tracks to Seward Avenue.

Taylor Street from Waddell Street to Lower Silver Lake Road.

Topeka Avenue from north city limits to south city limits.

Tyler Street from north city limits to Paramore Street and from Third Street to Interstate 70.

Vail Avenue from Lower Silver Lake Road to Gordon Street.

Waddell Street from Taylor Street to Tyler Street.

Washburn Avenue from Willow Avenue to 21st Street and from West 21st Street to West 27th Street.

Witlow Avenue from Buchanan Street to Lindenwood Avenue.

And all other streets designated as one-way streets.

(Code 1981, §§ 43-221, 43-222)

State Law References: Authority to designate through streets, K.S.A. 8-2002(a)(6); stop and yield signs, K.S.A. 8-1528.

Sec. 142-190. Funeral processions.

(a) *Duties of drivers in a funeral procession.*

- (1) Every driver in a funeral procession shall drive as near to the right edge of the roadway as practicable and shall follow the vehicles ahead as close as is practicable and safe.
- (2) The driver of every vehicle in a funeral procession shall illuminate the headlights of such vehicle to identify it as part of the procession.

(b) *Duties of drivers of other vehicles.*

- (1) On the immediate approach of a funeral procession or a properly lighted escort vehicle in a funeral procession, the driver of every other vehicle proceeding in the same direction as the procession shall immediately drive to a position parallel to and as close as possible to the righthand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the procession and the escort vehicle has passed.
- (2) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while they are in motion and when such vehicles in the procession are identified with illuminated headlights.

(c) *Yield right-of-way to funeral procession.* When following a properly lighted escort vehicle in a funeral procession, vehicles with illuminated headlights shall have the right-of-way at any intersection. No driver in a funeral procession shall enter a controlled intersection until directed to do so by the driver of the escort vehicle in the procession. The drivers of vehicles in the funeral procession may proceed into or through any uncontrolled intersection after exercising due care and caution as may be necessary for the safe operation of their vehicles.

(d) *Speed limit.*

- (1) A driver of a properly licensed and equipped escort vehicle in a funeral procession may exceed the speed limits of the city so long as he does not endanger life or property.
- (2) No driver of any vehicle in a funeral procession other than an escort vehicle as described in subsection (d)(1) shall exceed the posted speed limits of the city at any time.

(e) *Unescorted processions.* A driver of a vehicle in a funeral procession unescorted by a funeral escort properly licensed under this Code shall observe all traffic laws and regulations of the city at all times including stopping at a red or stop signal or stop sign.

(Code 1981, § 43-168)

Cross References: Funeral escort services, § 154-191 et seq.

State Law References: Authority to regulate processions, K.S.A. 8-2002(a)(3).

Sec. 142-191. Loud sound amplification systems in vehicles.

(a) *Prohibition.* 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 audible at a distance of 100 or more feet from the vehicle.

(b) *Definitions.* For the purpose of this section:

Audible means any sound produced by a sound amplification system from within a vehicle which can be heard at a distance of 100 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.

Sound amplification system means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.

(c) *Defense to prosecution.* It is an affirmative defense to a charge under this section that the operator of the vehicle 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 assemblage of persons in compliance with ordinances of the city; or
- (5) The vehicle was used in authorized public activities, such as parades, fireworks, sporting events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.

(d) *Penalty.* Any person who violates any of the provisions of this section is guilty of an ordinance violation and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment of not more than six months, or by both such fine and imprisonment. Each day any violation of this section is found to

exist or continues to exist shall be a separate offense and punishable as such under this section.
(Ord. No. 16497, §§ 1, 2, 8-28-92)

Sec. 142-192. Inattentive, negligent or unsafe driving.

(a) *Inattentive driving.* Every driver shall remain alert and give full attention to the safe operation of his vehicle while it is in motion, and any driver who does not shall be in violation of this subsection.

(b) *Negligent driving.* No driver, while operating or attempting to operate his vehicle, shall engage in any activity or do any act which interferes with the safe control of his vehicle.

(c) *Unsafe driving.* 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, or in such a manner as to endanger, or be likely to endanger, any person or property.

(Ord. No. 17421, § 2, 10-19-99)

State Law References: Reckless driving, K.S.A. 8-1566

Sec. 142-193. Reserved.

Sec. 142-194. Unlawful use of a jake brake.

(a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with Standard Traffic Ordinance No. 175, and amendments thereto.

(b) As used in this section, compression release engine braking system means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.
(Ord. No. 18355, § 1, 12-7-04)

Sec. 142-195. Work-site utility vehicles.

(a) *Operation of work-site utility vehicles; penalty.*

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

(2) "*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.

(3) It shall be unlawful to operate any work-site utility vehicle 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. However, work site utility vehicles complying with the provisions of article 17, chapter 8, need not be registered pursuant to article 1, chapter 8 of the Kansas Statutes Annotated to operate on the public highways, streets, roads

and alleys within the corporate limits of the city.

- (4) 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.
- (5) It shall be unlawful for any person to operate a work-site utility vehicle in any manner which violates the provisions in this section. A violation of this section shall be deemed an ordinance traffic infraction.

(b) *Same--Valid driver's license required; penalty.* It shall be unlawful for any person to 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.
(Ord. No. 18973, § 1, 10-9-07)

Secs. 142-196--142-210. Reserved.

DIVISION 2.

SCHOOL SPEED ZONES*

* **State Law References:** Authority for school speed zones, K.S.A. 8-1560(a)(4), 8-2002(a)(11).

Sec. 142-211. Declaration of purpose.

It is hereby determined and declared that speed zones be established within the city for the purpose of safety of children attending school.
(Code 1981, § 43-323; Ord. No. 17815, § 1, 4-9-02)

Sec. 142-212. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Adjacent school speed zone* means that portion of any street where the speed limit is normally 30 miles per hour or less located within 150 feet, or where the speed limit is normally more than 30 miles per hour located within 250 feet, of the property boundary of any public or private school building or schoolyard housing elementary or middle school students.
- (b) *Crosswalk school speed zone* means:
 - (1) That portion of any through street where the speed limit is normally 30 miles per hour or less located within 150 feet, or where the speed limit is normally more than 30 miles per hour located within 250 feet, in either direction of a marked crosswalk associated with a public or private school building or schoolyard housing elementary or middle school

students.

- (2) The crosswalk school speed limit zones set out in his section shall not apply to those designated crosswalks across state highways or on streets where pedestrian-actuated traffic signals are installed to aid the pedestrian in crossing.

For the purposes of this division, *school zone* means either an adjacent school speed zone or crosswalk school speed zone.

(Code 1981, § 43-324; Ord. No. 17190, § 1, 10-21-97; Ord. No. 17815, § 2, 4-9-02)

Sec. 142-213. Posting of signs; deviations authorized.

(a) The transportation operations division shall place and maintain signs at all adjacent school zones and crosswalk school zones where a reduced speed limit is necessary during certain hours of school days for the safety of children. Signs shall be in conformity with the standard size, color and height of other speed limit signs within the city. The signs shall state the maximum school zone speed limit of 20 miles per hour. The signs shall be positioned in a manner and at locations visible to approaching traffic, not to interfere with ingress to or egress from driveways, and not extend into a roadway. Placement of the signs may exceed the exact distances contained in section 142-212 when necessary due to obstructions at the exact location. Deviations from such distances shall not reduce the actual dimensions of any school zone.

(b) In each case where a deviation is necessary from the exact distances set out in section 142-212, its location and a statement of the reason for such deviation shall be indexed and filed as a public record within the transportation operations division.

(c) In addition to school zone speed limit signs, the transportation operation division may, in its discretion, also paint or attach upon the street pavement within any school zone or upon the approach to any school zone the words "School Speed Zone" or similar markings designed to alert oncoming motorists of the existence of the school zone. Such words or markings shall not expand nor reduce the actual dimensions of any school zone. The absence or obscured visibility of such words or markings shall not constitute a defense to a traffic charge of exceeding the posted school zone speed limit.

(d) In addition to school zone speed limit signs, the transportation operations division shall install and maintain a sign clearly displaying the times of day during which the school zone speed limit is in effect on school days, or at the city's discretion, place and maintain flashing yellow lights above or beside school zone speed limit signs to alert oncoming motorists of the effective times of the school zone. When such flashing yellow lights are activated they shall establish or indicate the effective times of any school zone. A sign will be posted with the speed limit sign stating the school zone is in effect when flashing. Evidence that the lights were functioning properly before and after any violation of a school speed zone limit constitutes prima facie proof that the lights were functioning properly at the time of the violation.

(Code 1981, § 43-325; Ord. No. 17815, § 3, 4-9-02)

Sec. 142-214. Maximum school zone speed limit.

(a) It shall be unlawful for any person to drive a motor vehicle in excess of 20 miles per hour in any school zone marked by effective times or flashing yellow lights as provided in section 142-212 and 142-213.

(b) The effective times of day for each school zone shall be established by the traffic operations division in conjunction with the school authorities of the affected schools. The traffic operations division shall maintain a public record of the established effective times for each school zone.

(c) It is permissible for the effective times of day and durations of school zones servicing any public or private elementary or middle school to vary from the effective times and durations of any or all other school zones within the city, as deemed necessary by the transportation operations division. The fact that the effective times and durations of a school zone vary from others within the city shall not constitute a defense to a traffic charge of exceeding that posted school zone speed limit.

(Code 1981, § 43-327; Ord. No. 17190, § 2, 10-21-97; Ord. No. 17815, § 4, 4-9-02)

Sec. 142-215. Penalties for violation.

(a) Every person, upon a conviction of [a] moving violation as defined in K.S.A. 8-249 and Kansas Administrative Regulation 92-52-9, shall be fined three times the amount on the fine schedule as set by the municipal court in accordance with section 50-70, with the exception of those offenses excluded by section 50-70, such fine shall not be paroled or otherwise reduced.

(b) The municipal court is hereby authorized to establish mandatory court appearances for any person charged with violating a school zone speed limit in an amount the court finds to be excessive. In addition to the fine listed in subsection (a), the municipal court, upon a conviction of violation of section 142-214, may impose a jail sentence not to exceed 90 days.

(Code 1981, § 43-328; Ord. No. 17815, § 5, 4-9-02)

Secs. 142-216--142-235. Reserved.

DIVISION 3.

TURNING MOVEMENTS AND SIGNALS*

* **State Law References:** Turning movements, K.S.A. 8-1545 et seq.; authority to regulate turning, K.S.A. 8-2002(a)(9).

Sec. 142-236. Authority to place and obedience to turning markers.

(a) The traffic engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within or adjacent to an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications, except when otherwise directed by a law enforcement officer.

(Code 1981, § 43-197)

State Law References: Similar provisions, K.S.A. 8-1545(c).

Sec. 142-237. Authority to place and obedience to restricted turn signs.

(a) The traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(b) Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.
(Code 1981, § 43-198)

Sec. 142-238. U-turns.

Where posted, it shall be unlawful for the driver of any vehicle to turn such vehicle across the centerline of any two-way through street within the core area of the city for the purpose of parking or to reach the opposite side of the street.

(Code 1981, § 43-205)

State Law References: Limitations on U-turns, K.S.A. 8-1546.

Sec. 142-239. Left turns by franchised buses.

A left turn from a curb or righthand lane may be made by a licensed and franchised bus when such turn is made in connection with a regularly scheduled bus route which has been filed with the city, and such turn will not be considered a violation of this article. Such turns must be made with all due regard for the safety of other vehicles and drivers, and the bus shall yield the right-of-way to all other vehicles.

(Code 1981, § 43-202)

Sec. 142-240. Turning left into alley or driveway prohibited; exceptions.

Where posted, it shall be unlawful for the driver of any vehicle on a two-way, through highway or through street within the core area, to turn left into an alley or private driveway; provided, such turn shall be lawful where a barrier median left-turn bay has been provided therefor. Nothing in this section shall be construed to prohibit the driver of any vehicle from turning left into an alley or private driveway from any other highway or street in the city after yielding the right-of-way to approaching vehicles and giving the signals required by law for turning left at intersections of streets having two-way roadways, unless prohibited by appropriate signs.

(Code 1981, § 43-203)

Secs. 142-241--142-265. Reserved.

ARTICLE V.

ABANDONED AND JUNKED VEHICLES*

* **Cross References:** Supplemental junk and abandoned vehicle provisions, § 66-56 et seq.
State Law References: Abandoned and disabled vehicles, K.S.A. 8-1101 et seq.

Sec. 142-266. Prohibitions.

(a) No person shall abandon any vehicle on any street or highway or on any other public property within the city and no person shall leave any vehicle at or on any such place within the city for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(b) No person shall abandon in any manner any vehicle, as defined in subsection (d) of this section, on any private property within the city which the person is not lawfully entitled to so use; and no person shall leave any vehicle at or on any such place within the city for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(c) No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway or other public property within the city.

(d) An "*abandoned vehicle*" is a vehicle which:

- (1) Remains on the streets or other public property for more than 48 hours;
- (2) Has been impounded by the police department under authority of any vehicle traffic ordinance and which remains unclaimed after 48 hours;
- (3) Remains on private property for more than 48 hours following notification to remove the vehicle to the owner or person in charge of such vehicle by the owner or person in possession of the private property;
- (4) Remains on private property for more than 48 hours following the posting of a notice in a conspicuous place therein or thereon ordering immediate removal of the vehicle by the owner or person entitled to possession of the private property, regardless of whether the vehicle was lawfully placed on the private property initially;
- (5) Is parked or placed in the driveway or other regular place of ingress or egress of a particular private property, regardless of the length of time the vehicle is so situated; or
- (6) Is placed or parked on any private lot or parcel of ground which is posted or designated as a lot or parcel of ground for public automobile parking for hire, or as reserved space for the parking of automobiles of persons who have special permission for such use, and the vehicle is so parked or placed without payment of the required fee therefor or otherwise placed or parked in violation of or contrary to the posting or designation described in this section, regardless of the length of time the vehicle is so situated.
- (7) Is found stopped, standing, or parked in a tow away zone, regardless of the length of time the vehicle is so situated.
- (8) Is found stopped, standing, or parked in a tow away zone or fire lane on private property, regardless of the length of time the vehicle is so situated.

(e) (1) The chief of police may designate tow away no parking zones subject to approval of the traffic engineer. Tow away no parking zones will be posted with signs containing the words "No Parking" and "Tow Away Zone" by the traffic engineer.

The chief of police may designate a tow away zone on a temporary basis, not to exceed seven days. Such zone shall be posted with temporary signs containing the words "No Parking" and "Tow Away Zone" and "By Order of the Chief of Police."

(2) No person shall stop, stand or park an unoccupied vehicle in any place marked as a tow away zone or any parking area or on any street, alley or drive.

As used in this section "parking" shall be defined as the area of any street between the curblineline and the property line, including that area authorized for ingress and egress to adjacent property.

(f) (1) A legally parked vehicle may be towed from any location when a police or fire supervisor has reason to believe the removal of the vehicle is necessary to facilitate public safety.

(2) When a vehicle is towed pursuant to subsection (f)(1):

a. The city will bear the expense for such removal and storage.

b. The reason for the removal will be documented on the appropriate report filed at the police or fire department by the towing officer.

c. The police or fire department will take reasonable steps to locate the owner prior to towing only as time permits in the interest of public safety.

d. The police or fire department will take reasonable steps to notify the owner of a towed vehicle as to the location of the vehicle and the reason it was towed.

(Code 1981, § 43-402; Ord. No. 17986, §§ 1, 2, 4-8-03)

Sec. 142-267. Authority to impound.

(a) Members of the police department are hereby authorized to remove a vehicle violating the provisions of this article to the nearest private garage or lot or to a garage or lot or other place designated or maintained by the police department or otherwise maintained by this city, and to hold the vehicle until all the procedural requirements for claiming the vehicle established by section 142-269 are satisfied.

(b) The police department, upon determining that a vehicle will be impounded, except when impounded for violations of section 142-351, shall affix a notice in a conspicuous and semipermanent manner to the vehicle, informing the owner or operator that the vehicle will be impounded upon the expiration of 48 hours from the time specified in the notice. No vehicle to which this notice provision applies shall be impounded within a 48-hour period from the affixing of the notice. This requirement shall apply to vehicles registered in the state, vehicles registered in another state, and vehicles which bear no registration plate.

(Code 1981, § 43-403)

Sec. 142-268. Complaint; hold harmless agreement for towing off of private property.

(a) No vehicle shall be towed away or otherwise taken into possession or custody by members of the police department unless and until the owner or person in possession of the private property on which the vehicle is abandoned shall sign a complaint and a hold harmless agreement. The signing of the complaint shall be deemed conclusive of the complainant's consent and promise to pay the costs of towing or removing the vehicle and the reasonable storage charges therefor if the complaint is withdrawn by the complainant or is found to have been made by mistake or error or if the vehicle is not claimed and the city is not otherwise reimbursed for such towing or removing or storage charges, in which latter event, the complainant shall be deemed liable to the city, as concerns towing, removing and storage costs, only to the extent the city is not so reimbursed.

(b) The purpose of the hold harmless agreement required by this section shall be to make the complainant:

- (1) Primarily liable, instead of the city, and to exonerate the city and hold it blameless and without liability to any person on account of any injuries or damages or other cause of action that might accrue to the owner of the vehicle or to any other person arising out of the towing, removing, storing or the taking and during the period of possession or custody of the vehicle by the city or its employees or agents; and
- (2) Liable to indemnify and reimburse the city for any and all expenses and costs, including reasonable attorneys' fees and all costs in defending lawsuits incurred by the city because of any alleged or actual liability to any person imposed on the city and arising out of any of such acts of towing, removing, storing or the taking and during the period of possession or custody of such a vehicle.

(c) The hold harmless agreement required by this section shall in essence contain the following information in such form as shall be approved by the city attorney:

- (1) Description of the vehicle;
- (2) Date of abandonment;
- (3) Address of the place of abandonment;
- (4) Name of the owner or person in lawful possession of the property upon which the vehicle is abandoned;
- (5) Name of the principal for whom an agent is acting, if applicable;
- (6) An acknowledgment that the complaining party assumes all liabilities which may accrue by the removal of the property;
- (7) An acknowledgment by the complaining party that he or the principal for whom he acts assumes primary liability for any actions arising from the removal of the property; and

- (8) An acknowledgment that the complaining party or the principal for whom he acts expressly promises and agrees to indemnify and reimburse the city for all expenses, costs, reasonable attorney fees and costs in defending lawsuits incurred by the city because of any such alleged or actual liability arising from the removal.

(Code 1981, § 43-404)

Sec. 142-269. Notification of impoundment and procedure for claiming impounded vehicles.

(a) The city adopts the provisions of K.S.A. 8-1101 and 8-1102 and amendments thereto, with regard to impounding, storage, notification to owners and lienholders of record concerning the seizure, and disposition of abandoned vehicles. Such notice is to be mailed before the close of the first full working day after the towing.

(b) Once a vehicle has been impounded, the owner/lienholder may:

- (1) Immediately pay the accrued towing fee and storage charges, and thereby regain possession;
- (2) Sign a signature bond in the amount of the accrued towing fee and storage charges, and thereby regain possession; or
- (3) Refuse the options in subsections (b)(1) and (b)(2), and demand a hearing on the validity of the towing, to be held before the municipal court judge before the second full working day following such demand. Before the owner/lienholder can regain possession, however, the municipal court judge must determine whether or not there was probable cause for the towing. If there was probable cause, the judge will thereby order the owner/lienholder to comply with subsection (b)(1) or (b)(2) before possession may be regained. If no probable cause for the towing can be shown, the vehicle shall be returned to the owner/lienholder.

No vehicle shall be returned until the owner/lienholder provides sufficient documentation to establish right to possession. After the vehicle is returned to the owner/lienholder pursuant to this subsection, trial on the traffic violation which led to the actual towing shall then be scheduled in accordance with the normal municipal court schedule. Nothing in this section shall prohibit the owner/lienholder from entering a plea of guilty, paying all fines and charges incurred and thus avoiding going to trial.

(c) Whenever a traffic violation is dismissed, or an owner/lienholder is acquitted, or it is otherwise determined that the towing of a vehicle was improper, and the owner/lienholder has already paid the towing fee and storage charges pursuant to subsection (b) of this section, such fees and charges shall be automatically refunded by the city. Refunds may be ordered by the municipal court, and the owner/lienholder shall not be required to resort to the procedure of submitting a claim for the city council's consideration.

(d) The right of the owner/lienholder, in addition to being set forth in the certified letter as provided for in subsection (a) of this section, shall be made known by the posting of prominent signs in English and Spanish at the police department impoundment lot and also at the police headquarters where the owner/lienholder may inquire as to the status of such vehicle.

(Ord. No. 16436, § 1(43-405), 3-17-92)

Sec. 142-270. Towing and storage fees.

Fees for towing and storage shall be established by the chief of police and approved by the city manager of the city. A schedule of all fees shall be filed with the city clerk and posted prominently at police headquarters and the impoundment lot.

(Ord. No. 16436, § 2(43-405.1), 3-17-92; Ord. No. 18477, § 21, 7-12-05)

Sec. 142-271. Disposing of vehicles as junk.

(a) *When.* Any vehicle subject to the provisions of this article which has been impounded by the police department and which has been determined by the chief of police to be either not in a running condition or of a fair market value of less than \$50.00 may be considered as junk, rather than a vehicle, and disposed of as provided by this section.

(b) *Notice of sale.* If the owner of an impounded vehicle described in subsection (a) of this section is known, the owner shall be given notice by certified mail that the vehicle will be sold for junk in ten days if the owner does not claim the vehicle. If the owner is not known, the vehicle can be sold for junk after one publication in the official city newspaper, stating that the vehicle will be disposed of for junk not less than ten days following the publication and specifically describing the vehicle to be junked. Junked vehicles sold under this section may be sold individually or in lots and shall be sold only to a licensed junk dealer making the highest cash bid thereon and paying cash therefor.

(Code 1981, § 43-407)

Sec. 142-272. Proceeds of sales.

All proceeds from the sale of vehicles under this article shall go first towards satisfying the towing, storing, publication and other expenses of the city, with the surplus, if any, going to the special street repair fund of the city.

(Code 1981, § 43-408)

Secs. 142-273--142-300. Reserved.

ARTICLE VI.

STOPPING, STANDING AND PARKING*

* **Cross References:** Parking for purpose of selling merchandise, § 130-38.

State Law References: Authority to regulate or prohibit stopping, standing or parking, K.S.A. 8-2002(a)(1); stopping, standing and parking, K.S.A. 8-1569 et seq.

DIVISION 1.

GENERALLY

Sec. 142-301. Fine schedule.

(a) The following fine schedule is hereby adopted for parking meter, overtime parking and block parking zone violations:

(1) First violation:

- a. Eight dollars (\$ 8.00) per violation, if paid within fourteen (14) calendar days.
- b. Fifteen dollars (\$15.00) for the same violation after fourteen (14) calendar days have elapsed.
- c. Thirty dollars (\$30.00) for the same violation after thirty (30) calendar days have elapsed.
- d. Sixty dollars (\$60.00) for the same violation after sixty (60) calendar days have elapsed.
- e. Unpaid fines for parking violations which have been subject to a final determination will be collected, utilizing civil collection process after seventy-five (75) calendar days have elapsed.

(2) Second and all successive violations at the same parking meter or block parking zone on the same date:

- a. Fifteen dollars (\$15.00) per violation, if paid within fourteen (14) calendar days.
- b. Twenty dollars (\$20.00) for the same violation after fourteen (14) calendar days have elapsed.
- c. Thirty dollars (\$30.00) for the same violation after thirty (30) calendar days have elapsed.
- d. Sixty dollars (\$60.00) for the same violation after sixty (60) calendar days have elapsed.
- e. Unpaid fines for parking violations which have been subject to a final determination will be collected, utilizing civil collection process after seventy-five (75) calendar days have elapsed.

(3) All of the moneys collected for overtime parking and block meter zone violations shall be distributed to the parking fund.

(b) Notwithstanding the fine schedule set forth in subsection (a) above or any other conflicting section contained in this chapter, the City Manager shall have the authority to waive the enforcement and collection of parking meter, overtime parking, and block parking zone violations on such dates and times and at the specific locations that the City Manager shall designate in writing to the Transportation Operations Superintendent.

(Ord. No. 16479, § 7(43-448), 8-4-92; Ord. No. 16617, § 1, 8-10-93; Ord. No. 17636, § 11, 1-9-01; Ord. No. 18312, § 1, 8-24-04; Ord. No. 18532, § 1, 11-8-05)

Sec. 142-302. Operating, parking or occupying vehicle in parking lot during hours lot is closed.

(a) Except when done at the direction of a law enforcement officer or an official traffic control device, no person shall operate, attempt to operate, stop, stand, park, occupy or ride upon or within any vehicle within the boundaries of any public or private parking lot during the hours that such parking lot is closed to the public.

(b) For purposes of this section, a parking lot is closed to the public during specified hours if notice of same is prominently posted at every entrance to the parking lot in a manner likely to come to the attention of motorists entering or attempting to enter the parking lot. Permanently lettered, clearly legible signs bearing the following legend shall be deemed to be sufficient notice:

THIS LOT IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF _____ AND _____.
ORDINANCES OF THE CITY OF TOPEKA ENFORCED ON THIS PROPERTY.

(c) It shall be a defense to a violation of this section if the person charged had actual authority to be upon the parking lot during the posted hours.

(Code 1981, § 43-360)

Sec. 142-303. Parking vehicle having offensive odor.

It shall be unlawful for any person to park any vehicle carrying the body of any dead animal, manure, garbage, live animals or any refuse having an offensive odor or any empty vehicle which has an offensive odor within the city limits of the city, except for the purpose of loading or unloading such vehicle or making emergency repairs upon such vehicle; provided, that nothing in this section shall be construed to allow overnight parking for any reason.

(Code 1981, § 43-390)

Cross References: Exceptions to restrictions on keeping livestock, § 18-264; parking of vehicle containing animal carcasses, § 78-363; solid waste, ch. 122.

Secs. 142-304--142-325. Reserved.

DIVISION 2.

DELIVERY VEHICLES

Sec. 142-326. Purpose--Adoption of rules and regulations.

(a) The purpose of this division is to provide for the issuance of annual delivery vehicles permits to businesses that deliver necessary items and materials to, and from, businesses in the Central Business District (CBD).

(b) The superintendent of transportation operations or designee shall:

(1) Accept applications for annual delivery vehicle permits on forms provided.

(2) Approve applications upon verification of the intended vehicle use.

(3) Issue no more than one annual delivery vehicle permit to each business.

(4) Collect permit fees and deposit to the parking fund.

(Ord. No. 17795, § 1, 2-19-02)

Sec. 142-327. Issuance of permits.

(a) Those businesses desiring to apply for an annual delivery vehicle permit shall make application to the superintendent of transportation operations or designee, on the form provided. The application shall include the following information:

(1) Business name and address;

(2) Types of materials to be delivered;

(3) Normal delivery hours.

(b) The superintendent of transportation operations or designee, shall approve or deny the application after verification of the intended vehicle use. Approved permits shall be issued upon the collection of all required fees, including any outstanding parking tickets issued to the vehicle.

(c) The superintendent of transportation operations or designee, shall monitor the use of delivery vehicle permits. The city acting through the superintendent of transportation operations or designee specifically reserves the right to revoke such permits as deemed necessary to preserve public safety, health, and welfare.

(Ord. No. 17795, § 2, 2-19-02)

Sec. 142-328. Permit restrictions.

(a) Annual delivery vehicle permits shall be subject to the following restrictions:

(1) Delivery vehicles displaying such permit shall be exempt from depositing coins of U.S. currency into the parking meters, but not from the posted parking time limits.

(2) Delivery vehicles displaying such permit shall be exempt from block parking zone ordinances, but may not remain in the same stall beyond the posted parking time limit.

(3) Such permit shall not be valid when displayed upon a vehicle with a gross vehicle weight in excess of 5,500 lbs.; and which cannot be safely accommodated by a standard parallel or angle parking stall.

(Ord. No. 17795, § 3, 2-19-02)

Sec. 142-329. Permit fees.

(a) The annual fee for the delivery vehicle permit shall be \$75.00.

(Ord. No. 17795, § 4, 2-19-02)

Secs. 142-330--142-350. Reserved.

DIVISION 3.

LIMITED OR PROHIBITED TIMES OR PLACES

Sec. 142-351. Stopping, standing or parking prohibited in street parkings.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

On any parking of any street; provided, that "parking" as used in this section shall be defined as the area of any street between the curblineline and the property line, but not including:

- (1) That area improved and used as a sidewalk;
- (2) That area approved by the council and used as a cutback; and
- (3) That area authorized for a loading zone while being used for such purpose;

provided further, that the area in the parking of any street which has been authorized for ingress and egress to adjacent property shall not be excluded from the parking of any street for the purposes of this section.

(Code 1981, § 43-384)

State Law References: Similar provisions, K.S.A. 8-1571.

Sec. 142-352. All night parking in business district limited; night parking on certain days.

(a) No person shall park a vehicle on any street in the business district for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. on any day, except physicians on emergency calls.

(b) No person shall park any vehicle between the hours of 1:00 a.m. and 6:00 a.m. on the following named streets at places specified on the named days of the week:

- (1) On Monday, Wednesday and Friday of each week at the following locations:

Jackson Street from Fourth Street to Tenth Street.

Kansas Avenue from the north flood control levee to Fairchild Street and from Fourth Street to 11th Street.

Quincy Street from Fourth Street to 11th Street.

- (2) On Tuesday, Thursday and Saturday of each week at the following locations:

Fifth Street from Jackson to Quincy Street.

Sixth Street from Van Buren to Quincy Street.

Seventh Street from Van Buren to Quincy Street.

Eighth Street from Van Buren to Quincy Street.

Ninth Street from Jackson to Quincy Street.

Tenth Street from Topeka Avenue to Quincy Street.

Sardou Street from Jackson to Quincy Street.

(Code 1981, § 43-387)

Sec. 142-353. Parking more than 48 hours.

It shall be unlawful for any person to park or permit the parking, storing or standing of any vehicle upon any public street or street parking in the city for any continuous period of more than 48 hours. Any motor vehicle which shall have been found to have remained parked, stored or located upon any of the public streets or parkings of the city for a continuous period of more than 48 hours shall be deemed a public nuisance and such nuisance may be abated in the manner provided in this division.

(Code 1981, § 43-388)

Sec. 142-354. Financial institution parking areas or lots.

(a) It shall be unlawful for any person to stop, stand or park any vehicle in the parking lot or in a designated parking area of any federally insured financial institution after normal business hours of such institution, provided that such business hours are clearly and conspicuously posted at all entrances and exits to the parking lot or parking area. This prohibition shall not apply to the employees of the institution who are working after normal business hours.

(b) The police department of the city is authorized to remove vehicles parked in violation of subsection (a) at the request of the management of the financial institution. Prior to towing, the manager or person in charge of the institution location shall sign any ticket or citation issued as a result of a violation of this section, and shall sign a hold harmless agreement releasing the city from any liability as a result of the removal of the parked vehicle, and accepting responsibility for any damage to the vehicle. Any and all storage and towing fees shall be assessed and collected as provided for in section 14-270 of this Code.

(Code 1981, § 43-391)

Sec. 142-355. Parking of vehicles on non-paved surfaces.

(a) It shall be unlawful for any person to park or allow to be parked any vehicle or machinery on the backyard of a residential lot for more than six (6) months or on any other part of a residential lot for any period of time unless the area used for parking is improved with at least four (4) inches of rock, gravel, paver brick, asphalt, or concrete.

(b) Subsection (a) shall not apply to any vehicle or machinery which displays a special license plate or placard issued to a person with a disability by the Director of Vehicles, Kansas Department of Revenue in accordance with K.S.A. 8-1, 125 and amendments thereto. This section shall not apply to any vehicle or machinery which displays acceptable official identification devices issued to persons with a disability by any other state, district or territory recognized by the Kansas Department of Revenue.

(c) For purposes of this section the following definitions shall apply:

(1) *Park.* Park shall mean to halt a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or personal property.

(2) *Vehicle or machinery.* Vehicle or machinery shall mean a machine propelled by power other than human power and designed to travel along the ground by use of wheels, treads, runner or slides and which transports persons or property and shall include without limitation an automobile, truck, trailer, recreational vehicle, motorcycle, boat, camper, or tractor.

(d) Police officers and property maintenance inspectors shall have the authority to issue a uniform complaint and notice to appear for violations of this section.

(e) The city council may, by resolution, waive the provisions of subsection (a) of this section at specific properties identified by address for community events or activities designated by the council for periods of time not to exceed two (2) weeks.

(Ord. No. 17257, § 1, 5-5-98; Ord. No. 18209, § 4, 4-6-04; Ord. No. 18466, § 1, 6-21-05)

Sec. 142-356. Stopping, standing, or parking prohibited in city-owned reserved parking.

(a) It shall be unlawful for any person to stop, stand or park a vehicle:

(1) In any city-owned parking lot in which parking is reserved by the posting of signs authorized by the transportation operations superintendent.

(2) In any on-street parking stall which has been reserved by the posting of signs authorized by the transportation operations superintendent.

(b) Provided however, those vehicles displaying the proper permit issued by the transportation operations superintendent shall not be in violation of this section.

(Ord. No. 17956, § 1, 2-4-03)

Sec. 142-357. Auction, parking permit.

During the time period that an auction is being conducted at a private residence located in any single family dwelling district, no person shall be allowed to park or let stand any vehicle upon any public roadway or road right-of-way, unless or until a person desiring to conduct the auction makes an application for and obtains approval from the chief of police or his/her designee to allow such parking, and the chief of police or his/her

designee shall not permit such parking except upon a finding that it will not prevent nor substantially interfere with the normal flow of traffic upon the roadway nor inhibit the free access of emergency vehicles to or by the site. In the event that the chief of police or his/her designee does permit parking upon the public right-of-way or roadway, then such parking shall be restricted and limited to one side of the roadway only, and the person desiring to conduct the auction shall post, at its cost, signs which state "Parking on this side only" and "No parking this side." The person conducting the auction shall provide such traffic and parking control as necessary to prevent obstruction or disruption of the normal flow of traffic at the site location of the sale. (Ord. No. 18055, § 4, 8-5-03)

Secs. 142-358--142-375. Reserved.

DIVISION 4.

PARKING METER ZONES

Sec. 142-376. Establishment.

(a) Parking meter zones are hereby established in the central business district or upon those streets or parts of streets described in the schedule maintained in the records on file in the office of the city clerk and the transportation operations superintendent. In such zones, the parking of vehicles on the street shall be regulated by parking meters between the hours of 8:00 a.m. to 6:00 p.m. of any day except:

- (1) Saturdays, when all time limitations shall remain in effect but no coin need be deposited; and
- (2) Sundays and the following specific days: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, when no time limitations shall be in effect nor the deposit of coin required.

(b) The transportation operations superintendent may designate, alter or remove parking meter zones upon those streets or parts of streets where it is determined upon the basis of a parking study that the designation, alteration or removal of parking meters shall be necessary to aid in the regulation and control of the parking of vehicles.

(Code 1981, § 43-435; Ord. No. 17635, § 1, 1-9-01; Ord. No. 17707, § 1, 7-31-01)

Sec. 142-377. Installation of parking meters.

(a) The transportation operations superintendent shall install parking meters in the parking meter zones established as provided in this division upon the curb immediately adjacent to each designated parking space. Such meters shall be capable of being operated either automatically or mechanically, only upon the deposit therein of coins of the United States in the denomination and in the number of combinations shown by a legend on the meter. The amount of parking time granted for each coin shall be in the amount shown on the meter; provided, it shall be illegal to park beyond the time limit specified on the face of such parking meter regardless of the number of coins deposited.

(b) Each parking meter shall be so designed, constructed, installed and set that upon the expiration of the time period registered by the deposit of one or more coins as provided in this section, it will indicate by

an appropriate signal that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains for such period.

(c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located. (Code 1981, § 43-436; Ord. No. 17635, § 2, 1-9-01; Ord. No. 17707, § 2, 7-31-01)

Sec. 142-378. Parking meter spaces.

(a) The transportation operations superintendent shall designate the parking adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb or pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of each street.

(b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space, except that a vehicle which is too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied, the same as is required in this division for the parking of other vehicles in such space. (Code 1981, § 43-437; Ord. No. 17635, § 3, 1-9-01; Ord. No. 17707, § 3, 7-31-01)

Sec. 142-379. Deposit of coins and time limits; disabled veterans exempt.

(a) No person shall park or stand a vehicle in any parking space upon a street next to which a parking meter has been installed unless a coin or coins of United States currency of the appropriate denominations shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and the meter has been placed in operation; provided, that this provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin in such meter, nor to disabled veterans as exempted under subsection (c).

(b) The provisions of this section shall not relieve any person from observing other and more restrictive provisions of other ordinances and state laws prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(c) Motor vehicles bearing the distinctive license plates or tags of disabled veterans as authorized by law shall be permitted to park without charge in any metered zone of the city. (Code 1981, § 43-438; Ord. No. 17635, § 4, 1-9-01; Ord. No. 17707, § 4, 7-31-01)
State Law References: Parking exemptions for disabled veterans, K.S.A. 8-161.

Sec. 142-380. Unlawful to deposit slugs.

It shall be unlawful and an offense for any person or driver to deposit or cause to be deposited in any parking meter any slug, device or substitute for a coin of the United States otherwise required to be deposited in a parking meter, or to deposit a bent or damaged coin. (Code 1981, § 43-439; Ord. No. 17635, § 5, 1-9-01; Ord. No. 17707, § 5, 7-31-01)

Sec. 142-381. Parking meter rates.

The coins required to be deposited in a parking meter shall entitle the vehicle owner or depositor to the following parking time in accordance with the legend as stated on the parking meter and as established by the governing body. The following rates for each coin lawfully deposited in a parking meter are hereby established:

Parking Meters	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
Hourly Rate	\$0.80	\$0.90	\$1.00
10-hour Meters	\$0.50	\$0.50	\$0.50
10-hour Meter Hang Tags/Monthly	\$44.00	\$44.00	\$44.00
Value Pass Cards	\$35.00	\$35.00	\$35.00

(Code 1981, § 43-440; Ord. No. 16619, § 1, 8-10-93; Ord. No. 16807, § 1, 3-14-95; Ord. No. 17635, § 6, 1-9-01; Ord. No. 17707, § 6, 7-31-01; Ord. No. 19001, § 1, 11-27-07)

Sec. 142-382. Rates and fees.

Purpose generally. The authorized coins of the United States are required to be deposited as provided by this division or fees received in lieu thereof, are hereby ordered to be deposited to cover the cost of inspection, installation, operation, patrol and use of parking spaces and parking meters and offstreet parking facilities described in this division and to regulate the parking of vehicles in the parking meter zones created by this division and to provide for the proper regulation, control and inspection of traffic upon the public streets and municipal offstreet parking facilities. All fees thus collected shall be paid into the city treasury and deposited into the parking fund.

(Code 1981, § 43-441; Ord. No. 17635, § 7, 1-9-01; Ord. No. 17707, § 7, 7-31-01)

Sec. 142-383. Permit for hood or cover.

(a) *Permitted.* Any parking meter need not be placed in operation by the deposit of a coin therein when the conditions set forth in this section have been satisfied and a permit issued for the hooding of such meter.

(b) *Eligible applicants.* Criteria for issuing a permit for the hooding, covering or removal of the proximate parking meter, when so required for actual prosecution of the work or activity, are hereby established as follows:

- (1) Persons having a permit from the development services division to encumber any street or sidewalk in connection with any building or wrecking project.
- (2) Persons having a permit from the development services division to perform any plumbing, electrical, heating, sign hanging or other project in any public way or on premises which directly adjoin any street, alley or sidewalk.
- (3) Persons engaged in any public improvement under contract with the city or engaged in any work under supervision of the public works department.

- (4) Service crews of public utilities (private or municipal) engaging in construction and maintenance work in or adjoining any public way.
- (5) Persons engaged in the business of moving personal property and effects from and to residential or commercial buildings adjoining any public way.
- (6) Persons licensed as funeral directors and holding services in any funeral home or church.
- (7) Persons engaged in the repair and maintenance of building service installations or office equipment.
- (8) Persons requiring temporary parking space immediately adjacent to commercial and industrial establishments for loading or unloading of building and office equipment of immediate necessity.
- (9) Persons acting under the authority or requirements of the police and fire departments to provide temporary special use parking zones.
- (10) Governmental agencies sponsoring an agency event or meeting where additional parking stalls are required to meet the parking needs of the attendees.
- (11) Persons with a severe mobility impairment which necessitates the continued use of a wheel chair or canes and where the hooded parking stall is in close proximity to the person's place of employment. Provided, the fee for such a hooded parking meter shall be at the market rate for garage parking.

(c) *Approval of application.* The transportation operations superintendent shall determine compliance with the above criteria for the hooding, covering or removal of any parking meter, and upon approval of the application therefor and payment of the appropriate fee, shall authorize the required parking meter to be hooded or removed in accordance with the application as approved. Upon the hooding or covering of the face of any parking meter, such meter need not be placed in operation by the deposit of a coin otherwise required by this division.

(d) *Exceptional cases.* Exceptions to the rules and regulations and payment of required fees may be made in appropriate cases involving special circumstances not covered by this section upon an application and a showing that the hooding or removal of any parking meter serves the public convenience and safety, and is in harmony with the other provisions of this Code, provided that such exceptions shall be approved in advance by the director of public works.

(e) *Time of filing application.* The application for a permit shall be made in writing and filed at least 12 hours in advance of the time any parking meter is to be hooded or removed; provided, that this requirement may be waived by the transportation operations superintendent in emergency situations where public safety is at risk.

(f) *Form of application.* The application for a permit under this section shall be on a form prepared by the transportation operations superintendent. The failure or refusal of any applicant to furnish information

requested in such application shall be sufficient grounds for denial by the transportation operations superintendent. The application shall show:

- (1) The name and business of the applicant;
- (2) The reason for the hooding or removal of the parking meter;
- (3) Evidence that a permit for the encumbering of any street has been issued by the building inspection division, if applicable;
- (4) The location and number of parking meters desired to be hooded or removed and the day or dates and the hours such meters are to be hooded or removed; and
- (5) Such other information as may be required in such application form. If the transportation operations superintendent finds from the application that the proposed use of a meter hood will be consistent on a yearly basis, then the transportation operations superintendent may grant a permit on a month-to-month basis.

(g) *Exhibit of permit.* In all cases, any permit issued under this section shall be kept by the permittee or his agent at the location of the parking meters authorized to be hooded or removed, and shall be exhibited to any officer or employee of the city upon demand.

(h) *Issuance; duties of city officer.* When an application for a permit has been approved, authorized employees of the city transportation operations division shall cause the designated parking meters to be hooded in accordance with the permits; and such employees shall remove the covers and return such covers to the custody of the transportation operations superintendent at the expiration of the time limit as noted on the permit. If a meter is removed, it shall be removed by or under the direction of the transportation operations superintendent so that the maximum amount of material may be salvaged.

(i) *Fees.* The fee for the hooding or removal of any parking meter for each authorized day or fraction thereof shall be the sum of \$5.00 per meter and effective January 1, 2005, and thereafter \$6.00 per meter, for the entire parking space controlled by each such meter. Applicants who have received permits to do construction work in the public way may account for and pay for days the parking spaces are inoperable upon relinquishment of encroachment area. Such days shall not include Sundays or Saturdays if such days are not regular working days for the applicant. Upon the request of the applicant and approval of the transportation operations superintendent, an applicant who has a month-to-month permit shall pay a fee of \$50.00 per month, effective January 1, 2001, and \$52.50 per month, effective January 1, 2005, and thereafter for the use of a meter hood. Each applicant shall pay the required fee per meter when any portion of the parking space controlled by the meter is used by the applicant or reserved under a permit granted as provided for in this section. Under no circumstances will the permit fee or any portion thereof be refunded to any applicant. All fees received under this section shall be deposited with the city treasurer to the credit of the parking fund of the city.

(j) *Termination of permit.* Notwithstanding anything in this section to the contrary, the transportation operations superintendent shall have the right to unilaterally terminate a permit granted pursuant to this section.

(Code 1981, § 43-442; Ord. No. 16916, § 1, 2-13-96; Ord. No. 17175, § 1, 9-16-97; Ord. No. 17635, § 8, 1-9-

01; Ord. No. 17707, § 8, 7-31-01)

Sec. 142-384. Unlawful use of or interference with hooded meters.

(a) It shall be unlawful for any person, other than a person having a valid permit issued under authority of the provisions of section 142-383, any authorized agents, employees or servants to park or stand any vehicle in the parking space adjacent to any parking meter hooded or removed in compliance with this division.

(b) It shall be unlawful for any unauthorized person to remove any parking meter or to cover or hood any parking meter, or to remove, tamper with, damage or destroy any official parking meter cover or hood of the city, or for any person to have possession of any cover, hood or other device designed for the purpose of masking, covering or hooding any parking meter contrary to the provisions of section 142-383.
(Code 1981, § 43-443)

Sec. 142-385. Tampering with meters; hitching animals.

It shall be unlawful for any unauthorized person to open, or for any person to deface, damage, tamper with or willfully break, destroy or impair the usefulness of, any parking meter installed pursuant to this division, or for any person to hitch any animal thereto.
(Code 1981, § 43-444)

Sec. 142-386. Overtime parking.

It shall be unlawful for any person or driver to cause, allow or permit any motor vehicle registered in his name, or operated or controlled by him, to stand or be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which the meter is located, while the parking meter for such space indicates by signal that the lawful parking time for such space has expired.
(Code 1981, § 43-445)

Sec. 142-387. Multiple violations.

Each and every hour during which a motor vehicle shall remain unlawfully parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which the meter is located shall constitute a separate and distinct violation, subject to penalty. Any person who shall aid, abet, or assist in the violation of any of the provisions of this division shall be guilty of an offense.
(Ord. No. 18036, § 1, 6-17-03)

Secs. 142-388--142-400. Reserved.

DIVISION 5.

HANDICAPPED PARKING

Sec. 142-401. "Handicapped person" defined.

As used in this division, "handicapped person" means any person who:

- (1) Has a temporary or permanent physical disability limiting such person's walking ability and results in the inability to travel unassisted more than 200 feet without the use of a wheelchair, walker, prosthetic, orthotic or other assistive device;
- (2) Has severe visual or physical impairment, including partial paralysis, lower limb amputation or any other temporary or permanent loss of the use of one or both legs; or
- (3) Has been determined and certified by a physician to be severely restricted in mobility, either temporarily or permanently, by a pulmonary or cardiovascular disability, arthritic condition, emphysema, rheumatism or orthopedic or neurologic impairment.

(Code 1981, § 43-510)

Sec. 142-402. Traffic engineering survey.

The traffic engineer and the transportation operations superintendent are hereby authorized to conduct surveys and studies to determine the necessity for and suitable locations where parking spaces may be set aside on public streets or property throughout the city and designated as being reserved only for use by handicapped persons. Angular parking spaces so designated shall be a minimum width of 12 feet, and easy access to and from all spaces shall be provided for handicapped persons.

(Code 1981, § 43-511; Ord. No. 17635, § 9, 1-9-01; Ord. No. 17707, § 9, 7-31-01)

Sec. 142-403. Designation of spaces by traffic engineer.

Upon the recommendation of the human relations commission, division for the disabled and pursuant to accepted standards, the transportation operations superintendent may designate parking spaces on public streets or property throughout the city to be reserved only for use by handicapped persons, and the transportation operations superintendent shall mark and post such parking spaces as specified by this division.

(Code 1981, § 43-512; Ord. No. 17635, § 10, 1-9-01; Ord. No. 17707, § 10, 7-31-01)

Sec. 142-404. Vehicles with disabled veteran tags.

Motor vehicles displaying the distinctive disabled veteran license plate authorized by K.S.A. 8-161, as amended, shall be permitted to park in any parking space on public or private property which is clearly marked as being reserved for the use of handicapped persons or persons responsible for the transportation of a handicapped person, except a parking space on private property which is clearly marked as being reserved for the use of specified handicapped persons, or park without charge in any metered zone and shall be exempt from any time limitation imposed on parking in any zone designated for parking, during the hours in which parking is permitted by the city.

(Code 1981, § 43-515.2)

Sec. 142-405. Volunteer program for enforcement assistance.

(a) The chief of police is hereby authorized and directed to establish a program to utilize volunteers to survey parking lots in the city for the purpose of photographing motor vehicles parked in violation of

Standard Traffic Ordinance sections 87 and 87a, and the provisions of this division, and any amendments thereto.

(b) The program authorized by this section shall include but not be limited to, the issuance of identification cards to such volunteers, with names and pictures affixed thereto, to be used in the event that police or law enforcement officers need identification from any such volunteer; schedules to allow for the placement of volunteers in various areas of the city on different days, on a rotating basis, so as not to leave areas unpatrolled or duplicated; and a system of providing violator information to the police department, which may then issue parking citations based on such information.

(c) The chief of police shall promulgate and issue such rules and regulations as he shall deem necessary to implement the provisions of this section.

(d) The provisions of this section shall be in addition to all other enforcement provisions of this Code.

(Ord. No. 16583, §§ 1--4, 4-20-83)

Secs. 142-406--142-425. Reserved.

DIVISION 6.

BLOCK PARKING ZONES

Sec. 142-426. Defined.

A block parking zone is any side of a block or blocks designated in the central business district for which parking is restricted through the use of parking meters or other time restrictions pursuant to this chapter. On Kansas Avenue, between 6th Street and 10th Street, the allowable time for parking a vehicle shall terminate when the posted time has expired. Vehicles are not allowed to move to another parking space on Kansas Avenue between 6th Street and 10th Street on the same calendar date. Parking fines will be imposed and accumulated each time a vehicle exceeds the restrictions contained herein.

(Ord. No. 16479, § 1, 8-4-92; Ord. No. 17635, § 11, 1-9-01; Ord. No. 17707, § 11, 7-31-01)

Editors Note: Ord. No. 17707, § 19, adopted July 31, 2001, states that the provisions of § 142-426 shall be in effect on Sept. 4, 2001.

Cross References: Definitions generally, § 1-2.

Sec. 142-427. Parking restriction.

No person shall be parked within a designated block parking zone beyond a specified time period. The time period shall:

- (1) Begin when the vehicle is first parked in a block parking zone;
- (2) Continue whether or not the vehicle is thereafter moved to another parking space within the same block parking area, except that the period shall be terminated if such vehicle is moved and parked in an area without a block parking zone designation; and

- (3) Include all time during which the vehicle is thereafter parked in another single vehicle parking place having the same maximum lawful time limit unless movement of the vehicle has terminated the period as provided in subsection (2) of this section.

(Ord. No. 16479, § 2, 8-4-92; Ord. No. 17635, § 12, 1-9-01; Ord. No. 17707, § 12, 7-31-01)

Sec. 142-428. Overtime parking.

It shall be unlawful for any person or driver to cause, allow or permit any motor vehicle registered in his name or operated or controlled by him to stand or be parked in any block parking zone beyond the maximum amount of time allowed for parking by the parking time restrictions or parking meters within that block parking zone.

(Ord. No. 16479, § 4, 8-4-92)

Sec. 142-429. Duty of traffic officers.

(a) Parking control officers shall have the authority to issue parking meter tickets, and a uniform complaint and notice to appear for violations of standard traffic ordinance sections 83 through and including 102 and City of Topeka Code sections 142-356, 142-384(a) and 142-504 within the central business district. This authority is limited exclusively to the designated violations and restricted to the central business district.

(b) It shall be the duty of each parking control officer or police officer to take the block number and the street name at which any vehicle is parked in violation of the provisions of this division and take the license tag number or any other available identification number of each such vehicle and issue a parking meter ticket or uniform citation, as the case may be. Each such officer shall leave on such vehicle a ticket or summons stating thereon the violation.

(Ord. No. 16479, § 5(43-446), 8-4-92; Ord. No. 17929, § 1, 12-14-02; Ord. No. 17955, § 1, 2-4-03)

Sec. 142-430. Violations.

Each and every hour during which a motor vehicle shall remain unlawfully parked in any block parking zone shall constitute a separate and distinct violation, subject to penalty. Any person who shall aid, abet or assist in the violation of any of the provisions of this division shall be guilty of an offense.

(Ord. No. 16479, § 6(43-447), 8-4-92)

Sec. 142-431. Exemptions.

(a) All exemptions applicable to parking meter zone violations pursuant to division 4 of this article shall also be applicable to block parking zones.

(b) Any person eligible to acquire a permit and related identification tag to exempt such person from this division may be exempted thereupon.

(c) No exemptions from this division give a person exemption from any other sections of the Code unless otherwise exempted therefrom.

(Ord. No. 16479, § 3, 8-4-92)

Secs. 142-432--142-450. Reserved.

DIVISION 7.

MUNICIPAL PARKING STATIONS

Sec. 142-451. Supervision.

The transportation operations superintendent shall have the general control, supervision and management of the municipal parking stations (sometimes referred to by resolutions and ordinances as "offstreet parking facilities," "public parking facilities" and "public parking stations"). (Code 1981, § 43-460; Ord. No. 17635, § 13, 1-9-01; Ord. No. 17707, § 13, 7-31-01)

Sec. 142-452. Rates of operation generally.

The following rates are hereby established and fixed for the use of the city's offstreet parking garages, parking lots, and such others as might be added in the future:

(1) a. *Garage fees shall be:*

Garage Rates	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
Hourly Rate	\$0.80	\$0.90	\$1.00
Monthly Rate at All City Owned Garages	\$64.50	\$66.00	\$67.75
Townsite Night Rate	\$31.00	\$31.75	\$32.50
Coronado Roof Rate	\$35.00	\$35.00	\$35.00
Coronado Vehicle Storage Rate	\$27.50	\$27.50	\$27.50
Ninth Street Contract Rate	\$45.51	\$46.20	\$47.43
Ninth Street Vehicle Storage Rate	\$27.50	\$27.50	\$27.50
Centre City Reserved Rate	\$72.00	\$73.75	\$75.50
Centre City Alley Rate	\$72.00	\$73.75	\$75.50

(1) b. *Parking lot fees shall be:*

Lot Rates	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
5th & Jackson Lot	\$45.00	\$45.00	\$45.00
Water Tower Lot	\$18.00	\$18.00	\$18.00
900 Monroe Lot	\$30.00	\$30.00	\$30.00

- (2) *Promotional rates.* The transportation operations superintendent shall have the authority to implement promotional discounted rates for a finite period of time to encourage parking in under utilized parking facilities. Promotional rates will be applied in accordance with written public works department policy.
- (3) *Premium rates.* The transportation operations superintendent shall have the authority to apply premium rates to certain offstreet parking spaces in recognition of special privileges, such as

assigned spaces, where such practices impact the city's ability to generate revenue on those parking spaces. Premium rates will be applied in accordance with written public works department policy.

(Code 1981, § 43-464.1; Ord. No. 16482, § 1(43-461), 8-11-92; Ord. No. 16618, § 1, 8-10-93; Ord. No. 16808, § 1, 3-14-95; Ord. No. 16877, § 1, 11-14-95; Ord. No. 17297, § 1, 9-1-98; Ord. No. 17635, § 14, 1-9-01; Ord. No. 17707, § 14, 7-31-01; Ord. No. 18312, § 2, 8-24-04; Ord. No. 18385, § 1, 2-1-05; Ord. No. 19001, § 2, 11-27-07)

Sec. 142-453. Change of fees.

The city reserves the right to alter, change, reduce, increase or vary the fees or any one or more of the fees in this division. The city reserves the right to establish new classes of fees for these or other locations. The city reserves the right to establish or fix rates or fees for validation.

(Code 1981, § 43-465)

Sec. 142-454. Use of skateboards, roller skates or bicycles prohibited.

It shall be unlawful for any person other than a law enforcement officer in the performance of his official duties to use or operate any skateboard, roller skates or bicycle at any time within any municipal parking stations owned and/or operated by the city. A person convicted of violating this section shall be deemed guilty of a misdemeanor and punished in accordance with city ordinances.

(Ord. No. 16594, § 1(43-462), 5-11-93)

State Law References: Authority to regulate persons upon skates, coasters, sleds and other toy vehicles, K.S.A. 8-2002(a)(21).

Secs. 142-455--142-475. Reserved.

DIVISION 8.

LOADING ZONES

Sec. 142-476. Established.

The traffic engineer may designate curb areas as loading zones either for vehicle passengers or freight for a period of one year and renewable annually. The transportation operations superintendent shall mark such zones by appropriate signs.

(Code 1981, § 43-477; Ord. No. 17635, § 15, 1-9-01; Ord. No. 17707, § 15, 7-31-01)

Sec. 142-477. Application.

Applications for obtaining the benefits of section 142-476 shall be processed in the following manner:

- (1) Application shall be made in writing to the traffic engineer or transportation operations manager.
- (2) The traffic engineer shall cause such application to be investigated and determine the necessity for the proposed loading zone as set forth in the application.

(Code 1981, § 43-478; Ord. No. 17635, § 16, 1-9-01; Ord. No. 17707, § 16, 7-31-01)

Sec. 142-478. Marking.

If the application referred to in section 142-477 is favorably acted upon by the traffic engineer, the transportation operations manager shall cause the loading zone to be marked with appropriate signs or markings showing that such designated area is a loading zone.

(Code 1981, § 43-479; Ord. No. 17635, § 17, 1-9-01; Ord. No. 17707, § 17, 7-31-01)

Sec. 142-479. Revocation of privilege; transferability.

The privilege granted under section 142-478 may be revoked at any time upon seven days' written notice to the applicant. No rights granted under this division are transferable.

(Code 1981, § 43-480)

Sec. 142-480. Unlawful use.

It shall be unlawful for any person or driver to stop or park in any loading zone, when such zone has been designated, established and marked as such, for a period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise.

(Code 1981, § 43-481)

Secs. 142-481--142-500. Reserved.

DIVISION 9.

BUS AND TAXICAB STANDS

Sec. 142-501. Establishment.

The traffic engineer shall designate and establish zones or areas on the public streets for the stopping of buses for the safe and convenient loading and unloading of passengers and may designate, establish and maintain taxicab stands on the public streets in the manner and under the conditions expressed in this division.

(Code 1981, § 43-495)

Sec. 142-502. Application for and conditions of permit for taxicab stands.

(a) The owner of any taxicab shall first obtain and file with the city clerk the written consent of the owner or of the one in control of the property abutting which the stand is to be established and maintained.

(b) The one granting the consent or permit under this section may revoke the consent or permit by giving at least ten days' notice in writing to the operator and filing with the city clerk proof of the service thereof.

(c) The traffic engineer may revoke any license or permit under this section whenever it appears to be to the best interest of the public so to do.

(d) No taxicab stands shall be maintained on Kansas Avenue between Fourth Street and 11th Street.
(Code 1981, § 43-496)

Sec. 142-503. Parking and standing of taxicabs and buses.

The driver of a bus or taxicab shall not stand or park such bus or taxicab upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this section shall not prevent the driver of any taxicab vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
(Code 1981, § 43-497)

Sec. 142-504. Obedience by drivers of other vehicles.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed; provided, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zones; provided further, that the parking of motor vehicles is authorized in that half of the existing bus loading zones located nearest the regular parking areas on Kansas Avenue between Sixth and Tenth Streets from the hours of 6:30 p.m. until 9:30 p.m. of each day.
(Code 1981, § 43-498)

Sec. 142-505. Authority to impound unauthorized vehicles in designated zones.

When bus loading zones in the core area are specifically designated as tow-away zones, members of the police department are hereby authorized to remove a vehicle violating the provisions of section 142-504 in such zones to the nearest private garage or lot or to a garage or lot or other place designated or maintained by the police department or otherwise maintained by this city, and to hold the vehicle until all the procedural requirements for claiming the vehicle as established in article II, division 4 of this chapter, including payment of all costs and fines, are satisfied or until the vehicle is sold for satisfaction of all costs and fines according to law.
(Code 1981, § 43-499)

Secs. 142-506--142-515. Reserved.

DIVISION 10.

PARKING VIOLATIONS*

* **Editors Note:** Ord. No. 17636, §§ 1--10, adopted Jan. 9, 2001, did not specifically amend the Code; hence inclusion as §§ 142-516--142-525 was at the discretion of the editor.

Sec. 142-516. Purpose; adoption of rules and regulations.

(a) The purpose of this division is to provide for the administrative adjudication of violations of ordinances defining parking violations and regulating vehicular standing and parking within the city, and to

establish a fair and efficient system for the enforcement of such ordinances. The administrative adjudication system set forth in this division is established pursuant to K.S.A. 8-2002, as amended.

(b) The superintendent of transportation operations shall appoint a city traffic compliance administrator who is authorized to:

- (1) Adopt, distribute, and process parking violation notices and additional notices, collect money paid as fines and penalties for violations of parking ordinances;
- (2) Establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and
- (3) Adopt rules and regulations pertaining to: the hearing process, the selection and appointment of administrative law officers, the content of forms and procedures, and the daily operation of the administrative adjudication of parking violations program.

(c) The traffic compliance administrator may utilize the services of the administrative hearing officer to adopt rules and regulations pertaining to administrative hearing proceedings and to conduct administrative hearing proceedings, including the functions of the traffic compliance administrator set forth herein.

(Ord. No. 17636, § 1, 1-9-01)

Sec. 142-517. Violation; penalty.

(a) The violation of any provision of the traffic ordinances prohibiting or restricting vehicular standing or parking, or establishing a parking violation, shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed herein, shall be imposed.

(b) The fines imposed for such violations are prescribed in City of Topeka Code § 142-301.
(Ord. No. 17636, § 2, 1-9-01)

Sec. 142-518. Prima facie responsibility for violation and penalty; parking violation issuance and removal.

(a) Whenever any vehicle is parked in violation of any provision of the traffic ordinances prohibiting or restricting vehicular parking or standing, any person whose name the vehicle is registered with the Division of Motor Vehicles, Department of Revenue, State of Kansas shall be prima facie responsible for the violation and subject to the penalty therefore. The city and the ticketing agent shall accurately record the license tag number of the ticketed vehicle. A prima facie case shall not be established when:

- (1) The ticketing agent has failed to specify the proper license tag number of the cited vehicle on the notice; or
- (2) The city has failed to accurately record the specified license tag number.

(b) Whenever any vehicle is parked in violation of any provision of the traffic ordinances prohibiting

or restricting vehicular parking or standing or regulating the condition of a parked or standing vehicle, any police officer, other designated member of the police department, or person designated by the transportation operations superintendent, observing such violation may issue a parking or violation notice, as provided for herein and serve the notice on the owner of the vehicle by handing it to the operator of the vehicle, if he is present, or by affixing it to the vehicle in a conspicuous place. The ticketing agent shall specify on the notice his identification number, the particular parking ordinance allegedly violated, the make and license tag number of the cited vehicle, and the place, date, and time of the alleged violation.

(c) The city traffic compliance administrator shall withdraw a violation notice when said notice fails to specify the proper license tag number; provided however, that a violation notice shall not be withdrawn if the administrator reasonably determines that (1) a license tag number was properly recorded by the city and its ticketing agent, and (2) any discrepancy between the vehicle make or model and the license tag number as set forth on the violation notice is the result of the illegal exchange of registration plates. The city traffic compliance administrator may dismiss or reduce a violation notice utilizing reasonable discretion. A final determination of liability that has been made for a violation required to be withdrawn under this subsection shall be vacated by the city. The city shall extinguish any lien, which has been recorded for any debt due and owing as a result of the vacated determination, and refund any fines and/or penalties paid pursuant to the vacated determination.

(d) It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a parking violation notice affixed pursuant to this chapter.
(Ord. No. 17636, § 3, 1-9-01)

Sec. 142-519. Violation notices; contents, distribution and record keeping.

- (a) The violation notice shall state the following information:
 - (1) The parking ordinance allegedly violated;
 - (2) The make and license tag number of the cited vehicle;
 - (3) The place, date, and time of the alleged violation;
 - (4) The identification number of the ticketing agent.

In addition, the parking violation notice shall state the applicable fine, the monetary penalty which shall be automatically assessed for late payment, that payment of the indicated fine, and any applicable penalty shall operate as a final disposition of the violation, and information about the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be had.

(b) The city traffic compliance administrator shall distribute parking violation notices to persons authorized to issue parking violation notices and the police department. The police chief shall be responsible for the distribution of the notice forms within the police department.

- (c) The city traffic compliance administrator shall compile and maintain complete and accurate

records relating to all parking violation notices issued and the dispositions thereof.
(Ord. No. 17636, § 4, 1-9-01)

Sec. 142-520. Determination of liability.

(a) A person on whom a parking or violation notice has been served shall within five work days from the date of the notice:

- (1) Pay the indicated fine; or
- (2) Submit the written materials to obtain an adjudication by mail; or
- (3) Request an administrative hearing as enumerated herein to contest the charged violation.

A response by mail shall be deemed timely if postmarked within five work days of the issuance of the notice of the violation. A timely request for a hearing or adjudication by mail shall toll the running of work days for purposes of the fine schedule.

(b) If the respondent submits documentary evidence to obtain an adjudication by mail, the city traffic compliance administrator shall send the respondent a copy of the hearing officer's determination in accordance with subsection (e) herein.

(c) If the respondent requests an administrative hearing to contest the cited violation, the city traffic compliance administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection (e) herein.

Where a respondent who has requested an administrative hearing either fails to pay the indicated fine prior to the hearing or fails to appear at the hearing, a determination of parking violation liability shall be entered in the amount of the fine indicated on the fine schedule. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The city traffic compliance administrator will cause a notice of hearing providing this information to be sent to the respondent in accordance with subsection (e) herein.

(d) If no response is made in accordance with subsection (a) of this section, the city traffic compliance administrator shall cause a second notice of violation to be sent to the respondent in accordance with subsection (e) herein. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine, and the time and manner in which the respondent may obtain an adjudication by mail or request a hearing to contest the violation. If the respondent requests an administrative hearing to contest the cited violation, the city traffic compliance administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

If the respondent fails to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request a hearing to contest the charged violation within ten work days from the date of the second notice, final determination of liability shall be entered in the amount in accordance with the fine schedule. Final determination of liability for the purposes of (d) herein, shall be entered automatically and shall not require

additional written notice. Failure to pay the fine within ten work days of issuance of the determination of liability will result in the imposition of enhanced penalty in accordance with the provisions of the fine schedule. Enhanced penalties will continue to accrue for unpaid fines in accordance with the provisions of the fine schedule. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The second notice of violation shall provide the above information.

(e) The city traffic compliance administrator shall serve the notice of hearing, the second notice of violation, the hearing officer's determination, the notice of final determination of liability, when required, by first class mail, postage prepaid, to the address of the registered owner of the vehicle as registered with the Division of Motor Vehicles, Department of Revenue, State of Kansas or by hand delivery. If the vehicle is registered in a state other than Kansas, the city traffic compliance administrator shall send the appropriate notice to the address of the registered owner as recorded in such other state's registry of motor vehicles. (Ord. No. 17636, § 5, 1-9-01)

Sec. 142-521. Grounds for adjudication by mail or administrative hearing.

A person charged with a parking violation may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

- (1) That the respondent was not the owner or lessee of the cited vehicle at the time of the violation;
- (2) That the cited vehicle or its license plate was stolen at the time the violation occurred;
- (3) That the relevant signs prohibiting or restricting parking were missing or obscured;
- (4) That the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;
- (5) That the facts alleged in the parking violation notice are inconsistent or do not support a finding that the specified regulation was violated; or
- (6) That the illegal condition described in the parking violation notice did not exist at the time the notice was issued.

(Ord. No. 17636, § 6, 1-9-01)

Sec. 142-522. Adjudication by mail; procedure.

(a) Administrative hearings to review materials submitted for adjudication by mail of parking violations shall be held by a hearing officer appointed by the city traffic compliance administrator and conducted in accordance with this section.

(b) The respondent may contest a parking violation based on one or more of the grounds provided in the previous section, by mailing or hand delivery to the city traffic compliance administrator the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model, and year of the vehicle; any documentary evidence that rebuts the charged violation; and a written statement signed by the respondent setting forth the facts relevant to establishing a

defense to the charged violation.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided however, that a parking violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the hearing officer shall enter a determination of no liability or liability and the amount of the fine for the relevant violation. Such determination shall constitute a final determination.

(Ord. No. 17636, § 7, 1-9-01)

Sec. 142-523. Administrative hearing; procedure.

(a) Administrative hearings for the adjudication of parking violations shall be held before a hearing officer appointed by the city traffic compliance administrator and conducted in accordance with this section.

(b) The respondent may appear pro se or, at his own expense, by an attorney. An attorney who appears on behalf of any person shall file with the hearing officer a written entry of appearance.

(c) The formal and technical rules of evidence shall not apply in the conduct of the administrative hearing.

(d) All testimony shall be given under oath or affirmation, which shall be administered by the hearing officer.

(e) No violation may be established except upon proof by a preponderance of the evidence; provided however, that a parking violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.

(f) The hearing officer may, on a showing of good cause, grant one continuance to a date certain.

(g) The hearing officer shall cause a record to be made of each hearing.

(h) The hearing officer may, if factual circumstances dictate, take the matter under advisement for a period no longer than five work days. In such instances and in the case of an adverse determination, the date of hearing officer's determination shall govern for purposes of the fine schedule.

(Ord. No. 17636, § 8, 1-9-01)

Sec. 142-524. Hearing; determination of liability or of no liability; petition.

(a) Upon conclusion of a hearing, the hearing officer shall issue a determination of no liability or liability and the amount of the fine for the relevant violation. Upon issuance, such determination shall constitute a final determination.

(b) If a person fails to respond to the violation notice and the second notice of violation, a determination of liability shall be entered against the respondent and shall be served upon the respondent. Such

determination shall constitute a final determination.
(Ord. No. 17636, § 9, 1-9-01)

Sec. 142-525. Notice of final determination.

(a) If any fine or penalty is owing and unpaid after a determination of liability under this Article has become final, the city traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent.

(b) Any fine or penalty, if applicable, remaining unpaid after the notice of final determination of violation is sent shall constitute a debt due and owing the city which may be enforced in the same manner as any other debt due and owing.
(Ord. No. 17636, § 10, 1-9-01)

Secs. 142-526--142-535. Reserved.

ARTICLE VII.

SNOW ROUTES

Sec. 142-536. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Snow tire means a tire which, when compared with conventional rib type tires, has a relatively aggressive tread pattern and is designed primarily to provide additional starting, stopping and driving traction in snow, and shall have a tread depth of at least 4/32 of an inch. The tread has ribs, lugs, blocks or buttons; is generally discontinuous, and has the following characteristics when inflated:

- (1) A substantial portion of the lug, block or rib edges in the tread design are at an angle greater than 30 degrees to the tire circumferential centerline.
- (2) On at least one side of the tread design, the shoulder lugs protrude at least one-half inch in a direction generally perpendicular to the direction of travel.
- (3) Tires, as defined above, manufactured after January 1, 1976, will be permanently labeled on one sidewall with the words "MUD and SNOW" or any contraction using the letters "M" and "S."

Tire chain means a device which, when attached to the tires, provides additional starting, stopping and driving traction in snow.
(Code 1981, § 43-289)

Cross References: Definitions generally, § 1-2.

Sec. 142-537. Traffic emergency proclamation.

Whenever snow, freezing rain, sleet, or any other climatic conditions are such that serious travel

conditions may result, the director of the public works department may declare traffic emergency. Appropriate notice of this event will be given to available broadcast media and newspapers for publication.

In the event of a traffic emergency:

- (1) No one shall operate a motor vehicle on an emergency snow route in such a manner or condition that such vehicle will become stalled due to the vehicle not being properly equipped with effective snow tires or chains and
- (2) No vehicle shall be parked on any street designated as an emergency snow route.

These prohibitions will remain in effect until the director of public works department has terminated the traffic emergency.

(Code 1981, § 43-290; Ord. No. 17606, § 1, 11-28-00)

Sec. 142-538. Reserved.

Editors Note: Ordinance No. 17606, § 2, adopted Nov. 28, 2000, repealed the § 142-538, which pertained to the notice of traffic emergency proclamation and derived from Code 1981, § 43-291.

Sec. 142-539. Establishment.

Snow routes will be designated and established with the installation of emergency snow routes sign. The director of public works shall cause appropriate signs to be installed along each emergency snow route.

(Code 1981, § 43-292; Ord. No. 16648, § 1, 10-12-93; Ord. No. 17606, § 3, 11-28-00)

Sec. 142-540. Posting of signs.

The director of the public works department shall cause appropriate signs to be installed along each emergency snow route.

(Code 1981, § 43-293)

Sec. 142-541. Parking of vehicles on snow route prohibited during traffic emergency.

No vehicle shall be parked on any emergency snow route during a period of driving emergency as provided in this article.

(Code 1981, § 43-294)

Sec. 142-542. Driving on snow routes restricted during traffic emergency.

Until the traffic emergency is terminated by the director of the public works department, no person shall operate a motor vehicle on any emergency snow route established in this article in such manner or condition that such vehicle will become stalled by reason of the fact that the driving wheels of such vehicle are not equipped with tire chains or snow tires. Other tires or devices may be approved and recognized by the director of the public works department and the police department as being satisfactory devices or tires for the maintenance of traction under adverse climatic and street conditions. A list of other tires and devices which are approved by the director of the public works department and by the police department shall be available for inspection at the police department and at the office of the director of the public works department.

(Code 1981, § 43-295)

Secs. 142-543--142-580. Reserved.

ARTICLE VIII.

TRUCKS AND TRAILERS*

* **State Law References:** Authority to restrict trucks, K.S.A. 8-1912.

Sec. 142-581. Parking prohibited.

It shall be unlawful for any person to park or cause to be parked any truck tractor, trailer or semitrailer owned or under the physical control of such person, on any highway or street in the city, for a period of time longer than one hour of any day; provided, that this section shall not apply to vehicles owned by the United States of America, the state and the city or if otherwise allowed by City Code.

As used herein, the term park or cause to be parked means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers or while engaged in residential or commercial construction or repair work.
(Code 1981, § 43-533; Ord. No. 17851, § 1, 6-11-02)

Sec. 142-582. Restricted in core area generally.

No truck, truck tractor, trailer, semitrailer or other vehicle except buses for transportation of persons, having a rated carrying capacity of two tons or more, shall be operated or driven for a distance of more than one block in the core area, on any day of the week during the hours of 10:00 a.m. to 6:00 p.m.; provided, a special permit may be granted by the traffic division of the police department to the person wishing to operate in the core area during Sundays and legal holidays by making application for such special permit.
(Code 1981, § 43-534)

Sec. 142-583. Restricted in alleys in core area.

(a) It shall be unlawful for the driver or the owner of any semitrailer or truck tractor to stop or stand or to cause or permit the same to be stopped or to stand in any alley in the core area between the hours of 11:00 a.m. and 2:00 p.m. or between the hours of 4:30 p.m. and 6:00 p.m. of any day. For the purpose of loading or unloading merchandise and inventory during the time period in which no prohibition exists, any driver or owner of such vehicles intending to park in any alley in the core area for such purposes shall notify the police department and the fire department not less than 30 minutes prior to that time at which the vehicle is to be stopped in such alley. A permit will be issued by the police department, which must be shown to any law enforcement officer upon request. It shall be unlawful to load or unload merchandise or inventory in an alley from a semitrailer or truck-tractor without such permit.

(b) For purposes other than loading or unloading merchandise or inventory, it shall be unlawful for the driver or the owner of any semitrailer or truck-tractor to stop or stand or to cause or permit the same to be

stopped or to stand in any alley in the core area between the hours of 10:00 a.m. and 6:00 p.m. of any day.

(c) For any purpose whatsoever, including the loading or unloading of merchandise or inventory within a time period other than between the hours of 10:00 a.m. and 6:00 p.m. of any day, no permit shall be required.

(d) This section shall not apply to vehicles owned by the United States of America, the state, the city or any vehicle authorized to carry United States mails while such vehicles are actually engaged in loading or unloading.

(Code 1981, § 43-535)

Sec. 142-584. Angle parking prohibited.

(a) No person shall stop, stand or park a truck or truck-tractor, the overall length of which is more than 18 feet, on streets legally marked for angle parking.

(b) No person shall stop, stand or park a passenger type motor vehicle with trailer attached on streets legally marked for angle parking.

(c) The provisions of this section shall be construed independent of all of the provisions of the traffic ordinances of the city.

(Code 1981, § 43-536)

Secs. 142-585--142-610. Reserved.

ARTICLE IX.

BICYCLES*

* **State Law References:** Authority to regulate bicycles, K.S.A. 8-2002(a)(8); bicycles and play vehicles, K.S.A. 8-1586 et seq.

DIVISION 1.

GENERALLY

Sec. 142-611. Riding on sidewalks regulated.

(a) No person shall ride a bicycle upon a sidewalk within the central business district.

(b) The traffic engineer is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, it shall be unlawful for any person to disobey such sign.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give audible signal before overtaking and passing such pedestrian.

(d) No person riding a bicycle on a sidewalk shall exceed a speed of five miles per hour.

(e) This section shall not apply to a law enforcement officer engaged in the performance of his official duties.
(Ord. No. 16594, § 2(43-586), 5-11-93)

Secs. 142-612--142-635. Reserved.

DIVISION 2.

RESERVED*

* **Editors Note:** Ord. No. 18149, §§ 21--31, adopted Dec. 16, 2003, repealed div. 2, §§ 142-636--142-645, in their entirety. Formerly, said division pertained to the bicycle advisory board as enacted by Code 1981.

Secs. 142-636--142-675. Reserved.

DIVISION 3.

INDIVIDUAL LICENSE

Sec. 142-676. Required.

It shall be unlawful for any person residing in the city to ride or use a bicycle without first obtaining a license therefor as prescribed in section 142-677.
(Code 1981, § 43-602)

Sec. 142-677. Issuance.

The fire department, or any person approved by the fire department, is hereby authorized and directed to issue, upon written application, to residents of the city, bicycle licenses that shall be effective for not less than two years. Such license, when issued, shall entitle the licensee to operate the bicycle for which the license shall have been issued upon all of the streets and public highways of the city, and upon the sidewalks of any streets or highways where riding is permitted by law.
(Code 1981, § 43-603)

Sec. 142-678. Licensing procedure.

(a) The fire department, or any person approved by the fire department to issue bicycle licenses, shall provide a license, together with a registration certificate that shall have numerical numbers thereon in numerical order beginning with the number one, shall indicate the year of expiration and shall include letters indicating that they were issued by the city, and the serial number of the bicycle. The license shall be suitable for attachment to the bicycle as near to the top of the seat tube as possible, facing the front wheel, and it shall also be the duty of the issuer to attach the license to the bicycle in such manner as will prevent its removal. The issuer shall also provide and issue a registration certificate with numbers corresponding with the numbers on the

license.

(b) The issuance of the registration certificate and license to the licensee shall be after the collection of the registration fee for the license as provided for in section 142-679. Funds collected by the issuer for the licenses provided for in this division shall be returned by the issuer as collected, and under conditions to be determined by the treasurer of the registration fund. The license shall remain attached to the bicycle during the valid term of such license. The fire and police departments and any person approved by the fire department to issue bicycle licenses shall keep a record of the date of issue of each license.
(Code 1981, § 43-604)

Sec. 142-679. Fees.

There shall be no fee assessed for issuing a bicycle license.
(Code 1981, § 43-607; Ord. No. 18649, § 1, 6-6-06)

Sec. 142-680. Altering license.

It shall be unlawful for any person to willfully, maliciously remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which the license plate, seal or registration card is operative; provided however, that nothing in this section shall prohibit the fire department from stamping on the frame of bicycles on which no serial number can be found, or on which the number is illegible for identification purposes. The fire department may also stamp upon the frame of any bicycle registered a number which shall be the secret number of the fire department, if so required in the administration of this division to prevent bicycle larceny and recover stolen bikes.
(Code 1981, § 43-605)

Secs. 142-681--142-700. Reserved.

DIVISION 4.

RESERVED*

* **Editors Note:** Ord. No. 18294, § 25, adopted July 20, 2004, repealed div. 4, §§ 142-701--142-704, in its entirety. Formerly, said division pertained to business licenses as enacted by Code 1981, §§ 43-619--43-622.

Secs. 142-701--142-735. Reserved.

ARTICLE X.

VEHICLE WEIGHT LIMITS*

* **State Law References:** Vehicle size, weight and load, K.S.A. 8-1901 et seq.; local restrictions authorized, K.S.A. 8-1912.

Sec. 142-736. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross weight on any one axle means the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

Quad axles means four or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 120 inches apart and not more than 150 inches apart.

Tandem axles means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches apart and not more than 96 inches apart.

Triple axles means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 96 inches apart and not more than 120 inches apart.

(Code 1981, § 43-674)

Cross References: Definitions generally, § 1-2.

Sec. 142-737. Penalty for violation of article.

Penalties for violation of this article shall be as follows:

- (1) For overweight in excess of 100 pounds and not in excess of 500 pounds, total weight or weight per axle or combination of axles, \$50.00.
- (2) For overweight in excess of 500 pounds and not in excess of 1,000 pounds, total weight or weight per axle or combination of axles, \$75.00.
- (3) For overweight in excess of 1,000 pounds and not in excess of 1,500 pounds, total weight or weight per axle or combination of axles, \$150.00.
- (4) For overweight in excess of 1,500 pounds and not in excess of 2,000 pounds, total weight or weight per axle or combination of axles, \$200.00.
- (5) For overweight in excess of 2,000 pounds and not in excess of 20,000 pounds, total weight or weight per axle or combination of axles, \$0.10 for every pound overweight.
- (6) For overweight in excess of 20,000 pounds, total weight or weight per axle or combination of axles, \$0.30 for every pound overweight.

(Code 1981, § 43-672)

Sec. 142-738. Diversion; subsequent offenses.

No diversion may be granted for any violation of this article. For a first offense, probation or parole may be granted from not more than one-half of the fine, but all courts costs must be paid. For a second offense there

shall be no probation or parole from any portion of the fine or costs. For a third offense within 12 consecutive months, the fine schedule shall be doubled, and jail time may be imposed as the court may deem appropriate. (Code 1981, § 43-673)

Sec. 142-739. Compliance required.

It shall be unlawful for any person to operate any vehicle on the streets or highways within the city in violation of this article. (Code 1981, § 43-671)

Sec. 142-740. Stopping drivers suspected of violations.

Any law enforcement officer or properly designated state department of revenue agent having reason to believe that the gross weight of a vehicle or combination of vehicles or the gross weight on any axle or sets of axles is unlawful is authorized to require the driver to stop and submit to a weighing of such vehicle by means of either portable or stationary scales and may require that such vehicle be driven to the official city scales, located at Crane and North Harrison, within the city. (Code 1981, § 43-684)

Sec. 142-741. Removal of excess load.

Whenever any law enforcement officer or properly designated state 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 sets of axles to such limits as permitted in this article. 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. (Code 1981, § 43-685)

State Law References: Similar provisions, K.S.A. 8-1910.

Sec. 142-742. Failure to stop or comply.

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 article, or who fails or refuses when directed by a law enforcement officer or state department of revenue agent or employee to comply with the provisions of this article, shall be guilty of a traffic offense. (Code 1981, § 43-686)

State Law References: Similar provisions, K.S.A. 8-1910.

Sec. 142-743. Weight-bearing axles.

Any axle located within seven feet of any adjacent axle shall be a weight-bearing axle and shall at all times carry its proportionate part of the load permitted on such axles. (Code 1981, § 43-675)

Sec. 142-744. Weight limit--Vehicles generally.

The gross weight of any vehicle or combination of vehicles shall not exceed the lawful registered vehicle weight as established by the laws of the state.
 (Code 1981, § 43-676)

Sec. 142-745. Same--Wheel and tire.

(a) The gross weight upon any wheel of a vehicle shall not exceed 10,000 pounds.

(b) The gross weight on any tire on any wheel shall not exceed the federal department of transportation or manufacturer's weight limitation rating stamped on the sidewall of the tire.
 (Code 1981, § 43-677)

Sec. 142-746. Same--One-axle.

(a) The gross weight upon any one axle, including one axle of a group of axles, of a vehicle shall not exceed 20,000 pounds.

(b) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed by K.S.A. 8-1908, and amendments thereto.
 (Code 1981, § 43-678)

Sec. 142-747. Same--Two-axle.

The gross weight on any two axles in a tandem axle group shall not exceed 34,000 pounds.
 (Code 1981, § 43-679)

Sec. 142-748. Same--Multiple-axle.

(a) No vehicle or combination of vehicles shall be moved or operated on any street or highway within the city when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any two or more consecutive axles						
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles
4	34,000						
5	34,000						
6	34,000						
7	34,000						
8 and less	34,000	34,000					
more than 8	38,000	42,000					

9	39,000	42,500					
10	40,000	43,500					
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	64,500	69,000	74,500	
26		55,500	59,500	64,000	69,500	75,000	
27		56,000	60,000	65,000	70,000	75,500	
28		57,000	60,500	65,500	71,000	76,500	82,000
29		57,500	61,500	66,000	71,500	77,000	82,500
30		58,500	62,000	66,500	72,000	77,500	82,500
31		59,000	62,500	67,500	72,500	78,000	83,000
32		60,000	63,500	68,000	73,000	78,500	83,500
33			64,000	68,500	74,000	79,000	85,000
34			64,500	69,000	74,500	80,000	85,500
35			65,500	70,000	75,000	80,500	
36			66,000	70,500	75,500	81,000	
37			66,500	71,000	76,000	81,500	
38			67,500	72,000	77,000	82,000	
39			68,000	72,500	77,500	82,500	
40			68,500	73,000	78,000	83,500	
41			69,500	73,500	78,500	84,000	
42			70,000	74,000	79,000	84,500	
43			70,500	75,000	80,000	85,000	
44			71,500	75,500	80,500	85,500	
45			72,000	76,000	81,000		
46			72,500	76,500	81,500		
47			73,500	77,500	82,000		
48			74,000	78,000	83,000		
49			74,500	78,500	83,500		
50		75,500	79,000	84,000			
51		76,000	80,000	84,500			
52		76,500	80,500	85,000			
53		77,500	81,000	85,500			

54		78,000	81,500				
55		78,500	82,500				
56		79,500	83,000				
57		80,000	83,500				
58			84,000				
59			85,000				
60			85,500				

(b) Notwithstanding the provisions of subsection (a) of this section, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.
(Code 1981, § 43-680)

Sec. 142-749. Excess size and weight move permit.

(a) The provisions of section 142-748 shall not apply to any vehicle or combination of vehicles engaged in a one-time move provided an excess size and weight move permit has been obtained from the division of engineering. Any person wishing to obtain an excess size and weight move permit shall submit the following information to the division of engineering at least 48 hours prior to the scheduled move:

- (1) Company name;
- (2) Business address;
- (3) Width, height and length of load;
- (4) Axle configuration including sketch showing dimension between each axle;
- (5) Approximate total weight and load on each axle;
- (6) State highway permit number if one is required;
- (7) Proposed route of travel; and
- (8) Any other information which may be necessary for review of the application by the engineering division.

(b) Upon receipt of the information required by subsection (a), the engineering division shall review the information and determine whether the move may be made over the proposed route without jeopardizing public safety and public infrastructure. If the engineering division determines that a load capacity analysis is required in order to evaluate the proposed route, the engineering division shall conduct the analysis or obtain the analysis from a consultant. Any cost involved in conducting or obtaining the analysis shall be the responsibility of the applicant regardless of whether an excess size and weight move permit is issued. Payment of the cost of

analysis shall be made prior to issuance of the permit. If the engineering division determines the move may be made without jeopardizing public safety or public infrastructure, the engineering division shall issue an excess size and weight move permit. The engineering division may in issuing the permit establish conditions including but not limited to the use of a lead and chase car, maximum speed limits and police escort service.
(Ord. No. 16542, § 1, 12-22-92)

Sec. 142-750. Limitation for interstate highways.

For vehicles and combinations of vehicles on the interstate system (national system of interstate and defense highways), the table in section 142-748 shall not authorize a maximum gross weight of more than 80,000 pounds.

(Code 1981, § 43-681)

Sec. 142-751. Exception for garbage, refuse or waste disposal trucks.

Except on highways designated as part of the national system of interstate defense highways within the city limits of the city, the gross weight limitation prescribed on any axle or tandem, triple or quad axles in this article shall not apply to trucks specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations when loaded with garbage, refuse or waste.

(Code 1981, § 43-682)

Sec. 142-752. Exception for certain materials trucks.

The table in section 142-748 shall not apply to truck-tractor and dump semitrailer or truck-trailer combinations, when such are used as a combination unit exclusively for the transportation of sand or salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, blacktop, dirt or fill material, when such vehicles are used for transportation to a highway or road construction site or highway maintenance project or facility, except that such vehicles or combinations of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles. As used in this section, the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

(Code 1981, § 43-683)

Secs. 142-753--142-780. Reserved.

ARTICLE XI.

PARADES*

* **State Law References:** Authority to regulate or prohibit processions or assemblages on highways, K.S.A. 8-2002(a)(3).

DIVISION 1.

GENERALLY

Sec. 142-781. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, sidewalk, park or other place in the city.

Parade permit means a permit required by this article.

(Code 1981, § 43-754)

Cross References: Definitions generally, § 1-2.

Sec. 142-782. Interference.

No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(Code 1981, § 43-755)

Sec. 142-783. Driving through parades.

No driver of a vehicle except a police car or other authorized emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(Code 1981, § 43-756)

Sec. 142-784. Parking on parade route.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. The chief of police may cause signs to be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on an unposted street or public thoroughfare in violation of this section.

(Code 1981, § 43-757)

Secs. 142-785--142-800. Reserved.

DIVISION 2.

PERMIT

Sec. 142-801. Required; exceptions.

(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.

(b) This section shall not apply to:

- (1) Funeral processions.
 - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities.
 - (3) A governmental agency acting within the scope of its functions.
- (Code 1981, § 43-769)

Sec. 142-802. Application.

- (a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.
- (b) An application for a parade permit shall be filed with the chief of police not less than 15 days nor more than 60 days before the date on which it is proposed to conduct the parade.
- (c) The application for a parade permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such parade;
 - (2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
 - (3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
 - (4) The date when the parade is to be conducted;
 - (5) The route to be traveled, the starting point and the termination point;
 - (6) The approximate number of persons, and animals, if any, participating and the description of the vehicles;
 - (7) The hours when such parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalks, parks or other public places proposed to be traversed;
 - (9) The location by street of any assembly area for such parade;
 - (10) The time at which units of the parade will begin to assemble at any such assembly area;
 - (11) The interval of space to be maintained between units of such parade;
 - (12) If the parade is designed to be held by, on behalf of or for any person other than the applicant,

the applicant for such permit shall file with the chief of police a communication in writing from such person authorizing the applicant to apply for the permit in his behalf; and

- (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(Code 1981, § 43-770)

Sec. 142-803. Fee.

There shall be paid at the time of filing the application for a parade permit a fee of \$25.00.

(Code 1981, § 43-771)

Sec. 142-804. Standards for issuance.

The chief of police shall issue a permit as provided for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, the chief finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area;
- (5) The conduct of the parade will not interfere with the movement of firefighting equipment enroute to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute; and
- (7) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designated to be held purely for private profit.

(Code 1981, § 43-772)

Sec. 142-805. Alternative permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different than that named by the applicant. An

applicant desiring to accept an alternate permit shall, within three days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this division.

(Code 1981, § 43-773)

Sec. 142-806. Notice of rejection.

The chief of police shall act upon the application for a parade permit within five days, Saturdays, Sundays and holidays excepted, after the filing thereof. If the chief of police disapproves the application, the chief shall mail to the applicant, within five days, Saturdays, Sundays and holidays excepted, after the date upon which the application was filed, a notice of action, stating the reasons for denial of the permit.

(Code 1981, § 43-774)

Sec. 142-807. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within 30 days after notice. The council shall act upon the appeal within 30 days after its receipt.

(Code 1981, § 43-775)

Sec. 142-808. Notice to city and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) The city manager;
- (2) The city attorney;
- (3) The traffic engineer;
- (4) The fire chief; and
- (5) The general manager or responsible head of each transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

(Code 1981, § 43-776; Ord. No. 18477, § 22, 7-12-05)

Sec. 142-809. Contents of permit.

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;

- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets, sidewalks, parks or other public places to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof; and
- (7) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Code 1981, § 43-777)

Sec. 142-810. Duties of permittee.

(a) A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The parade chairperson or other person heading or leading such activity shall carry the parade permit on his person during the conduct of the parade, and shall display such permit to officers of the city when so requested.

(Code 1981, § 43-778)

Sec. 142-811. Revocation.

The chief of police shall have the authority to revoke a parade permit issued under this division upon application of the standards for issuance as set forth in this division.

(Code 1981, § 43-779)