

## **CHAPTER XIV. TRAFFIC**

Article 1. Standard Traffic Ordinance

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### **ARTICLE 1. STANDARD TRAFFIC ORDINANCE**

14-101. **STANDARD TRAFFIC ORDINANCE INCORPORATED.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Haysville, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities, 2009 Edition”, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than one (1) copy of the standard traffic ordinance shall be marked or stamped “Official Copy as Adopted by the Ord. No. 953” and to which shall be attached a copy of the ordinance adopting the standard code with the amendments, 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 cost to the city, such number of official copies of the standard traffic ordinance similarly marked, as may be deemed expedient.

(Ord. 493-A; Ord. 823; Code 2003, Code 2004, Code 2005, Code 2006; Code 2007; Code 2008; Code 2009; Code 2010)

14-102. **OMISSION OF SECTION 33 and 107.** Section 33 and 107 of the “Standard Traffic Ordinance for Kansas Cities, 2008 Edition” approved yearly edition, is hereby specifically omitted from the incorporating ordinance.

(Ord. 823; Code 2003, Code 2005, Code 2006; Code 2007; Code 2008; Code 2009)

14-103. **LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED.** No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(a) “Sound amplification system” means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(b) “Plainly audible” means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words 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.

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

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

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

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

(4) The vehicle was used in authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city to grant such approval.

(Ord. 823; Code 2003)

14-104. CARELESS DRIVING. No person shall operate or handle 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. No driver, while driving, shall engage in any activity which interferes with the safe operation and control of his or her vehicle. Provided, that this section shall not apply to a vehicle driven by a person on property owned by him or her.

(Ord. 823)

14-105. DEFECTIVE SPEEDOMETER. It shall be unlawful for any person to drive or operate a motor vehicle, or the owner of any motor vehicle to allow or permit any other person to drive or operate such motor vehicle he or she owns, upon any public street, alley, highway or thoroughfare of the city unless such motor vehicle has a properly functioning speedometer.

(Ord. 493, Sec. B; Ord. 823)

14-106. RESIDENTIAL DISTRICT DEFINED. A residential district shall be defined for purposes of sections 14-106 through 14-108 of this article as any territory, area and/or street located within the corporate limits of the city upon which or in there are located structures occupied as residential dwellings or other places of abode and the streets, roadways, alleyways, or other ways used for vehicular traffic within said areas are subject to a speed limit of twenty (20) miles per hour.

(Ord. 390, Sec. 2; Ord. 823; Code 2003)

14-107. TRUCK AND RECREATIONAL VEHICLES, TRAILERS, PARKING RESTRICTIONS. It shall be unlawful for any owner or operator of a recreational vehicle to park such vehicle on any highway or street within the corporate limits of the city. Except the owner or operator of a recreational vehicle may park on the street at his or her residence for the purpose of loading or unloading for a period not to exceed twelve (12) hours in any one week period. For the purpose of this article, one

week shall be defined as Sunday through Saturday. Pickup trucks that have toppers or slide in toppers that do not extend over the cab of the truck are not considered recreational vehicles. It shall be unlawful for any person/persons to park a trailer that is not attached to a motor vehicle on any highway or street within the corporate city limits of the city. Trailers attached to motor vehicles that are parked on any highway or street within the corporate limits of the city shall have reflective lights/tape that is visible for four hundred fifty (450) feet by any approaching vehicle. Trailers attached to motor vehicles that block the view of person/persons operating a motor vehicle will not be allowed to park on any highway or street within the corporate city limits. It shall be unlawful for any person operator of a truck, bus, tractor-trailer unit, truck-trailer unit larger than what is commonly referred to as a 1-ton truck or with a gross vehicle weight rating of 16,001 pounds or more to park the same on any street in any residential district inside the corporate city limits, longer than a period necessary for loading or unloading of merchandise or household goods; PROVIDED, that the vehicle shall be promptly moved upon completion of the loading or unloading.

(Ord. 768; Ord. 797; Ord. 806; Code 2003)

- 14-108. **VEHICLES UNATTENDED.** It shall be unlawful for any person or business operating or owning any truck, tractor-trailer unit, or other vehicle to leave such vehicle unattended at any time on any public street when such vehicle is actually loaded with or contains gasoline, kerosene, naphtha, ammonia, explosives, volatile chemicals, benzene, or any crude petroleum, toxic or flammable materials other than the fuel load which is designed for and used to propel and power said vehicle.

(Ord. 389, Sec. 1; Ord. 823)

- 14-109. **NOTIFICATION.** The owner of any property upon which such vehicle referred to in section 14-108 may be parked shall immediately notify the police department of the location of the vehicle, together with the names and addresses of the driver and owner.

(Ord. 389, Sec. 2; Ord. 823; Code 2003)

- 14-110. **INOPERABLE VEHICLES.** It shall be unlawful for any person to leave an inoperable vehicle upon any public land, street, alley or roadway within the corporate limits of the city. The police department is hereby authorized to have towed, at the vehicle owner's expense, any vehicle left on any public land, street, alley or roadway for more than twenty-four (24) hours. Definitions of terms as used in this section shall be as follows:

(a) Inoperable - means a condition of being marked junked, wrecked, wholly or partially dismantled, discarded, abandoned, without proper license tag or registration or unable to perform the function or purpose for which it was originally constructed.

(b) Vehicle - means every device in, upon or by which any person or property is or may be transported or drawn upon a highway except in devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1984; Ord. 601; Ord. 823; Code 2003)

- 14-111. PENALTY FOR SCHEDULE FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10.00 nor more than \$500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in section 17-382 shall pay a fine fixed by the court not to exceed \$500.00.  
(Ord. 823; Code 2003; Code 2007)
- 14-112. PENALTY. Any person violating sections 14-107 through 14-110 for which a penalty is not otherwise provided shall upon conviction be punished by a fine in accordance with the general penalty provisions set out in the ordinances of the city.  
(Ord. 823; Code 2003)
- 14-113. BREATH ALCOHOL ANALYSIS FEE. (a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 22-2906 et seq., or 12-4414 et seq., and amendments thereto, of a violation of K.S.A. 8-1567 and amendments thereto, shall pay a separate court cost hereinafter known as the breath alcohol analysis fee, such fee to be set forth in 17-382.
- (b) Such fee shall be deposited into the breath alcohol analysis fee fund of the Haysville Police Department, and all such monies shall be utilized for:
- (1) Providing criminalistic analysis services associated with breath alcohol analysis;
  - (2) The purchase and maintenance of equipment associated with breath alcohol analysis for use by the Haysville Police Department in performing analysis; and
  - (3) Education, training and scientific development of Haysville Police Department Personnel.
- 14-114. STOPPING, STANDING OR PARKING IN FRONT OF MAILBOXES PROHIBITED. Parking in front of mailboxes between the hours of 8:00 a.m. and 5:00 p.m., or blocking a mail delivery vehicle from delivering mail is prohibited, and may be punished by a fine of \$ 5 plus court costs.

**ARTICLE 2.**  
**BICYCLES, SKATEBOARDS, ROLLER SKATES AND INLINE SKATES**

- 14-201. BICYCLES. LICENSE REQUIRED. It shall be unlawful for any resident of the city to operate a bicycle upon the streets and highways of the city, without having an unexpired license therefore, such license to be acquired from the police department, city clerk or any other party authorized by the chief of police to issue bicycle licenses.  
(Code 1984; Ord. 823; Code 2003)
- 14-202. TAG. The city shall furnish to every owner whose bicycle shall be registered one

number plate or tag for each bicycle and the plate or tag shall be displayed on the bicycle to which tag is assigned during the life of the bicycle or until the owner moves from the city.

(Ord. 358-A, Sec. 2; Code 1984; Ord. 823; Code 2003)

14-203. FEE. The license fee for each bicycle shall be as stated in section 17-308.  
(Ord. 358-A, Sec. 1; Ord. 823; Code 2003)

14-204. BICYCLES OPERATED BY POLICE. Bicycles operated by police officers, in the performance of their duties, are exempt from all the rules and regulations applicable to bicycles in the city.

(Ord. 823; Code 2003)

14-205. POLICE DEPARTMENT. The chief of police shall have the power to enact additional provisions to make effective the provisions of sections 14-201 through 14-203.

(Ord. 358; Sec. 4; Ord. 823)

14-206. SKATEBOARDS, ROLLER SKATES, AND INLINE SKATES; USE RESTRICTED. (a) It is unlawful for any person upon a skateboard, roller skates or inline skates:

(1) To go upon any park owned or maintained by the city excluding the hike and bike path, old oak skate park, sidewalks throughout the city and basketball courts located on city owned park properties;

(2) To go upon any parking lot owned or maintained by the city;

(3) To go upon any other parking lot, parking garage or property within the city when such property is clearly and visibly marked by a sign or signs indicating that skateboard, roller skate and inline skate use thereon is prohibited. Such signs shall have lettering at least one and one-half inches high and one-half inch wide. When such signs are present upon privately owned property, the police department shall be authorized thereby to enforce the provisions of this section;

(4) To coast or otherwise move upon a skateboard, roller skates, or inline skates in a reckless manner on any public sidewalk, or without exercising due care for the safety of others using the sidewalk, or to otherwise endanger or interfere with pedestrian traffic.

(b) Responsibility of Parent. No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child in that such failure of supervision or care shall cause, permit, allow, or fail to prevent the child from violating the provisions of subsection (a) as set forth above.

(Ord. 876)

14-207. PENALTY. (a) Any person who violates any provisions of this article, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars (\$50.00) for a first offense, and a fine of not less than fifty

dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.

(b) Minors. Any minor violating the provisions of this chapter shall be dealt with in accordance with Kansas juvenile court law and procedure. Any police officer finding a minor under the age of eighteen (18) years violating the provisions of this chapter shall warn the child to desist from such violations and shall cause written notice to be served upon the parent, guardian or person in charge of said child, setting forth the manner in which the provision of this section have been violated. For purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a child if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.

(c) Penalty for Parent, Guardian or Other Person Having the Care and Custody of a Child. Any parent, guardian or person having the care and custody of a minor less than eighteen (18) years of age, who shall permit or fail to prevent such child from violating the provisions of this section after receiving written notice that such child has previously violated provisions of this section, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars (\$50.00) for a first offense, and a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any subsequent offense. For purposes of determining subsequent offenses, the court shall determine the number of times such parent, guardian, or person having the care and custody of a child has been convicted of violating 14-206(b), and shall not consider 1) whether the minor was charged or convicted in juvenile court, or 2) whether the adult was previously convicted of a violation of such code as a result of the actions of a minor other than the minor involved in such subsequent violation.

(Ord. 358, Sec. 5; Ord. 823; Code 2003, Ord. 876)

### **ARTICLE 3. SPEED ZONES**

14-301. **MAXIMUM SPEED IN SCHOOL ZONES.** It shall be unlawful for any person to exceed the speed of twenty (20) miles per hour in any school zone located within the city, during times indicated by way of flashing lights at such school zone(s).  
(Ord. 823; Code 2003)

14-302. **ESTABLISHING MAXIMUM SPEED LIMITS WITHIN THE CITY PURSUANT TO K.S.A. 8-1335, 8-1336, 8-1338, 8-2002, AND AMENDMENTS THERETO AS PUBLISHED IN CHAPTER 220 OF THE 1994 SESSION LAWS OF KANSAS.** In lieu of Section 33 of the Standard Traffic Ordinance for Kansas Cities, Edition of 2003, the following maximum speed limits within the city, pursuant to K.S.A. 8-1335, 8-1336, 8-1338, 8-2002, and amendments thereto as published in chapter 220 of the 1994 Session Laws of Kansas is hereby repealed.

(a) Pursuant to K.S.A. 8-1335, 8-1338 and 8-2002, the governing body,

having determined on the basis of engineering and traffic investigations that the maximum speed limits established pursuant to K.S.A. 8-1336 are greater or less than is reasonable or safe under the conditions found to exist within the corporate limits of the city, hereby deems it necessary to alter maximum speed limits established pursuant to K.S.A. 8-1336 and amendments thereto as published in chapter 220 of the 1994 Session Laws of Kansas.

(b) Except as otherwise provided in this article establishing the maximum speed limit in school zones, the following maximum speed limits are hereby established.

(1) Grand Avenue (71<sup>st</sup> Street South) from the east city limits to the west city limits: 35 mph;

(2) Main Street (Seneca South) from the north city limits to the south city limits: 35 mph;

(3) Meridian Street from the centerline of Grand Avenue (71<sup>st</sup> Street South) north to the northeast corner of the Haysville School Addition, to Haysville, Kansas adjacent to Meridian Street: 35mph;

(4) Broadway (U.S. 81 Highway) from the north city limits to the south city limits as established by the Kansas Secretary of Transportation pursuant to K.S.A. 8-1337: 45 mph;

(5) Any street in a residential district, as defined by K.S.A. 8-1456: 20 mph;

(6) Any street in a public park: 20 mph;

(7) Streets contained within the Grand Avenue Industrial Park Addition, Grand Avenue Industrial Park II Addition and Grand Avenue Industrial Park III Addition: 20 mph.

(c) Except for the speed limit established by the Secretary of Transportation described above in b(4), the maximum speed limits established herein shall be effective if official traffic control devices or signs giving notice of such maximum speed limits are erected upon or at the entrances to the highway or part thereof affected as may be more appropriate.

(d) A fine of double the amount of the fine normally applicable to and levied for exceeding the speed limit within a properly posted and designated construction zone within the city limits.

(e) Any prior ordinance of the city, inconsistent with the provisions herein, shall be deemed repealed.

(K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 693; Ord. 823; Code 2003)

14-303. ESTABLISHING SCHOOL ZONES, DEFINING THE BOUNDARIES, HOURS OF OPERATION AND MAXIMUM SPEED LIMITS OF SUCH SCHOOL ZONES.

(a) Pursuant to K.S.A. 8-1335, 8-1336(a) and 8-1338, the governing body deems it necessary and proper to establish school zones, define the boundaries, hours of operation and maximum speed limits in such school zones. The governing body expressly finds that school children crossing the street or highway as pedestrians creates a special hazard which requires a lower maximum speed limit than those set

forth in K.S.A. 8-1336 and amendments thereto as published in chapter 220 of the 1994 Session Laws of Kansas for the safety of school children.

(b) The following school zones and the respective maximum speed limit in such zone are hereby established:

<u>School Zone</u>	<u>Speed Limit</u>
(1) Nelson Elementary School: Grand Avenue from 19 feet east of the east extended curblines of South Delos to a distance of 60 feet east of the extended east curblines of North Delos, a total distance of 277 feet.	20 MPH
(2) Rex Elementary School: Grand Avenue from 58 feet east of the east extended curblines of Western to a distance of 12 feet west of the extended west curblines of Sunset, a total distance of 232 feet.	20 MPH

(c) The school zones established in section (b) above shall be in operation and in force during any day officially established as a school day by the Haysville unified school district, U.S.D. 261.

(d) The hours of operation of such school zones shall be:

(1) Nelson Elementary School:

- (i) 8:00 a.m. to 8:40 a.m.
- (ii) 11:00 a.m. to 11:15 a.m.
- (iii) 12:45 p.m. to 1:10 p.m.
- (iv) 3:30 p.m. to 4:00 p.m.

(2) Rex Elementary School:

- (i) 7:20 a.m. to 8:40 a.m.
- (ii) 11:00 a.m. to 11:15 a.m.
- (iii) 12:45 p.m. to 1:10 p.m.
- (iv) 2:40 p.m. to 3:10 p.m.
- (v) 3:30 p.m. to 4:00 p.m.

The hours of operation of such school zone during summer school shall be:

Rex Elementary School:

- (i) 7:30 a.m. to 8:30 a.m.
- (ii) 11:00 to 11:30 a.m.
- (iii) 2:30 p.m. to 2:45 p.m.
- (iv) 3:30 p.m. to 4:00 p.m.

(e) The maximum speed limits in a school zone established by or pursuant to sections (b), (c) and (d) above, shall only be effective if official traffic control devices are present indicating time of operation by way of flashing lights and maximum speed limits are posted.

(f) Any prior ordinance of the city of Haysville, inconsistent with the provisions herein, shall be deemed repealed.

(K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 771; Ord. 823; Code 2003, Code 2006)

#### **ARTICLE 4. COMMERCIAL VEHICLE SAFETY ACT**

14- 401. FEDERAL MOTOR CARRIER SAFETY REGULATIONS INCORPORATED. The Federal Motor Carrier Safety Regulations, parts 383, 385, 390-397, July 1, 2008 Edition, Management Editions, prepared and published in book form by LabelMaster, 5724 N. Pulaski Rd., Chicago, Illinois, 60646, and amendments thereto, is hereby incorporated by reference and made part of this Chapter, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, and is hereby designated as the "Commercial Vehicle Safety Act."

14-402. OFFICIAL COPY. Pursuant to K.S.A. 12-3010, at least one (1) copy of said book shall be marked or stamped "Official Copy" as incorporated by Ordinance, with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, 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 the enforcement of these regulations shall be supplied, at the cost of the City, such number of official copies of said book as may be deemed expedient.

14-403. AMENDMENTS. Sections 390.37 and 383.53 of the Federal Motor Carrier Safety Regulations, are hereby amend to read as follows: The court clerk is hereby directed to abstract all convictions of violations committed by persons holding a Commercial Driver's License (CDL) to the Driver's Control Bureau of the Department of Revenue. Any further action to a person's CDL as a result of the abstracted conviction will be at the discretion of the Driver's Control Bureau in accordance with state statutes and regulations.

14-404. PENALTIES FOR VIOLATION OF It shall be unlawful for any person to violate the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and

390-397, as herein adopted or amended. The judge of the Municipal Court may, in the manner prescribed by K.S.A. 12-4305 or any amendments thereto, establish a schedule of fines for violations of any section of the Federal Motor Carrier Safety Regulations 383, 385, and 390-397, including adopting the fine schedule utilized by the Kansas Highway Patrol. Any person who violates the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 shall, upon conviction, be fined as set forth in the City's fine schedule. Any person who violates any provision of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 for which a fine is not scheduled shall, upon conviction, shall be fined or otherwise penalized as provided in the Standard Traffic Ordinance as incorporated into the City Code, through Chapter 14, Article 1. (Code 2009)