

ORDINANCE NO. 951

AN ORDINANCE INCORPORATING THE STANDARD TRAFFIC ORDINANCE BY REFERENCE

An ordinance regulating traffic within the corporate limits of the City of Lansing, Kansas; incorporating by reference the Standard Traffic Ordinance for Kansas Cities, edition of 2015. With certain omissions, changes and additions; prescribing additional regulations; providing certain penalties and repealing ordinances numbered 930 and 942 and all other ordinances and parts of ordinances of the City of Lansing in conflict herewith.

Be it ordained by the Governing Body of the City of Lansing, Kansas:

SECTION 1.

15-101. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Lansing, Kansas, that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, Edition of 2015, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 951," 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 office copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

15-102. OMISSIONS, CHANGES, ADDITIONS AND DELETIONS TO THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

Article 1: Section 1 of said Standard Traffic Ordinance, relating to definitions, is hereby amended to add as follows:

Motorized Mini Bikes. Any motorized mini bike not more than 51 inches in length, 14 inches in width and 30 inches in height, by the manufacturer's specifications which may be propelled by either gasoline or electric power and having a seat designed to be straddled by the operator, except a motorized bicycle and electric-assisted bicycle.

(All other definitions not modified, deleted or changed shall remain in effect.)

Article 4: Section 17 of said Standard Traffic Ordinance is hereby changed to read as follows:

Display of Unauthorized Signs, Signals or Markings.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising, except for business signs included as part of official motorist service panels or roadside area information panels approved by the secretary of transportation.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the governing body is hereby empowered to remove the same or cause it to be removed without notice.
- (e) Traffic regulations on Private Property. 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 LANSING ENFORCED ON THIS PROPERTY. SPEED LIMIT 10 MPH.” (OR AS POSTED.)

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

Article 7: Section 33 of said Standard Traffic Ordinance is hereby changed to read as follows:

Maximum Speed Limits.

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as hereinafter authorized by law shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

- (1) All vehicles 20 miles per hour in any business district;

- (2) All vehicles 20 miles per hour in any park;
- (3) All vehicles 20 miles per hour in any posted school zone or any public thoroughfare on or across which children pass going to and from school during school days, from 7:00 a.m. to 8:00 a.m. and 2:45 p.m. to 3:45 p.m. on the following designated school zone area: Ida Street from Brookridge Street to 416 Ida St.; Bittersweet Street from West Mary Street to Ida Street; West Mary Street from 200 ft west of Bittersweet Street to 200 ft east of West Kay Street.
- (4) All vehicles 20 miles per hour in any residential district and on other streets within the city, if said limits were set prior to 1994. All speed limits set after 1994 shall be 30 miles an hour in any residential district or other streets within the city except where modified by engineering and traffic investigation as provided hereafter in subsection (c) of this section.

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of minimum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

Whenever the Public Works Director shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Public Works Director shall determine and declare a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Governing Body action and K.S.A. 8-1560 and 8-2002.

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

(c) Speed limits on certain streets within the City of Lansing. The governing body having determined upon the basis of an engineering and traffic investigation that the speed limit permitted under state law and Section 33 of the "Standard Traffic Ordinance" is greater or less than is reasonable under the conditions found to exist upon the city, the governing body hereby determines and declares that the reasonable and safe speed limit on the portion of the streets is as listed below. The Public Works Director is hereby directed to cause to have erected appropriate signs giving notice of such speed limit along the streets maintained by the city.

STREET	PORTION CONTROLLED	APPLICABLE SPEED LIMIT
147 th Street	4-H Road to South City Limits	40 mph

155 th Street	South to City Limits	25 mph
4-H Road	Within City Limits	40 mph
Centre Drive	4-H Road to West Mary	25 mph
Centre Drive	West Mary to East Kansas	25 mph
Clearview Drive	Stone Lane to Rock Creek Drive	20 mph
DeSoto Road	West Eisenhower to 4-H Road	35 mph
East Eisenhower Rd	North Main to North 8 th Street	35 mph
East Gilman Rd	South Main to East City Limits	35 mph
East Mary Street	US Highway 73 to ½ mile east of US Highway 73	20 mph
East Mary Street	½ mile east of US Highway 73 to City Limits	35 mph
Granite Street	Clearview Drive to Ridge Drive	20 mph
Hickory Trail	North of 4-H Road	25 mph
Ida Street	Entire Road	25 mph
Main Street	South City Limits to Rock Creek Loop	65 mph
Main Street	Rock Creek Loop to Gilman Road	50 mph
Main Street	Gilman Road to Olive Street	50 mph
Main Street	Olive Street to Eisenhower Road	40 mph
Maple Lane	Hickory Trail to South Valley Drive	25 mph
McIntyre Road	South Main to 4-H Road	35 mph
McIntyre Road	South Main to East City Limits	25 mph
Ridge Drive	147 th Street to Granite Street	20 mph
Sherwood Forest	Entire Subdivision	30 mph
Stone Lane	Clearview Drive to Ridge Drive	20 mph
West Eisenhower Road	New Lawrence to West City Limits	50 mph
West Eisenhower Road	New Lawrence to North Main	40 mph
West Gilman Road	Entire Road	25 mph
West Mary Street	Entire Road	35 mph

Article 14: Section 114.1 of said Standard Traffic Ordinance is hereby changed to read as follows:

Unlawful Operation of All-Terrain Vehicle

A. Except as provided in subsection (b), (d) (e), and (f), 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. or on any city street, alley, public parking lot, right-of-way or upon property owned by the City of Lansing.

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. 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.

D. 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 and within the corporate limits of the city as required in the fulfillment of its eradication duties.

E. Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by the City of Lansing, Kansas, or all-terrain vehicles owned and operated by persons contracting with the City of Lansing, Kansas may be allowed to operate such all-terrain vehicles upon and within the corporate limits of the city as required in the performance of its duties.

F. Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by those agencies providing emergency and first-responder services for the City of Lansing, Kansas may be allowed to operate such all-terrain vehicles upon and within the corporate limits of the city as required in the performance their duties.

G. Any person operating an all-terrain vehicle pursuant to (b), (d), (e) and (f) shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. (K.S.A. Supp. 8-15,100)

Article. 14: Section 114.2 of said Standard Traffic Ordinance is hereby changed to read as follows:

Unlawful Operation of a Micro Utility Truck.

A. It shall be unlawful for any person to operate a micro utility truck:

1. On any interstate highway, federal highway, or state highway; or
2. Within the corporate limits of any city unless authorized by such city.

B. No micro utility trucks may be operated on any public highway, street, or road unless such vehicle complies with the equipment requirements under the provisions of Article 17 of Chapter 8 of the Kansas Statutes Annotated.

C. The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a federal or state highway.

D. Notwithstanding the provisions of subsection (a), micro utility trucks owned and operated by a county noxious weed department, or micro utility trucks owned and operated by persons contracting with a county noxious weed department or the Kansas Department of

Transportation may be allowed to operate such micro utility trucks upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such micro utility trucks may be operated incidentally upon such federal highway or state highway and within the corporate limits of the city as required in the fulfillment of its eradication duties.

E. Notwithstanding the provisions of subsection (a), micro utility trucks owned and operated by the City of Lansing, Kansas, or micro utility trucks owned and operated by persons contracting with the City of Lansing, Kansas may be allowed to operate such micro utility trucks upon and within the corporate limits of the city as required in the performance of its duties.

F. Notwithstanding the provisions of subsection (a), micro utility trucks owned and operated by those agencies providing emergency and first-responder services for the City of Lansing, Kansas may be allowed to operate such micro utility trucks upon and within the corporate limits of the city as required in the performance their duties.

G. Any person operating a micro utility truck pursuant to (d), (e) and (f) shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. (K.S.A. Supp. 8-15,106)

Article 14: Sec. 114.5 of said Standard Traffic Ordinance is hereby changed to read as follows:

Unlawful Operation of a Work-Site Utility Vehicle.

A. It shall be unlawful for any person to operate a work-site utility vehicle:

1. On any interstate highway, federal highway, or state highway; or
2. Within the corporate limits of any city unless authorized by such city.

B. No work-site utility 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.

C. Notwithstanding the provisions of subsection (a), work-site utility vehicles owned and operated by a county noxious weed department, or work-site utility 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 work-site utility vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such work-site utility vehicles may be operated incidentally upon such federal highway or state highway and within the corporate limits of the city as required in the fulfillment of its eradication duties.

D. Notwithstanding the provisions of subsection (a), work-site utility vehicles owned and operated by the City of Lansing, Kansas, or work-site utility vehicles owned and operated by persons contracting with the City of Lansing, Kansas may be allowed to operate such work-site utility vehicles upon and within the corporate limits of the city as required in the performance of its duties.

E. Notwithstanding the provisions of subsection (a), work-site utility vehicles owned and operated by those agencies providing emergency and first-responder services for the City of Lansing, Kansas may be allowed to operate such work-site utility vehicles upon and within the corporate limits of the city as required in the performance of their duties.

F. Any person operating a work-site utility vehicle pursuant to (c), (d) and (e) shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. (K.S.A. Supp. 8-15,109)

Article 14: Sec. 114.6 of said Standard Traffic Ordinance is hereby added to read as follows:

Unlawful Operation of a Motorized Mini Bike. It shall be unlawful for any person to operate, or for the owner to permit the operation of, a motorized mini bike upon a street, highway, public parking lot, or property owned by the City of Lansing.

Article 14: Section 126.3 of said Standard Traffic Ordinance is hereby added to read as follows:

Littering.

(a) No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver of the vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act.

(b) "Litter" means rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass.

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways. (K.S.A. 8-15,102)

Article 17: Section 181.1 of said Standard Traffic Ordinance is hereby added to read as follows:

One-way glass and sun screening devices on vehicles registered out of state; requirements, exceptions; penalties.

(a) No motor vehicle required to be registered in another state and which is operated on the streets and highways of the City of Lansing shall be equipped with one-way glass or any sun screening device, as defined in Section 1, and used in conjunction with windshields, side wings, or front side windows, the side windows behind the driver, rear windows that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall

be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the side wing or side windows located at the immediate right and left of the driver, the side windows **immediately** behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 19% when a sun screening device is used in conjunction with other existing sun screening devices

(b) Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.

(c) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

(d) Any person convicted of violating the provisions of this section shall be guilty of traffic offense and shall be fined in an amount not to exceed \$500.

Article 19: Section 194 of said Standard Traffic Ordinance is hereby changed to read as follows:

Driving While License Canceled, Suspended or Revoked; Penalty.

(a) 1. Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a and amendments thereto, shall upon a first conviction be punished by imprisonment for not more than six months or fined not to exceed \$1,000.00, or both such fine and imprisonment. On a second conviction of a violation of this section such person shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment.

2. No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.

3. Except as otherwise provided by subsection (D), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

4. If a person:

A. is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or law prohibits the acts prohibited by those statutes; and

B. is or has been also convicted of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567 K.S.A. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment..

(b) For the purposes of determining whether a conviction is a first or second conviction in sentencing under this section, conviction includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of any state which is in substantial conformity with this section. (K.S.A. Supp. 8-262)

Article 19: Section 195.1 of said Standard Traffic Ordinance relating to Operation of a Motor Vehicle When a Habitual Violator is hereby declared to be and is omitted and deleted.

15-103. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES

A. An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

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

15-104 PENALTIES

(See Article 20: Section 201 of the Standard Traffic Ordinances)

SECTION 2.

REPEAL. Ordinances numbered 930 and 942, and all other ordinances and parts of ordinances of the City of Lansing in conflict herewith, are hereby repealed.

SECTION 3.

EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in The Leavenworth Times.

PASSED AND APPROVED by the Governing Body of the City of Lansing, Kansas, on this 3rd day of September, 2015.

{SEAL}

Louis E. Kirby, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Published: *Leavenworth Times*

Date Published:

Catalina Thompson, City Prosecutor