

ORDINANCE NO. 7728

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE *STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES*, 51ST EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 7668.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1. That Section 31-16 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-16. Incorporating Standard Traffic Ordinance.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Manhattan, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance for Kansas Cities* 51ST Edition, published 2024, 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 copy of said *Standard Traffic Ordinance* shall be marked or stamped “Official Copy as Adopted by Ordinance No. 7728,” 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.

Section 2. That Section 31-17 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-17. Amendments to the standard traffic code.

The Standard Traffic Ordinance adopted in Section 31-16 shall be amended as follows:

That Article 1, Section 1 of said Standard Traffic Ordinance is hereby changed to read as follows:

Section 1. Definitions. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context

otherwise requires. (K.S.A. 8-1401)

Alcoholic Beverage. Any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto. (K.S.A. 8-1599(a))

Alcohol Concentration. The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath. (K.S.A. 8-1013(a))

Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (K.S.A. 8-1402)

All-Terrain Vehicle. Any motorized nonhighway vehicle, other than an electric-assisted bicycle, 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires. (K.S.A. 8-1402a; 8-126)

Antique. Any vehicle, including an antique military vehicle, more than 35 years old, propelled by a motor using petroleum fuel, steam or electricity, or any combination thereof, regardless of the age or type of the components or equipment installed on the vehicle. (K.S.A. 8-166(a))

Arterial Street. Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (K.S.A. 8-1403)

Authorized Emergency Vehicle. Such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 *et. seq.*, and amendments thereto; wreckers, tow trucks or car carriers, and defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto. (K.S.A. 8-1404)

Authorized Utility or Telecommunication Vehicle. (1) A motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, or a municipality-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure

public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto; and (2) a motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provide or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto. (K.S.A. 8-15,114(e))

Autocycle. A three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it. (K.S.A. 8-1497)

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter. (K.S.A. 8-1405)

Bus. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (K.S.A. 8-1406)

Business District. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (K.S.A. 8-1407)

Chief of Police. The Chief of Police is hereby defined as the Director of the Riley County Police Department, or any member of the department designated by the Director to act in Director's place, and/or the Chief of Police for the Kansas State University Police Department, or any member of the department designated by the Chief to act in Chief's place.

Church Bus. Every bus owned by a religious organization and operated for the transportation of persons to or from services or activities of such religious organization. As used in the section, **religious organization** means any organization, church, body of communicants or groups, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place. (K.S.A. 8-1730a(a))

City or This City. The City of Manhattan, Kansas, in the Counties of Riley and Pottawatomie, and the State of Kansas.

City Traffic Engineer or Traffic Engineer. The engineer authorized by the director of public works to serve as the traffic engineer or, in the case of erecting signs, the member of the city's Traffic Division who installs the signs under direction of the Director or Public Works or traffic engineer.

Commercial Motor Vehicle. A motor vehicle designed or used to transport passengers or property, if:

- (a) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
- (b) The vehicle is designed to transport 16 or more passengers, including the driver; or
- (c) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F.

(K.S.A. 8-2,128(f))

Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk.

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or,
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (K.S.A. 8-1411)

Daycare Program. Those which provide day service for development in self-help, social, recreational, and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

Daycare Program Bus. Every bus used primarily to carry out functions of a day care program or used by a childcare facility licensed by the Kansas Department of Health and Environment who provides transportation for children six through 18 years of age. (K.S.A. 8-1730a(b))

Department or Motor Vehicle Department or Vehicle Department. The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the

department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas. (K.S.A. 8-126(e))

Digital Network. Any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with the transportation network company drivers. (K.S.A. 8-2702(a))

Director. The director of vehicles. (K.S.A. 8-1412)

Director of Public Works. The Director of Public Works of the City or any member of the Public Works Department designated by the Director to act in the Director's place.

Divided Highway. A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic. (K.S.A. 8-1414)

Division. The division of vehicles of the department of revenue. (K.S.A. 8-1413)

Drag Race. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit. (K.S.A. 8-1565(b))

Drawbar. A bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a towbar may be coupled. (K.S.A. 8-1414a)

Driveaway-Towaway Operations. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. (K.S.A. 8-1415)

Driver. Every person who drives or is in actual physical control of a vehicle. (K.S.A. 8-1416)

Driver's License. Any license to operate a motor vehicle issued under the laws of this state. (K.S.A. 8-1417)

Electric-Assisted Bicycle. A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **Class 1 electric-assisted bicycle** means an electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
- (b) **Class 2 electric-assisted bicycle** means an electric assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
- (c) **Class 3 electric-assisted bicycle** means an electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. (K.S.A. 8-1489)

Electric-Assisted Scooter. Every Self-propelled vehicle, other than an electric-assisted bicycle, that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. (K.S.A. 8-126(h))

Electronic Certificate of Title. Any electric record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 8-135d, and amendments thereto. (K.S.A. 8-126(j))

Electric Personal Assistive Mobility Device. A self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. (K.S.A. 8-1491)

Electric Vehicle. A vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electric energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (a) Residential electric service;
- (b) An electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station. (K.S.A. 8-126(j))

Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. (K.S.A. 8-1418)

Exhibition of Speed or Acceleration. Those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines and other implements of husbandry, and such term shall include every self-propelled implement of husbandry. (K.S.A. 8-1420)

Farm Trailer. Every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle. (K.S.A. 8-126(n))

Funeral Escort. Two or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel or other location where the funeral service is to be held, in daylight hours, including a funeral lead vehicle or a funeral escort. (K.S.A 8-1349(c))

Funeral Lead Vehicle. Any authorized law enforcement or nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A. 8-1723, and amendments thereto, or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle. (K.S.A 8-1349(b))

Funeral Procession. Two or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort. (K.S.A 8-1349(a))

Golf Cart. A motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour, and is designed to carry not more than six persons, including the driver. (K.S.A. 8-1495)

Governing Body. The Mayor and Commissioners of this city.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon. (K.S.A. 8-1423)

Habitual Violator. Defined as in K.S.A. 8-285.

Highway. Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term **highway** shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions. See also **Street or Highway.** (K.S.A. 8-126(q); 8-1424)

House Trailer.

- (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (c) **House Trailer** does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202. (K.S.A. 8-1425)

Identifying Numbers. The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle. (K.S.A. 8-1426)

Ignition Interlock Device. A device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage. (K.S.A. 8-1013(d))

Implement of Husbandry. Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally moved or operated upon the highways. Such term shall include, but not limited to, a fertilizer spreader or nurse tank used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership. For the purpose of this section or for the purpose of the act of which this section is a part, “implement of husbandry” shall not include

- (a) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (b) a mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (c) a truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and

amendments thereto, regardless of ownership. (K.S.A. 8-1427)

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection. (K.S.A. 8-1428)

Interstate System. The national system or interstate and defense highways. (K.S.A. 8-1428a)

Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic. (K.S.A. 8-1429)

License or License to Operate a Motor Vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- (a) Any temporary license, or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (c) Any nonresident's operating privilege. (K.S.A. 8-1430)

Lien Holder. A person holding a security interest in a vehicle. (K.S.A. 8-1431)

Light Transmission. The ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing. (K.S.A. 8-1749b(b))

Light Weight Roadable Vehicle. A multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration. (K.S.A. 8-1496)

Local Authorities. The Kansas turnpike authority and every city, county and other local board or body having authority to adopt ordinances or regulations relating to vehicular traffic under the constitution and laws of this state. (K.S.A. 8-1432)

Low-Speed Vehicle. Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500. (K.S.A. 8-1488)

Luminous Reflectants. The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material. (K.S.A. 8-1749b(c))

Mail. To deposit in the United States mail properly addressed and with postage prepaid. (K.S.A. 8-1433)

Manufacturer. Every person engaged in the business of constructing or assembling vehicles of a type required to be registered in this state. (K.S.A. 8-1434)

Metal Tire. Every tire, the surface of which, in contact with the highway, is wholly or partly of metal or other hard non-resilient material. (K.S.A. 8-1435)

Micro Utility Truck. Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. **Micro utility truck** does not include a work-site utility vehicle. (K.S.A. 8-1494)

Motor Home. Every motor vehicle designed to provide temporary living quarter for recreational, camping or travel use. (K.S.A. 8-1436)

Motor Vehicle. Every vehicle, other than a motorized bicycle, electric-assisted bicycle, or a motorized wheelchair, which is self-propelled. (K.S.A. 8-1437; 8-126(w))

Motorcycle. Every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding an electric-assisted bicycle or a tractor. (K.S.A. 8-1438)

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle. (K.S.A. 8-1439)

Motorized Bicycle. Every device, other than an electric-assisted bicycle, having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has:

- (a) A motor which produces not more than 3.5 brake horsepower;
- (b) a cylinder capacity of not more than 130 cubic centimeters;
- (c) an automatic transmission; and
- (d) the capability of a maximum design speed of no more than 30 miles per hour except a low power cycle. (K.S.A. 8-1439a)

Motorized Skateboard. A self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

Motorized Wheelchair. Any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour. (K.S.A. 8-1439c)

Narrow Width Lane. A lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane. (K.S.A. 8-1590)

No Parking Zone. The portions of a roadway which are identified by signs posted by the City of Manhattan or the Riley County Police Department as being an area in which the parking of vehicles is prohibited.

Nonreflective. A product or material designed to absorb light rather than to reflect it. (K.S.A. 8-1749b(d))

Nonresident. Every person who is not a resident of the State of Kansas. (K.S.A. 8-1440)

Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state. (K.S.A. 8-1441)

Official Time Standard. Whenever certain hours are specified, they shall mean standard time or daylight-saving time as may be in current use in this city.

Official Traffic-Control Devices. All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (K.S.A. 8-1442)

Official Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Oil Well Servicing, Oil Well Clean-out or Oil Well Drilling Machinery or Equipment. A vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment. (K.S.A. 8-126(dd))

Ordinance Traffic Infraction. 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, as amended.

Other Competent Evidence. Includes: (a) alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (b) readings obtained from a partial alcohol concentration test on a breath testing machine. (K.S.A. 8-1013(f))

Owner. A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. (K.S.A. 8-1443)

Park or Parking. 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. (K.S.A. 8-1444)

Parking Control Officer. Any city employee empowered to enforce parking violations within the City and certain sections of this ordinance where specifically authorized.

Parking Enforcement Vehicle. A City vehicle used to enforce parking violations throughout the city.

Passenger Car. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons. A motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle. (K.S.A. 8-1445; 8-2502)

Pedestrian.

- (a) Any person afoot;
- (b) Any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (c) Any person using an electric personal assistive mobility device. (K.S.A. 8-1446)

Person. Every natural person, firm, association, partnership or corporation. (K.S.A. 8-1447)

Person with a Disability. Any individual who:

- (a) Has a severe visual impairment;
- (b) Cannot walk 100 feet without stopping to rest;
- (c) Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (d) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (e) Uses portable oxygen;
- (f) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (g) Is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

Pneumatic Tire. Every tire in which compressed air is designed to support the load. (K.S.A. 8-1448)

Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (K.S.A. 8-1449)

Police Officer. Every law enforcement officer, as defined in 21-5111, authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (K.S.A. 8-1450)

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (K.S.A. 8-1451)

Racing. The use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes. (K.S.A. 8-1565(c))

Railroad. A carrier of persons or property upon cars operated upon stationary rails. (K.S.A. 8-1452)

Railroad Sign or Signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (K.S.A. 8-1453)

Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (K.S.A. 8-1454)

Recreational Off-highway Vehicle. Any motor vehicle not more than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires. (K.S.A. 8-126(ii))

Recreational Vehicle. A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the state uniform standards code for mobile homes and recreational vehicles. (K.S.A. 75-1212)

Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles. (K.S.A. 8-1455)

Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is improved in the main, with residences or residences and buildings in use for business. (K.S.A. 8-1456)

Revocation of Driver's License. The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed in K.S.A. 8-256 and amendments thereto. (K.S.A. 8-1457)

Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (K.S.A. 8-1458)

Road Construction Zone. The portions of a highway which are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended. (K.S.A. 8-1458a)

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term **roadway** as used herein shall refer to any such roadway separately but not to all such roadways collectively. (K.S.A. 8-1459)

Safety Hitch. A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the tow bar or drawbar fails or becomes disconnected. (K.S.A. 8-1459a)

Safety Zone. The area or 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. (K.S.A. 8-1460)

Samples. Includes breath supplied directly for testing, which breath is not preserved. (K.S.A. 8-1013(g))

School Bus. Every motor vehicle defined and designed as a school bus in K.S.A. 72-6486(g)(1), formerly cited as K.S.A. 72-8301(g). (K.S.A. 8-1461)

School Crossing Guard. Any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation, and who is authorized under K.S.A. 8-15,104, and amendments thereto, to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop. (K.S.A. 8-1492)

School Zone. The locations designated as school zones by Article VII of Chapter 31 of the Code of Ordinances of the city, as amended.

Secretary. The Secretary of Transportation.

Security Agreement. A written agreement which reserves or creates a security interest. (K.S.A. 8-1462)

Security Interest. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term included the interest of a lessor under a lease intended as security. A security interest is “perfected” when it is valid against third parties generally, subject only to specific statutory exceptions. (K.S.A. 8-1463)

Self-propelled Farm Implement. Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design. (K.S.A. 8-126(kk))

Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (K.S.A. 8-1464)

Sidewalk. A paved pathway upon public property intended primarily for the use of pedestrians, or that portion of a street between the curb lines, or the lateral sides of a roadway, and the adjacent property lines intended for the use of pedestrians. (K.S.A. 8-1465)

Solid Rubber Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (K.S.A. 8-1466)

Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing

machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (K.S.A. 8-1467)

Specially Constructed Vehicle. Every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. (K.S.A. 8-1468)

Stand or Standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (K.S.A. 8-1469)

State. The State of Kansas.

Stop. When required means complete cessation from movement. (K.S.A. 8-1471)

Stop or Stopping. When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (K.S.A. 8-1472)

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word “highway” or the word “street” is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise. (K.S.A. 8-1473)

Sun Screening Devices. A film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun. (K.S.A. 8-1749b(a))

Suspension of a Driver’s License. The temporary withdrawal by formal action of the division of a person’s license or privilege to operate a motor vehicle on the highways. (K.S.A. 8-1474)

Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the

right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance. (K.S.A. 8-1475)

Tow Bar. A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle. (K.S.A. 8-1476a)

Toxic Vapors. The following substances or products containing such substances:

- a) Alcohols, including methyl, isopropyl, propyl, or butyl;
- b) aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
- c) acetone;
- d) benzene;
- e) carbon tetrachloride;
- f) cyclohexane;
- g) freons, including freon 11, and freon 12 and other halogenated hydrocarbons;
- h) hexane;
- i) methyl ethyl ketone;
- j) methyl isobutyl ketone;
- k) naptha;
- l) perchlorethylene;
- m) toluene;
- n) trichloroethane; or
- o) xylene.

(K.S.A. 21-5712)

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel. (K.S.A. 8-1477)

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (K.S.A. 8-1478)

Traffic Control Signal Preemption Device. Any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal. (K.S.A. 21-6324(d))

Traffic Infraction. A violation of any of the statutory provisions listed in

subsection (c) of K.S.A. 8-2118 as amended.

Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle. (K.S.A. 8-1479)

Transportation Network Company. A corporation, partnership, sole proprietorship or other entity operating in Kansas that uses a digital network to connect transportation network company riders to transportation drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract. (K.S.A. 8-2702(e))

Transportation Network Company Driver. An individual who:

- (1) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
- (2) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensations that exceeds the individual cost to provide the ride.

(K.S.A. 8-2702(f))

Travel Trailer. Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes. (K.S.A. 8-1490)

Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property. (K.S.A. 8-1481)

Truck-Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (K.S.A. 8-1482)

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn. (K.S.A. 8-1483)

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. (K.S.A. 8-1484)

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks. (K.S.A. 8-1485)

Waste Collection Vehicle. A vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations. (K.S.A. 8-15,112(b))

Wide-Base Single Tires. All tires having a section width, as specified by the manufacturer, of 14 inches or more. (K.S.A. 8-1742b(a))

Wireless Communication Device. Any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. **Wireless Communication Device** does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function. (K.S.A. 8-15,111(a)(1))

Work-Site Utility Vehicle. Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. **Work-Site Utility Vehicle** does not include a micro utility truck. (K.S.A. 8-1493)

Wrecker or Tow Truck. Any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles. (K.S.A. 66-1329(a))

Write, Send or Read a Written Communication. Using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail. (K.S.A. 8-15,111(a)(2))

That Article 2, Section 4 of said Standard Traffic Ordinance is hereby amended to read as follows:

Sec. 4. Authority of Police.

Police officers of the city shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this city and temporary and emergency rules and regulations of the chief of police or city traffic engineer, and may at any time direct and control traffic in person or by visible or audible signals: provided, that in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances. (K.S.A. 8-2001; 8-2002)

That Article 3, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 10.2, which said section shall read as follows:

Sec. 10.2 Other Authorized Vehicles.

(a) The driver of a clearly marked City vehicle, including parking enforcement vehicles, when conducting repairs, maintenance, other duties related to City operations, or investigating or enforcing a violation of any parking ordinance within the City, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(1) The driver of a clearly marked City vehicle may park or stand, irrespective of the provisions of this ordinance or other City ordinances related to parking.

(2) The exemptions herein granted to a City vehicle stopping in a manner that blocks or hinders traffic shall apply only when such vehicle is making use of yellow visual signals at the rear of the vehicle.

(b) The driver of any clearly marked Riley County Police Department or Kansas State University Police Department vehicle designated by such police department as an authorized emergency vehicle and meeting such requirements under this ordinance may operate on any public highway or street of the City irrespective of the provisions of this ordinance relating to certain vehicles operating on City public highways or streets, except provisions prohibiting certain vehicles from operating on federal or state highways. This subsection does not relieve the driver of an authorized emergency vehicle from the duty to obey all other applicable traffic laws unless otherwise authorized in this ordinance.

(c) The foregoing subsections shall not relieve the driver of any vehicle described in this section from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

That Article 4, Section 19 of said Standard Traffic Ordinance is hereby amended to read as follows:

Sec. 19. Designation of Crosswalks and Safety Zones.

The city traffic engineer may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in their opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. The city traffic engineer may also establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians. (K.S.A. 8-2001 and K.S.A. 8-2006)

That Article 4, Section 20 of said Standard Traffic Ordinance relating to Play Streets is hereby declared to be and is omitted and deleted.

That Article 4, Section 21 of said Standard Traffic Ordinance is hereby amended to read as follows:

Sec. 21. Traffic Lanes

The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary.

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

Sec. 33. Maximum Speed Limits.

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with Section 32 or K.S.A. 8-1557, as amended, no person shall operate a vehicle at a speed greater than the posted speed limit for that area of district. If no speed limit is posted, no person shall operate a vehicle at a speed greater than the maximum limits:

- (1) In any business district, 20 miles per hour;
- (2) In any residence district, 30 miles per hour;
- (3) In all other locations, 55 miles per hour;
- (4) In any park, recreation, or open space area in the city, 15 miles per hour;
and
- (5) In any alley in the city, 20 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting

students to or from school, or functions or activities.

(c) The maximum speed limits established by or pursuant to this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto. (K.S.A. 8-1558)

Ref.: Power to change speed limits generally and regulate speed in parks and school zones. (K.S.A. 8-1560, as amended and K.S.A. 8-2002, as amended)

That Article 9, Section 50 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 50. Right, Left and U Turns at Intersections: Obedience To.

(a) The city 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 or cause to be placed 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 the signs may be removed when such turns are permitted.

(b) Whenever authorized signs are erected or temporarily displayed on a movable standard indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (K.S.A. 8-2002)

Ref.: Secs. 48, 51.

That Article 9, Section 51 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 51. U Turns; Where Prohibited.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district; nor upon any street where posted signs prohibit such movement; nor upon any other street, unless such movement can be made in safety without interfering with other traffic. (K.S.A. 8-1546)

Ref.: Secs. 48, 50.

That Article 12, Section 81 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 81. Overtaking and Passing School Bus.

(a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of Section 170, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of Section 170 of this ordinance, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

- (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;
- (2) In designated school bus loading areas where the bus is entirely off the roadway.

(c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.

(f) On a first conviction of a violation of subsection (a), the person shall be fined \$315. For a second conviction of a violation of subsection (a) within five years, the person shall be fined \$750. For a third or subsequent violation of subsection (a) within five years, the person shall be fined \$1,000.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

That Article 12, Section 82 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 82. Overtaking and Passing Church Bus or Day Care Program Bus.

(a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching

such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of Sec. 170, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.

(b) If a church bus or day care program bus is equipped with visual signals permitted by subsection (c) of Sec. 171, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus driver shall not actuate said special visual signals:

- (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
- (2) In designated loading areas where the bus is entirely off the roadway.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(d) Violation of this section is punishable by the applicable uniform fine prescribed in K.S.A. 8-2118(c), and amendments thereto, for a violation of K.S.A. 8-1556a, and amendments thereto. (K.S.A. 8-1556a)

That Article 13, Section 85 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (a) Stop, stand or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any place where official signs or yellow painted curb markings prohibit stopping; or,
- (12) Within three (3) feet of any alley's intersection with a street; the intersection is to include the flared end of the alley.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of, or on three (3) feet of either side of, a public or private driveway entrance. Driveway entrance is to include the flared end or driveway return;
- (2) Within fifteen (15) feet of a fire hydrant;
- (3) Within twenty (20) feet of a crosswalk at an intersection;
- (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
- (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station with seventy-five (75) feet of said entrance, when properly sign-posted;
- (6) At any place where official signs or yellow painted curb markings prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:

- (1) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (2) At any place where official signs or yellow painted curb markings prohibit parking.
- (3) In a front yard, as that term is defined in the Manhattan Development Code, except in parking spaces in compliance with such Development Code.

(d) Move a vehicle not lawfully under their control into any such prohibited area or away from a curb such a distance as is unlawful.

(e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)

That Article 13 Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 85.1 which said section shall read as follows:

Sec. 85.1. Enforcement by Parking Control Officer.

A Parking Control Officer is authorized to enforce Section 85(a)(1), (2), (3), (4), (5), (6), (11), (12), (b)(2), and (c)(2) of this article. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 85(a)(1), (2), (3), (4), (5), (6), (11), (12), (b)(2), and (c)(2).

That Article 13, Section 86 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 86. Stopping or Parking on Roadways.

(a) Except where angle parking is permitted by ordinance, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.

(b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way road way shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking is permitted on any roadway, as authorized by and marked by the city's traffic engineer, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. (K.S.A. 8-1572)

That Article 13, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 87.2 which said section shall read as follows:

Sec. 87.2. Enforcement by Parking Control Officer.

A Parking Control Officer is authorized to enforce Section 87 of this article. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 87.

That Article 13, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 91 which said section shall read as follows:

Sec. 91. Parking on Narrow Streets; Signs.

When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The city traffic engineer is

authorized to erect signs indicating “no parking” upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

That Article 13, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 92.1, which said section shall read as follows:

Sec. 92.1. Enforcement by Parking Control Officer.

A Parking Control Officer is authorized to enforce Section 92 of this article. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 92.

That Article 13, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 94, which said section shall read as follows:

Sec. 94. Parking Adjacent to Schools; Signs.

When official signs or markings are placed indicating no parking upon any street adjacent to any school property, no person shall park a vehicle in any such designated place. The city traffic engineer is hereby authorized to erect signs indicating “No Parking” upon either or both sides of any street adjacent to any school property when such parking would unreasonably interfere with traffic or create a hazard to traffic in such places. (K.S.A. 8-2002(a)(1))

That Article 13, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 95, which said section shall read as follows:

Sec. 95. Stopping or Parking in Hazardous or Congested Places; Signs.

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place. The city traffic engineer is authorized to determine and designate by proper signs those places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. (K.S.A. 8-2002(a)(1))

That Article 13, Section 96 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 96. Parking Prohibited at All Times in Designated Places.

When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets or City park, recreation, or open space areas so posted or signed for “No Parking.” (K.S.A. 8-1571)

That Article 13, Section 99 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 99. Loading, Unloading or Special Zones.

(a) The traffic engineer has the authority to designate or eliminate loading or unloading zones for merchandise and/or passengers, or for other similar special uses of the roadway. Whenever such zone is established, it shall be marked and designated by a sign indicating that the zone is for the loading or unloading of merchandise and/or passengers, or for the standing of delivery vehicles, taxicabs, hotel transport vehicles, buses or rental cars, or for other special use as indicated on the sign. Such zone and sign may regulate and limit the time of parking or prohibit unattended vehicles.

(b) Whenever a sign shall be placed or marked along any street or highway by the traffic engineer, giving notice on the sign of the special use of the roadway adjacent thereto, for the loading and unloading of merchandise and/or passengers or the standing of taxicabs, hotel transport vehicles, buses or rental cars, or for other special use, it shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or owned or operated by such person to be stopped, stood or parked in violation of such sign.

That Article 14, Section 104 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 104. Unsafe, inattentive and negligent driving.

Every driver operating a motor vehicle on the streets, alleys or public ways of the city shall give full attention to the safe operation of their vehicle while it is in motion. No driver of a motor vehicle in the city shall engage in any activity or do any act which interferes with the safe control of their vehicle. Any driver of a motor vehicle, whose vehicle collides with another vehicle, person, or a fixed object, because of their driving error which act is not otherwise prohibited by ordinances of this city, shall be deemed guilty of unsafe, inattentive or negligent driving and subject to penalty.

That Article 14, Section 114.4 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 114.4. Unlawful Operation of a Golf Cart.

- (a) It shall be unlawful for any person to operate a golf cart:
- (1) On any interstate highway, federal highway, or state highway;
 - (2) On any public highway or street within the corporate limits of the city.

That Article 14, Standard Traffic Ordinance is hereby changed by adding the following section, to be numbered Section 126.3, which said section shall read as follows:

Sec. 126.3. Listening or Talking on Wireless Communication Devices While Driving.

(a) Except as provided in subsection (b), no person shall operate a motor vehicle on a public road or highway while listening or talking on a wireless communication device, unless the wireless communication device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

(b) The provisions of subsection (a) shall not apply to:

- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
- (2) A driver in a motor vehicle stopped off the regular traveled portion of the roadway;
- (3) A driver talking or listening to a law enforcement agency, health care provider, fire department, or other emergency services agency, for emergency purposes;
- (4) A person who is relaying information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle; and,
- (5) A driver who uses a digital two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizen's or family radio service bands in accordance with rules of the Federal Communications Commission; or
- (6) A driver who uses an amateur radio and who holds a valid amateur radio operator license, or any other similar license related to such use, issued by the Federal Communications Commission.

(c) For the purposes of subsection (a), "hands-free" use shall mean listening or talking on a wireless communication device that has an internal feature or function, or is equipped with a temporary or permanent attachment or addition, that allows listening or talking without the use of either hand, except to activate or deactivate that function of the wireless communication device.

(d) There shall be a rebuttable presumption that any person who is driving a motor vehicle and holding a wireless communication device to, or in the immediate proximity of, their ear is listening or talking on such device in violation of subsection (a). Immediate proximity shall mean that distance that permits the person to listen or talk on such device, but shall not require physical contact with the person's ear.

That Article 15, Section 136 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted.

No person upon roller skates, roller blades, skateboard, one-wheel-board, self-balancing skateboard, toy vehicle, or similar device shall go upon any roadway except while crossing a street at a crosswalk.

That Article 17, Section 175 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 175. Mufflers.

The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

That Article 17, Section 175.1 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 175.1 Compression Release Engine Braking Systems (“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 Section 175.

(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. These systems are commonly referred to as “jake brakes.” (K.S.A. 8-1761)

That Article 17, Standard Traffic Ordinance is amended by adding the following section, to be numbered Section 175.2, which said section shall read as follows:

Sec. 175.2. Noise from Motor Vehicles.

(a) Purpose. The purpose of this section is to establish standards regulating noise from motor vehicles in the city.

(b) Definitions. Unless otherwise expressly stated, or the content clearly indicates a different intention, the following terms shall have the meaning shown:

(1) dBA means the composite abbreviation for A-weighted sound level, and the unit of sound level, the decibel.

- (2) Gross combination weight rating or GCWR means the value specified by the manufacturer as the maximum loaded weight of a combination vehicle.
 - (3) Motor vehicle means every vehicle which is self-propelled other than a motorized bicycle.
 - (4) Gross vehicle weight rating or GVWR means the value specified by the manufacturer as a loaded weight of a single vehicle.
 - (5) Sound level means the A-weighted sound pressure level measured with a fast response using an instrument complying with specifications for sound level meters of the American National Standards Institute, Inc., (ANSI/ASA S1.4/IEC 61272--2019) or the latest approved revision thereof) or its successor bodies, except that only A-weighting and fast dynamic response need be provided.
 - (6) Sound level meter will mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighting networks for the measurement of sound levels.
- (c) Operating noise limits. It shall be unlawful for any person to operate a motor vehicle, or accessories attached thereto, within the city at any time in such a manner that the sound level emitted by the motor vehicle, or the accessory, exceeds the level set forth in the table below, for the speed limit zone, regardless of the actual speed of the motor vehicle. If the vehicle is stationary or in an area where no speed limit is applicable, the sound level for 35 miles per hour or less shall apply.

Motor vehicle sound limit measured at 15 meters (50 feet). In the event the distance is less than 50 feet, such listed noise limit will be corrected to reflect the equivalent noise limits for the actual distance.

Vehicle Class	Sound Level in dBA	
	Speed limit, 35 mph or less	Speed limit, over 35 mph
Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 10,000 lbs. or more	86	90
All other motor vehicles of GVWR or GCWR of 10,000 lbs. or more	86	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	80	84

- (d) Adequate mufflers or sound dissipative devices. Every motor vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise.

Every motor vehicle at all times shall be equipped with a muffler or other effective noise suppression system and no person shall use a muffler cutout, bypass, or similar device.

- (e) Standing motor vehicles. No person shall operate the engine providing motive power, or an auxiliary engine of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than 20 minutes which such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where the vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.
- (f) Exempt vehicles. The following are exempt from the provisions of this section.
 - (1) Authorized emergency vehicles, as defined in K.S.A. 8-1404.
 - (2) Construction or agricultural equipment and street maintenance equipment.
- (g) Penalty for violation. Upon conviction of a violation of any provision herein, the violator shall be fined in any sum not to exceed \$500.00.

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

Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty.

- (a) (1) It shall be unlawful for any person to drive 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.
- (2) Except as provided in subsections (a)(3), (a)(4), and (b), 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, shall upon a first conviction be punished by imprisonment for not more than six months or fined not to exceed \$1,000 or both such fine and imprisonment. On a second or subsequent 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. In addition to any other criminal penalties provided by law, any person convicted of a violation of this section shall be subject to a fine of not less than \$100.
- (3) 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.
- (4) Except as otherwise provided by subsection (a)(5) or (b), every person

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 any violation other than a violation of K.S.A. 8-2110, and amendments thereto, or any ordinance of any city, resolution of any county or a law of another state that prohibits the acts prohibited by those statutes other than K.S.A. 8-2110, and amendments thereto, shall be sentenced to at least five days of confinement and, upon a second conviction shall not be eligible for parole until completion of five days of confinement.

(5) Except as otherwise provided by subsection (b), 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, and amendments thereto, or any ordinance of any city, resolution of any county or a law of another state, prohibiting the acts prohibited by those statutes; and,

(B) is or has been also convicted of a violation of Section 30 or 30.1 of this ordinance or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, or any ordinance of any city, 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 a person shall be in addition to such a term of imprisonment.

(b) (1) A person on a third or subsequent conviction of this section shall be sentenced to not less than 90 days of confinement and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

(B) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

(C) Was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal or involuntary manslaughter as defined in K.S.A. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or,

(D) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least

90 days' of confinement. The 90 days' confinement mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' of confinement and only if such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' of confinement.

(c) For the purposes of determining whether a conviction is a first, second, third or subsequent 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. 8-262)

That Article 20, Section 201.2 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 201.2. Failure to Comply with a Traffic Citation.

(a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:

- (1) Appear before the municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or
- (2) Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for any violations provided in subparagraph (C), the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay fines, court costs and any penalties as ordered by the court within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B). The municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the municipal court shall electronically notify the division of vehicles unless the municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result

in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of substantial compliance with the terms of the traffic citation has been furnished to the informing court unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall notify the violator that the person's driving privileges are restricted pursuant to subparagraph (B). When the court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the restriction, suspension or suspension action.

(B) (i) When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (a) In going to or returning from the person's place of employment or schooling;
- (b) in the course of the person's employment;
- (c) in going to or returning from an appointment with a healthcare provider or during a medical emergency;
- (d) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;
- (e) in going to or returning from dropping off or picking up one or more children from school or child care;
- (f) in going to or returning from purchasing groceries or fuel for their vehicle; and
- (g) in going to or returning from any religious worship service held by a religious organization.

(ii) A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:

- (a) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;
- (b) the person enters into an agreement with the court regarding the person's failure to comply; or
- (c) the rescission of the restricted driving privileges by the division of vehicles.

(iii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:

(a) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or

(b) operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.

(iv) A person operating a motor vehicle in violation of restrictions provided in clause (i) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) (i) Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto. **See Editor's Note at the end of section for Corresponding STO Sections.**

(ii) The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).

(B)(i) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:

(a) The remainder of the period of time that such person's driving privileges

are revoked; or

(b) Three years from the date when the restricted driving privileges were approved.

(ii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of a violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation.

(iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, A person shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:

(i) The suspended license that expired was issued by the division of vehicles;

(ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b) (1) and;

(iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles or until the terms of the traffic citation have been substantially complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the division of vehicles until the court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such substantial compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

(i) In going to or returning from the person's place of employment or schooling;

(ii) in the course of the person's employment;

(iii) in going to or returning from an appointment with a health care provider or during a medical emergency;

(iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(v) in going to or returning from dropping off or picking up one or

more children from school or child care;
(vi) in going to or returning from purchasing groceries or fuel of their vehicle; and
(vii) in going to or returning from any religious worship service held by a religious organization.

- (c) Except as provided in subsection (d), when the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.
- (d) The municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor.
- (e)
- (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
 - (2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive

payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

- (3) The clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

- (f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025 the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

- (g)
 - (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:
 - (a) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and
 - (b) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

 - (2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.

- (h)
 - (1) Any conviction for a failure to comply pursuant to this section shall not be considered by the municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction is more than five years old.

 - (2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.

 - (3) The provisions of this subsection shall be construed and applied retroactively.
 - (i) As used in this section, "substantial compliance" or "substantially complied" means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order. (K.S.A. 8-2110, as amended)

{Editor’s Note: The following STO sections correspond with a violation listed in (C): Sections 18, 63, 65, 67, 68, 69, 74, 83, 85, 86, 107, 124, 115, 182.2, 112, 114, 127, 129, 130, 131, 132, 133, 112.1, 114.4, and 135.1.}

- (j) This section shall take effect and be in force from and after 12:00 a.m. on January 1, 2025.

Section 3. Ordinance No. 7668 is hereby repealed.

Section 4. That Section Sec. 31-39 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby repealed and shall hereafter read as follows:

Sec. 31-39 – Reserved.

Section 5. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 19TH DAY OF NOVEMBER, 2024, BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS.

Susan E. Adamchak, Mayor

ATTEST:

Brenda K. Wolf, CMC, City Clerk

(PUBLISHED IN *THE MANHATTAN MERCURY* ON NOVEMBER 23, 2024)

ORDINANCE NO. 7728 SUMMARY

On November 19, 2024, the City of Manhattan, Kansas adopted the following ordinance:

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE *STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 51ST EDITION*, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 7668.

This ordinance implements certain Kansas state traffic laws to regulate traffic within the corporate limits of the City of Manhattan through the adoption and incorporation by reference of the Standard Traffic Ordinance for Kansas Cities, 51st Edition, published 2024 by the League of Kansas Municipalities. The ordinance also contains certain omissions, changes and additions as the City has deemed necessary or advisable. The major areas covered by the City's omissions, changes additions to the Standard Traffic Ordinance are as follows:

- 1) Authority of the city traffic engineer and public works director.
- 2) Authority of parking control officers, city vehicles, and law enforcement vehicles.
- 3) Adaptation of maximum speed limits, U-turns, stopping, standing, parking, and passing buses rules for City of Manhattan.
- 4) Regulation of listening or talking on wireless communication devices while driving.
- 5) Noise regulation of vehicles, copying provisions previously from the City's Code of Ordinances to the Standard Traffic Ordinance.

The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday – Thursday, 8 a.m. – 5 p.m., and Friday 8 a.m. – noon, and is available for at least one week following the publication date of this summary at www.cityofmhk.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.

City Attorney

Date certified: _____