

ORDINANCE NO. 2016-3111

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2016, WITH CERTAIN OMISSIONS, AMENDMENTS, AND ADDITIONAL PROVISIONS.

BE IT ORDAINED by the Governing Body of the City of Concordia, Kansas:

SECTION 1. Existing Section 19-101 of the Concordia Code is hereby repealed.

SECTION 2. The Concordia Code is hereby amended by adding a new Section 19-101, which shall read as follows:

Section 19-101. Incorporating Standard Traffic Ordinance

A. Incorporating Standard Traffic Ordinance.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Concordia, Kansas, that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, Edition of 2016, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as hereinafter omitted, deleted, modified or amended. Not less than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as adopted by Ordinance No. 2016-3111," with all sections or portions thereof intended to be omitted, deleted, modified or amended clearly marked to show any such omission, deletion, modification or amendment and to which shall be attached a copy of this incorporating ordinance, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of the Standard Traffic Ordinance, similarly marked, as may be deemed expedient.

B. Traffic Infractions and Traffic Offenses.

(a) An ordinance traffic infraction is a violation of any section of this ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, as amended.

(b) All traffic violations which are included within this ordinance or other sections of the city code, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

C. Penalty for Scheduled Fines.

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$3.00 nor more than \$500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has not been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.00.

D. Traffic Regulations on Private Property.

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

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

then such private property shall thereafter be deemed to be regulated by all traffic regulations of the city as provided by law.

E. Omissions and Amendments to Standard Traffic Ordinance .

1. Section 19 of the Standard Traffic Ordinance is hereby omitted and deleted. Section 19 authorizes the Chief of Police to designate crosswalks and safety zones. By omitting it, we are leaving this authority with the commission, the city manager, and the street and utility departments.

2. Section 20 of the Standard Traffic Ordinance is hereby amended to read as follows: Section 20. Play Streets and Alley. Whenever authorized signs are erected indicating any street or part thereof as a play street, or any alley or part thereof as a play alley, no person shall drive a vehicle upon any such street or portion thereof, or alley or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof, or alley or portion thereof.

This relieves the Chief of Police of the responsibility of designating play streets.

3. Section 21 of the Standard Traffic Ordinance is hereby omitted and deleted. This relieves the Chief of Police of the responsibility of designating traffic lanes.

4. Section 33 of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 33. Maximum Speed Limits, Restrictions and Regulation on Parking, Turning, and Flow of Traffic. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the speed limits within the City of Concordia shall be enforced as posted by the City or its duly authorized representative. Restrictions and regulations with respect to parking, turning and flow of traffic shall be enforced as posted by the City or its duly authorized representative.

The code version of Section 33 sets speed limits for business districts, urban districts, etc. Our version sets speed limits as posted by our traffic signs.

5. Subsection (a) of Section 50 of the Standard Traffic Ordinance is hereby omitted and deleted.

This relieves the Chief of Police of responsibility for designating intersections where left, right, or U turns are prohibited.

6. Subsection (b)(1) of Section 85 of the Standard Traffic Ordinance is hereby amended to read as follows:

(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 a public or private driveway; or across from or adjoining a public or private driveway in a manner that hinders entry or exit from such driveway by either: (a) obstructing the entering or exiting driver's view, or; (b) hindering the entering or exiting driver's operation of his vehicle.

The code prohibits parking in front of a driveway. Our amendment also prohibits parking across from a driveway if it hinders access or view.

7. Section 91 of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 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.

Relieves the Chief of Police from designated no parking areas.

8. Section 94 of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 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.

Relieves the Chief of Police from designated no parking areas near schools.

9. Section 95 of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 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.

Relieves the Chief of Police from responsibility for these signs.

SECTION 3. The Standard Traffic Ordinance is supplemented by the following sections of the Concordia Code.

Sec. 19-102. Careless driving. No person shall drive any vehicle in such a manner as to indicate either a careless and heedless disregard for the rights of other persons or the safety of persons or property, or in a manner which is not reasonable and prudent under the conditions then and there existing, or in a manner likely to endanger any person or property. The provisions of this section shall apply upon streets and highways and elsewhere throughout the city.

Sec. 19-103. Unnecessary spinning of tires. No person shall drive any vehicle in such a manner as to unnecessarily spin the tires of such vehicle.

Sec. 19-104. Pedestrians in crosswalks and safety zones. No person shall drive a vehicle into any crosswalk or safety zone when a pedestrian is in such crosswalk or safety zone, and the driver of a vehicle shall yield the right-of-way to any pedestrian who is entering or about to enter any crosswalk or safety zone.

Sec. 19-105. Consumption of alcoholic liquor or cereal malt beverages.

(a) No person shall consume any alcoholic liquor or cereal malt beverage while operating any vehicle upon any street or highway.

(b) Violation of this section is punishable by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for not more than six months, or both.

Sec. 19-106. Use or operation of mechanical exhaust devices.

(a) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city any mechanical exhaust device designed to aid in the stopping or braking of a vehicle, in a manner so as to create excessive, loud, or unusual explosive noise from a vehicle. This subsection shall include, but not be limited to, the procedure commonly known as jake-braking.

(b) Upon conviction of a violation of this section, a person shall be sentenced to a fine of \$100.00.

Sec. 19-107. Left turn for parking; where prohibited. The driver of any vehicle shall not make a left turn with such vehicle so as to cross an oncoming traffic lane for the purpose of parking in a public parking space.

Sec. 19-108. Parking for purpose of sale on private property. No person shall park a

vehicle for the purpose of offering the vehicle for sale on property owned by another without first obtaining the express prior written permission of the owner of the property upon which the vehicle is parked. Any vehicle so parked shall be at all times conspicuously posted with a copy of the property owner's written permission.

Sec. 19-109. Operation of work-site utility vehicles; penalties.

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

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

(c) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated.

(d) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law, and must possess a valid driver's license.

(e) A violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be a fine of not more than \$1,000.00.

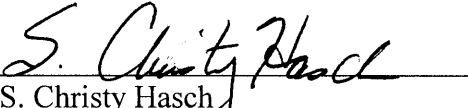
SECTION 4. This ordinance shall be summarized for publication as follows:

On August 3, 2016, the City of Concordia adopted Ordinance No. 2016-3111, amending the Concordia Code to adopt the 2016 edition of the Standard Traffic Ordinance for Kansas cities. This ordinance is updated annually to conform city traffic rules to state law, with certain exceptions and additions as stated in the ordinance. The complete text of this ordinance may be obtained and viewed free of charge at the office of the city clerk. A reproduction of this ordinance will be available for not less than one week following the publication of this ordinance at the website address of the City of Concordia, <http://www.concordiaks.org>. This summary is certified by the city attorney to be legally accurate and sufficient.


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

PASSED by the Governing Body and signed by the Mayor this 3rd day of August, 2016.

(Seal)


S. Christy Hasch
Mayor

ATTEST:


Stacey Crum
City Clerk