

CHAPTER 14 TRAFFIC

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ARTICLE 1 STANDARD TRAFFIC ORDINANCE

14-101 INCORPORATING STANDARD TRAFFIC ORDINANCE- There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of St. Francis, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2015, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance 599," 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 such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
(Code 1994; Code 2003; Ord. 599, passed 8-24-2015)

14-102 SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES- (a) An ordinance traffic infraction is a violation of any section of this article 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. Supp. 8-2118.
(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.
(Ord. 447, Sec. 2; Code 1994; Code 2003; Code 2015)

14-103 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 \$10 nor more than \$100, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violations of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.
(Ord. 447, Sec. 3; Code 1994; Code 2003; Code 2015)

ARTICLE 2 LOCAL TRAFFIC REGULATIONS

14-201 TRAFFIC CONTROL DEVICES AND MARKINGS- The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:

The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of St. Francis for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

(Code 1994; Code 2003; Code 2015)

14-202 CARELESS DRIVING PROHIBITED- No person shall operate or halt any vehicle in such a manner as to indicate a careless and heedless disregard of the rights or the safety of others, or in such a manner as to endanger, or to be likely to endanger, any person or property. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished therefore by a fine of not less than \$50, nor more than \$250.

(Ord. 385, Sec. 15-102; Code 1994; Code 2003; Code 2015)

14-203 MOTORCYCLES ON SIDEWALKS; UNLAWFUL- It shall be unlawful for any person or persons to ride any motorcycle upon any sidewalk in the city.

(Code 1978, 14-105; Code 1994; Code 2003; Code 2015)

14-204 BICYCLES ON SIDEWALKS IN CERTAIN AREAS; UNLAWFUL- It shall be unlawful for any person or persons to ride any bicycle upon the sidewalk located on Washington Street between Denison Street and Adams Street.

(Code 2003; Code 2015)

14-205 J-TURN PROHIBITED- It shall be unlawful for any person, while operating a vehicle on Washington or College city streets to make a J-turn. A J-turn is defined as either making a left-hand turn across an on-coming lane or lanes of traffic in order to park at or pull adjacent to the opposite curb from the original direction of travel or backing up from a parked position across an adjacent lane or lanes of traffic to proceed in a direction to the right of the original parked position. Any person violating the provisions of this section shall, upon

conviction thereof, be fined in an amount not less than \$10, nor more than \$50, along with the assessment of court costs.
(Ord. 555, passed 1-20-2009; Code 2015)

ARTICLE 3 ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY

14-301 DEFINITIONS- For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings:

(a) Highway The entire width between the boundary lines of every way publicly maintained highway 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 article, it means street, avenue, boulevard, thoroughfare, alley, and other public way for vehicular travel by whatever name, unless the context clearly indicates otherwise.

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

(c) Owner or Occupant A party having fee simple title in the real property, or a party having a leasehold interest in the real property, or a party who is the beneficiary of a private easement for the purpose of egress or ingress to or from said real property.
(Code 1994; Code 2003; Code 2015)

14-302 IMPOUNDING VEHICLES- The police department may cause to be impounded:

(a) Any motor vehicle unlawfully parked on a highway in violation of any provision of a city ordinance which prohibits the parking of vehicles at the place where or time when the impounded motor vehicle is found.

(b) Any motor vehicle that has been abandoned and left on a highway or other property open to use by the public for a period in excess of 48 hours pursuant to K.S.A. 8-1102.

(c) Any vehicle which interferes with public highway operations.

(d) Any motor vehicle which:

(1) Is subject to removal pursuant to K.S.A. 8-1570, or 8-1102, or

(2) Is subject to seizure and forfeiture under the laws of the state, or

(3) Is subject to being held for use as evidence in a criminal trial.

(e) Any motor vehicle, the continued presence of which, because of the physical location or condition of the vehicle.

(f) Any motor vehicle which has been abandoned or parked on any real property, other than public property or property open to use by the public, may be moved and disposed of in accordance with the terms of this article by the police department upon the request of the owner or occupant of such real property. The real property referred to herein shall not be owned or leased by the person who abandons or parks said vehicle or by the owner or lessee of such

vehicle. The city or any person, partnership, corporation or their agent conducting a business enterprise for the purpose of towing vehicles which removes such vehicle from the real property at the request of the police department shall have a possessory lien on such vehicle for the cost incurred in removing, towing and storing such vehicle. For purposes of this article, common areas shall be construed not to mean public property or property open to the public.

(Code 1994; Code 2003; Code 2015)

14-303 SAME- The police department may authorize storage of such impounded motor vehicles at any location, public or private, which is zoned for the storage of motor vehicles.

(Code 1994; Code 2003; Code 2015)

14-304 NOTICE OF IMPOUNDMENT; STORAGE OF VEHICLE- (a) When Owner Present. When the police department intends to impound a motor vehicle pursuant to Section 14-302 and the owner of the motor vehicle is then present, the police department shall before the motor vehicle is removed, provide the owner with a notice, in the form prescribed by the police department that the motor vehicle is being impounded, that towing and storage charges will be assessed against the impounded motor vehicle, that the owner may claim and regain possession of the impounded motor vehicle at the location to which it is being removed for storage without prepayment of towing and storage charges and that the owner may request a hearing as to the propriety of the impoundment and as to the amount of and the owner's liability for the towing and storage charges. The notice shall also state the location where the impounded motor vehicle will be stored and the place where the owner may make his or her request for the hearing. The notice shall also state, in prominent language, that failure by the owner to request a hearing within five days after receipt of the notice may act as a waiver of his or her right to a hearing and that this may result in the placing of a lien against the motor vehicle for the towing and storage charges without further notice to the owner; and that the motor vehicle be sold at public auction to the highest bidder for cash after 15 days from the date of the mailing of the notice. The owner of the impounded motor vehicle shall sign the notice as an acknowledgment that he or she has received a copy of the notice and a copy of the notice shall be provided to the owner.

(b) When Owner not Present. (1) When the police department impounds and removes a motor vehicle pursuant to Section 14-302(a) and the owner of the motor vehicle is not present at the time of the impoundment, the police department shall, if such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with said division, mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall be in the form prescribed by

the police department containing the same information as required by Section 14-304(a). The police department shall use reasonable diligence in determining the title owner, or if from a non-title state, the registered owner, of the vehicle, and shall inquire by mail of the office of the register of deeds of the county in which the title shows the owner resides, if registered in this state, as to whether there are any lienholders of record. If the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed to be a resident of the state whose whereabouts are unknown and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

If the owner does not reside in the state, as appears from the motor vehicle registration and the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed a nonresident of the state and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

(c) Failure or Refusal to Sign Notice. If any person required by this section to sign a notice of impoundment willfully fails or refuses to do so, or if such person cannot be found, the police department shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section.

(Code 1994; Code 2003; Code 2015)

14-305

IMPOUNDMENT AFTER REQUEST TO LEAVE MOTOR VEHICLE- In all cases wherein the owner or operator of a motor vehicle which is on a public street has requested that the motor vehicle be left unattended at that location, in lieu of impoundment of the motor vehicle pursuant to Section 14-302, the police department may honor said request for a period of time not exceeding 24 hours, after which time the motor vehicle shall either be removed from the location by the owner or operator or be impounded by the police department pursuant to Section 14-304. The police department shall be immune from liability for any damage, loss or destruction of the motor vehicle occasioned by its being left unattended pursuant to the request of the owner or operator thereof, in lieu of impoundment. Nothing in this section shall be construed to limit the authority of the police department to order the removal of a motor vehicle by its owner or operator or to impound a motor vehicle pursuant to Section 14-304 at any time whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety.

(Code 1994; Code 2003; Code 2015)

14-306

RELEASE OF MOTOR VEHICLE FROM IMPOUNDMENT- (a) Generally. Unless the vehicle is impounded pursuant to Section 14-302(b) herein, the owner of an impounded motor vehicle may secure the release of the motor vehicle from impoundment upon requesting such release and presenting proof of ownership satisfactory to the custodian of the place where the motor vehicle is stored. If the custodian is satisfied that the person making

the request is the owner or his or her authorized agent, he or she shall release the motor vehicle to the owner or his or her agent. Nothing in the preceding sentence shall preclude the owner of the impounded motor vehicle or his or her agent from paying any towing and storage charges that may be assessed against the motor vehicle, but neither the police department nor the custodian of the storage space may require payment of any towing or storage charges as a condition precedent to such release.

At the same time as the owner or his or her agent requests release of the impounded motor vehicle, and if such request is made within 40 days after the owner receives a copy of the notice of impoundment, the police department shall provide him or her an opportunity to make a request for a hearing on the propriety of the impoundment and on the amount and his or her liability for the towing and storage charges occasioned by the impoundment; provided, that if the owner or his or her agent requests release of the impounded motor vehicle more than 40 days after the owner receives a copy of the notice of impoundment, no hearing may be requested on the impoundment or on the towing and storage charges and the owner shall be conclusively presumed to have consented to the impoundment and to the amount of and his or her liability for the towing and storage charges.

(b) Security for Payment of Charges. If the ownership of the impounded motor vehicle is evidenced by a title certificate issued by the Kansas Department of Highway Safety and Motor Vehicles, the owner or his or her agent may secure the release of the motor vehicle from impoundment without the payment of any towing or storage charges or the deposit of any security for the payment thereof. If the ownership of the impounded motor vehicle is evidenced by a foreign title instrument, or if the jurisdiction in which title is recorded is not evidenced from the document establishing ownership, the owner or his or her agent, before the custodian of the place where the motor vehicle is stored authorizes release of the motor vehicle from impoundment, shall deposit with the custodian cash in the amount of the towing and storage charges to the date of the request. If the owner or his or her agent refuses to provide the cash deposit, the custodian shall not authorize release of the impounded motor vehicle but if the request is timely made, a date shall be set for the hearing on the impoundment and charges. (Code 1994; Code 2003; Code 2015)

14-307

HEARING- If the owner of an impounded motor vehicle or his or her agent timely requests the release of the motor vehicle from impoundment and a hearing on the impoundment and charges, as provided in Section 14-306, a date shall be set, not more than five days after the date of request, for the hearing. The city attorney shall provide a hearing examiner to conduct the hearings required by this section. At the hearing, the owner, his or her agent, or his or her attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his or her objections to (a) the impoundment of the motor vehicle and (b) (1) the amount of the towing and

storage charges and (2) his or her liability for the payment thereof. If the owner or his or her agent requested the hearing more than five days but not more than 40 days after the owner received a copy of the notice of impoundment, the owner, his or her agent or his or her attorney shall be required at the hearing, as a condition precedent to the presentation of any objections by the owner, to show good cause for the delay in making the request more than five days after the owner received a copy of the notice of impoundment; if good cause cannot be shown, the hearing officer shall dismiss the hearing and make the finding stated in subsection (b) below; otherwise, the hearing examiner shall proceed to hear the owner's objections. At the conclusion of the hearing on the owner's objections, the hearing examiner shall render his or her decision if the hearing examiner:

(a) Finds that the impoundment was improper, he or she shall:

(1) Find that the owner is not liable for any towing or storage charges occasioned by the impoundment and

(2) Determine whether and to what extent the city shall bear the expense of the towing and storage charges; or

(b) Finds that the impoundment was proper, he or she shall establish:

(1) The amount of the towing and storage charges to be assessed against the impounded motor vehicle and

(2) The extent of the liability of the owner for payment of the towing and storage charges so established. The decision of the hearing examiner shall be final, and a copy of the decision shall be furnished to the owner of the impounded motor vehicle, to the custodian of the place where the motor vehicle is stored and to the city attorney.

In the event that the impoundment was pursuant to K.S.A. 8-1102(b), the owner or occupant of the real property upon which the abandoned vehicle was located shall not be assessed the costs of towing and storage of the vehicle. Further, nothing within this article shall be construed to modify or affect the validity of the possessory lien of the person removing such vehicle from the real property established by K.S.A. 8-1102(b).

(Code 1994; Code 2003; Code 2015)

14-308

CHARGES CONSTITUTE A LIEN- The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to Section 14-302 shall be and constitute a lien upon the impounded motor vehicle, except as provided in this section. If the hearing examiner finds, pursuant to Section 14-307 that the impoundment was improper and if he or she determines that the city shall bear part or all of the towing and storage charges, the lien created by this section shall be discharged. If the hearing examiner finds pursuant to Section 14-306 that the impoundment was proper but that the towing and storage charges should be in an amount less than the amount of the lien, the lien created by this section shall be discharged to the extent that it exceeds the amount established by the hearing examiner. The holder of a

lien created by this section may perfect such lien in any manner provided by law, but he or she may not retain possession of the motor vehicle when it has been released pursuant to Section 14-306(a). In the event that the impounded motor vehicle is released from impoundment and the owner or his or her agent has provided security for payment of charges as required by Section 14-306(b), the lien created by this section shall also be a lien against the security so provided, subject to being wholly or partially discharged as provided in this section.

(Code 1994; Code 2003; Code 2015)

14-309

SATISFACTION OF LIEN; NOTICE OF PUBLIC SALE- The holder of a lien against a motor vehicle created by Section 14-308, to the extent that such lien has not been discharged as provided in Section 14-308 or otherwise satisfied, may enforce such lien in any manner provided by law after 60 days from the date the motor vehicle is impounded by the police department. If the owner of the motor vehicle or his or her agent has provided security for the payment of the lien as provided in Section 14-306(b), the lien shall first be satisfied out of the security so provided and, or if any portion of the lien remains unsatisfied and undischarged, may then be enforced in any manner provided by law. If the motor vehicle against which the lien is created pursuant to Section 14-308 is still under impoundment 60 days from the date it is impounded by the police department and the owner has not requested release of the motor vehicle from impoundment nor paid the towing and storage charges that are the basis for the lien, the motor vehicle shall be sold at public sale to the highest and best bidder for cash to satisfy the lien. Notice of the sale shall be given in accordance with K.S.A. 8-1102. Publication, required by K.S.A. 8-1102, may be made before the termination of the 60 day period for a sale thereafter.

(Code 1994; Code 2003; Code 2015)

14-310

REDEMPTION- If the city is to conduct the sale:

(a) Any holder of a recorded lien or retained title on a motor vehicle to be sold by the city under the provisions of Section 14-309 may claim and take possession thereof, upon payment of accrued charges and estimated costs of publication of the notice of sale to the police department and the deposit with the police department of sufficient assurance by surety bond or otherwise, approved by the city attorney, that the motor vehicle will be forthcoming for public sale thereof or upon claim of the rightful owner prior to the sale. The police department shall, within three days, make a report to the city treasurer and deliver the charges and costs so paid to the city treasurer, taking a receipt therefore and filing it, together with a duplicate copy of the report to the city treasurer, with the records in his or her office. The funds shall be held in a trust account until final disposition of the motor vehicle. Not less than five days before the date for sale of the motor vehicle, the police department shall notify the lienholder or retained titleholder shall deliver such motor vehicle to the police department at or before 12:00 noon of the day before the sale. At the sale the

amount paid shall be created on the bid of the lienholder or retained titleholder. If the lienholder or retained titleholder is the successful bidder for the motor vehicle, the police department shall report this fact to the city treasurer and then the funds previously paid by the lienholder or retained titleholder shall be relieved of the trust previously impressed and become the same as other funds received by the city for storage and costs of impounded motor vehicles. If the motor vehicle is sold for a higher bid to any person other than the lienholder or retained titleholder, the police department shall report this fact to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him out of the trust account.

(b) And if the rightful owner of the motor vehicle claims the same before the sale by payment of the accrued charges, the police department shall immediately notify the lienholder or retained titleholder in possession of the motor vehicle and he or she shall return the same to the police department within 12 hours. The police department shall report this redemption by the rightful owner to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him or her out of the trust account.

(Code 1994; Code 2003; Code 2015)

14-311

SALE PROCEEDS- The proceeds of a public sale held pursuant to Section 14-308 whether such sale was conducted by the city or by any other person, after payment of the towing and storage charges and costs and expenses incident to the sale, shall be deposited with the city treasurer, if the owner of the motor vehicle is absent from the sale, for credit to the trust account. The funds deposited in the trust account pursuant to this section shall remain in the account subject to the order of the person legally entitled thereto, but if no claim is made for these funds within a period of one year after the sale, the funds shall become the property of the city, be released from the trust account and be paid into the general fund as miscellaneous revenues.

(Code 1994; Code 2003; Code 2015)

14-312

STATUTORY PROCEDURES- Nothing in this article shall be construed to augment, diminish, supersede or otherwise interfere with any statutory procedure established by the legislature for the collection of unpaid towing and storage charges. The procedures in this article are supplementary and cumulative to any statutory procedures.

(Code 1994; Code 2003; Code 2015)

14-313

IMPLEMENTATION OF ARTICLE- The police department and city treasurer are authorized to make rules for the implementation and administration of this article.

(Code 1994; Code 2003; Code 2015)

14-314 REIMBURSEMENT FOR DISCHARGED LIENS- If a lien created by Section 14-308 and held by a private wrecker or towing firm is discharged by Section 14-308 pursuant to a determination by a hearing examiner that an impoundment was improper and that the city shall bear part or all of the towing and storage charges, the city shall pay to the firm the amount determined by the hearing examiner. No payment shall be made until it is authorized by the city attorney.
(Code 1994; Code 2003; Code 2015)

ARTICLE 4 HAZARDOUS MATERIALS

14-401 HAZARDOUS MATERIAL DEFINED- As used in this article, the term hazardous material shall mean any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, radioactive material or any substance that due to its nature may cause death, disability or injury upon contact therewith.
(Code 1994; Code 2003; Code 2015)

14-402 SAME; EXCEPTIONS- The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits.
(Code 1994; Code 2003; Code 2015)

14-403 TRANSPORTATION OF HAZARDOUS MATERIALS- Except as provided in Section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city.
(Code 1994; Code 2003; Code 2015)

14-404 HAZARDOUS MATERIAL ROUTES- The provisions of Section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:

- (a) College Street – Highway 36 to North Street
- (b) River Street – Highway 36 to Jackson Street

- (c) Benton Street –Highway 36 to North Street
 - (d) Jackson Street –North River Street to College Street
- (Code 1994; Amended for Code 2003; Code 2015)

14-405 PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS- (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code:

(1) Residence; business and residence.

(b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in Section 14-404 of this code.

(c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.

(Code 1994; Amended for Code 2003; Code 2015)

14-406 REMOVAL OF ILLEGALLY PARKED TRAILERS- If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of the situation threatening imminent injury or damage to persons or property.

(Code 1994; Code 2003; Code 2015)

ARTICLE 5 OVERWEIGHT VEHICLES

14-501 PARKING OF OVERWEIGHT VEHICLES ON PUBLIC RIGHT OF WAY- No person shall park any vehicle exceeding 10,500 pounds in weight in or on public right-of-ways.

(Ord. 541, passed 6-19-2007; Code 2015)

14-502 OVERWEIGHT VEHICLES; PROHIBITED PARKING; EXCEPTIONS- Overweight vehicles, defined as exceeding 10,500 pounds in weight and including combined gross weight of vehicles with trailers, shall be prohibited from parking on the streets or right-of-ways within the City of St. Francis, Kansas, with the following exceptions:

(a) Overweight vehicles incidental to the commercial enterprise shall be permitted on the premises of such commercial enterprise.

(b) Loading or unloading of moving vans or similar type vehicles used for moving of personal goods for a period of 24 hours or less.

(c) Obtaining a permit from the city council for overweight vehicle parking at a designated location and specific time. Said permit shall be issued at the sole discretion of the city council and shall be issued only after written application accompanied by the consents of the affected and adjoining property owners.

(d) Construction equipment and/or machinery employed in any public works project in the city parked at a site of and for the duration of such construction.

(e) Notwithstanding the specific prohibitions contained herein, the city council for the City of St. Francis, Kansas, reserves the right to designate areas for the parking of overweight vehicles in the City of St. Francis, Kansas, and such designation shall be posted at the designated location.

(Ord. 541, passed 6-19-2007; Code 2015)

14-503 **DETACHED COMMERCIAL TRAILERS-** Commercial trailers, distinguished from recreational trailers, and utilized for commercial or business purposes and defined as any wheeled vehicle without motive power on its own, and designed to be drawn by a motor vehicle, shall not be parked detached from a towing vehicle on any public right-of-way within the city.
(Ord. 541, passed 6-19-2007; Code 2015)

14-504 **PENALTIES-** Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction for each offense, shall be punished with a fine of not more than \$500.00, nor less than \$25.00. Each day during or on which a violation occurs or continues after the notice has been served shall constitute an additional or separate offense.
(Ord. 541, passed 6-19-2007; Code 2015)

14-505 **FINDING OF CITY COUNCIL-** The city council hereby finds that it has been determined that the vehicles in the categories described hereinbefore are causing and will cause serious damage to the streets of the City of St. Francis, Kansas.
(Ord. 541, passed 6-19-2007; Code 2015)

ARTICLE 6 MECHANICAL EXHAUST DEVICE

14-601 **USE PROHIBITED-** It shall be unlawful for a driver of any vehicle within the city limits to use or operate any mechanical exhaust device, commonly referred to as "jake brake", designed to aid in the stopping or breaking of said vehicle when the use or operation of said device creates excessive, loud, unusual or explosive noise.
(Ord. 489, passed 9-2-1997; Code 2003; Code 2015)

14-602 PENALTY- A person convicted of this ordinance shall be punished by a fine in the amount of \$50.00.
(Ord. 489, passed 9-2-1997; Code 2003; Code 2015)

**ARTICLE 7 ATV, WORK SITE UTILITY VEHICLES, GOLF CARTS AND
MICRO UTILITY TRUCKS**

14-701 DEFINITIONS- As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) All-terrain vehicle means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this subsection, “non-highway tire” means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b) Golf cart means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 2,400 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than six persons, including the driver.

(c) Micro utility truck means 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.

(d) Slow moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(e) Special purpose vehicle means all-terrain vehicle, golf cart, micro utility truck and work-site utility vehicle, either individually or collectively.

(f) 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. Work-site utility vehicle does not include a micro utility truck.

(Ord. 560, passed 7-13-2009; Code 2015)

14-702 OPERATION OF SPECIAL PRUPOSE VEHICLES ON CITY STREETS; SPECIAL
CONDITIONS AND RESTRICTIONS ON OPERATION-

(a) All terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, with the

exceptions of U.S. Highway 36, the access road and Washington Street in either and easterly or westerly direction. The travel restrictions as imposed herein can be waived by declaration from the City Police Chief for specific special events.

(1) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required for motorcycles.

(2) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(3) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(4) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(5) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(b) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour.

(2) No golf cart shall be operated on any federal highway, state highway or Washington Street; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal, state highway or Washington Street.

(3) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(4) It shall be illegal to operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle; the slow moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(c) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(2) No micro utility truck shall be operated on any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

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

(1) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.

(2) No work-site utility vehicle shall be operated on any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.

(Ord. 560, passed 7-13-2009; Code 2015)

14-703

SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES-

(a) No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(b) 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.

(Ord. 560, passed 7-13-2009; Code 2015)

14-704

ALL-TERRAIN VEHICLES; ADDITIONAL REQUIREMENTS-

(a) All all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in performance of their official duties.

(f) No person riding upon an all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

(Ord. 560, passed 7-13-2009; Code 2015)

14-705 ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS-

(a) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and moto vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) No person shall operate an all-terrain vehicle unless such person is wearing an eye protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.
(Ord. 560, passed 7-13-2009; Code 2015)

14-706 SAME; INSURANCE REQUIRED; PENALTY-

(a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2015 Standard Traffic Ordinance, and amendments thereto.

(b) All provisions of Section 200 of the 2015 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.
(Ord. 560, passed 7-13-2009; Code 2015)

14-707 SAME; REGISTRATION AND LICENSE; FEE; APPLICATION- Before

operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 6 shall be furnished at the time of application for registration. The annual registration fee for a special purpose vehicle shall be \$10.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferable.
(Ord. 560, passed 7-13-2009; Code 2015)

14-708 PENALTY- Unless specifically provided for herein, 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 in accordance with Section 201, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.
(Ord. 560, passed 7-13-2009; Code 2015)

14-709

REPEALER- Ordinance No. 548 of the Code of the City of St. Francis, Kansas, is hereby repealed.
(Ord. 560, passed 7-13-2009; Code 2015)