

ORDINANCE NO. 24-XX

AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; AMENDING SECTIONS 10.01.033, 10.01.134, 10.01.135.6, AND 10.01.201.1, AND REPEALING THE EXISTING SECTIONS.

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

SECTION ONE: Section 10.01.033 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.033 Maximum Speed Limits.

(a) Except as provided in subsection (b), or when a special condition or hazard exists that requires a lower speed for compliance with O.M.C. 10.01.032, the limits specified in this section or established as authorized by law shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(1) In any business district, all vehicles twenty (20) miles per hour, unless posted otherwise.

(2) In any residence district, all vehicles twenty-five (25) miles per hour, unless posted otherwise.

(3) In any posted school zone on any day school is in session during those time periods set forth on erected signs or during those times a flashing yellow beacon is in operation with an erected sign, all vehicles twenty-five (25) miles per hour, unless posted otherwise; ~~except for between the hours of 7:00 A.M. and 9:30 P.M. seven days a week for the Kansas School for the Deaf.~~

(4) On any separated multilane highway as designated and posted by the Secretary of Transportation, all vehicles seventy-five (75) miles per hour.

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(5) On any county or township highway, all vehicles 55 miles per hour.

(6) On all other highways unless posted otherwise, all vehicles 65 miles per hour.

(7) In any park under the jurisdiction of this City, all vehicles 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 shall also 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 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, 8-1560, and 8-2002, and amendments thereto.

(d) Whenever the City Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street, the said City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereon which shall be effective at all times during the daytime or nighttime when appropriate signs giving notice thereof are erected on such streets, pursuant to K.S.A. 8-1560 and 8-2002. As used in this section, daytime means from a half hour before sunrise to a half hour after sunset; nighttime means any other hour.

(e) The maximum speed to be posted within each school zone shall be determined by the City Traffic Engineer provided the speed limit shall not be less than 20 miles per hour. The City Traffic Engineer shall determine the school zone times within the City."

SECTION TWO: Section 10.01.134 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.134 ~~Application of Sections 10.01.127 Through 10.01.133 to~~ Motorized Bicycles.

(a) The provisions of Sections 10.01.127 through 10.01.133, inclusive, shall be applicable to motorized bicycles and every person operating a motorized bicycle shall be subject to the provisions thereof. [Motorized bicycles are subject to the vehicle registration requirements of K.S.A. 8-127 and Section 10.01.198.](#)

(b) No person shall operate a motorized bicycle upon a highway unless such person:

(1) Has a valid driver’s license that entitles the licensee to drive a motor vehicle in any class or classes;

(2) Is at least fifteen (15) years of age, has passed the written and visual examinations required for obtaining a Class C driver’s license and the Division has issued such person a Class C license that clearly indicates that such license is valid only for the operation of motorized bicycles; or

(3) Has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five (5) years, has not been convicted of a violation of K.S.A. 8-1568(b), and amendments thereto, in the last five (5) years, and has made application to the Division for issuance of a Class C license for the operation of motorized bicycles, in accordance with subsection (b)(2) of this section.

Violation of this subsection is a Class B public offense.

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(c) Regardless of the design capability, motorized bicycles shall only be used to transport one (1) person (the operator).

(d) Motorized bicycles shall not be operated on any highway having a posted speed limit ~~in excess of~~ greater than thirty-five (35) miles per hour unless said highway shall consist of four (4) or more lanes. In no event shall a motorized bicycle be operated upon a highway having a posted speed limit greater than forty-five (45) miles per hour.

(e) In no event shall any motorized bicycle be operated on the federal interstate highway systems within this City.”

SECTION THREE: Section 10.01.135.6 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.135.6 Unlawful Operation of a Micro Utility Truck.

(a) It shall be unlawful for any person to operate a micro utility truck:

(1) On any interstate highway, federal highway, or State highway;
or

(2) On any public highway or street within the corporate limits of the City of Olathe unless ~~authorized by the City;~~

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

(ii) all insurance and driver’s license requirements imposed by state law or this chapter on or for the operation of motor vehicles have been met with regard to such vehicle.

(c) The provisions of subsection (a) of this section shall not prohibit a micro utility truck from crossing a federal or State highway.”

SECTION FOUR: Section 10.01.201.1 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.201.1 Failure to Comply with 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 ~~in full~~ any fine and court costs imposed as ordered by the court; or

(2) Otherwise comply with a traffic citation issued for an ordinance ~~traffie~~ 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) of this Section, when a person fails to comply with a traffic citation, except for ~~illegal parking, standing or stopping~~, any violations provided in paragraph (b)(1)(C), the municipal court shall mail notice to the person that if the person does not appear in municipal court or pay ~~all~~ fines, court costs, and any penalties as ordered by the court within thirty (30) days from the date of mailing, the Division of Vehicles will be notified to suspend the person’s driving privileges unless such person is eligible for restricted driving privileges as provided in K.S.A. 8-2110, and amendments thereto. The municipal ~~judge~~ court may charge an additional fee of Five Dollars (\$5.00) for mailing such notice. Upon the person’s failure to comply within such thirty (30) days, the municipal court shall electronically notify the Division of Vehicles unless the 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

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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 in accordance with the provisions of K.S.A. 8-2110. When the municipal 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 municipal court, the division of vehicles shall terminate the restriction, suspension, or suspension action.

(B) A person operating a motor vehicle in violation of restrictions provided in K.S.A. 8-2110 shall be guilty of operating a vehicle in violation of restrictions as provided in OMC 10.01.195.

(C) Violations of the following sections shall not provide the basis for a violation of this section: OMC 5.44.020(D), 9.06.020, 9.06.025, 9.06.080, 9.07.130, 9.07.140, 9.07.150, 9.07.160, 9.11.010, 10.01.018, 10.01.063, 10.01.065, 10.01.067, 10.01.068, 10.01.069, 10.01.074, 10.01.083, 10.01.085, 10.01.086, 10.01.105, 10.01.107, 10.01.112, 10.01.115.1, 10.01.122, 10.01.124, 10.01.127, 10.01.129, 10.01.130, 10.01.131, 10.01.132, 10.01.133, 10.01.135.1, 10.01.135.3, 10.01.135.7, 10.01.174.1.

(E) The provisions of paragraph (b)(1)(C) shall be construed and applied retroactively. A person may petition the municipal court if the person should have complied with a citation from the court that led to a prior violation of this section. If the municipal court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this ordinance, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the municipal court, the division of vehicles shall terminate any restriction,

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suspension, or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under subsection (b)(1), the driver may submit to the division of vehicles a written request for restricted driving privileges in accordance with the provisions of K.S.A. 8-2110. The driver may apply and be eligible for restricted driving privileged pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to subsection (b)(1).

(B) 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 motor vehicles a written request for restricted driving privileges in accordance with the provisions of K.S.A. 8-2110.

(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 in accordance with the provisions of K.S.A. 8-2110.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles until the terms of the traffic citation have been substantially complied with and the municipal court shall immediately electronically notify the division of vehicles of such substantial 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 municipal 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

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such compliance from the municipal 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 circumstances set forth in K.S.A. 8-2110 for such restricted driving privileges.

(c) Except as provided in subsection (d) of this Section, when the municipal court notifies the Division of Vehicles of failure to comply with a traffic citation pursuant to subsection (b) of this Section, the court shall assess a reinstatement fee of One Hundred Dollars (\$100.00) ~~for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving purposes.~~ Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties.

(d) The municipal court shall waive the reinstatement fee provided for in subsection (c) of this Section, if the failure to comply with a traffic citation was the result of such person enlisting 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.

(e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) of this Section may petition the municipal court ~~that assessed the fee~~ at any time to waive payment of the fee, 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 municipal court 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

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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) (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 municipal 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.

(g) (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) The provisions of this subsection shall be construed and applied retroactively.

(h) As used in this section, "substantial compliance" or "substantially complied" means the person has followed the orders of the municipal 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."

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SECTION FIVE: Existing Sections 10.01.033, 10.01.134, 10.01.135.6, and 10.01.201.1 are hereby repealed.

SECTION SIX: This Ordinance shall take effect and be in force from and after January 1, 2025, and its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2024.

SIGNED by the Mayor this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.