

ORDINANCE NO. 19-61

AN ORDINANCE AMENDING OLATHE TRAFFIC ORDINANCE; ADDING NEW SECTIONS 10.01.006.2, 10.01.035.1, 10.01.135.1, 10.01.160.1 AND 10.01.169.1, AMENDING SECTIONS 10.01.030.2, 10.01.076, 10.01.081, 10.01.114.1, 10.01.114.4, 10.01.114.5, 10.01.156, 10.01.158, 10.01.169, 10.01.173, 10.01.181, 10.01.182.1, 10.01.193, 10.01.201, 10.01.201.1 AND 10.01.001; PERTAINING TO THE OLATHE TRAFFIC ORDINANCE; AND REPEALING THE EXISTING SECTIONS.

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

NEW SECTION ONE: Section 10.01.006.2 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.006.2 Compliance with Regulations in Road Construction Zone; Flagman.

It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in a road construction zone or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone.”

NEW SECTION TWO: Section 10.01.035.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.035.1 Special Speed Limitations Applicable to Certain Vehicles and Portions of Highways.

(a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of fifty-five miles per hour.

(b) No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum which can be maintained with safety to

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such bridge or structure, when such structure is signposted as provided in this section.

(d) The Secretary of Transportation and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the Secretary or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained not less than one hundred feet before each end of such structure.

(e) Upon the trial of any person charged with a violation of this section, proof of said determination of maximum speed by said Secretary and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure."

NEW SECTION THREE: Section 10.01.135.1 is hereby added to the Olathe Municipal Code to read as follows:

"10.01.135.1 Electric-Assisted Scooters, Traffic Law Application.

(a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.

(b) Traffic regulations applicable to bicycles shall apply to electric-assisted scooters.

(c) The Governing Body may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk in the City.

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(d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.”

NEW SECTION FOUR: Section 10.01.160.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.160.1 Wreckers, Tow Trucks or Car Carriers; Operation of Emergency Lights; When.

(a) Wreckers, tow trucks or car carriers designated as authorized emergency vehicles under subsection (c) of K.S.A. 8-2010, and amendments thereto, or O.M.C. 10.01.001 shall operate such lights authorized under K.S.A. 8-1720, and amendments thereto, and O.M.C. 10.01.160 only when such wreckers, tow trucks or car carriers are stationary and providing wrecker or towing service at the scene of a vehicle accident or providing emergency service on the side of a highway."

NEW SECTION FIVE: Section 10.01.169.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.169.1 Transportation Network Lighting Device.

(a) A driver for a transportation network company, who is logged on to the transportation network company's digital network, may equip the vehicle with a lighting device capable of displaying light visible from directly in front of the center of the vehicle. Such lighting device may display:

- (1) Steady light; and
- (2) light of any color, except red.

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(b) The words and phrases used in this section have the meanings respectively ascribed thereto in 10.01.001 and K.S.A. 8-2702, and amendments thereto, unless a different meaning is plainly required by the context."

SECTION SIX: Section 10.01.030.2 of the Olathe Municipal Code is hereby amended to read as follows:

"10.01.030.2

Preliminary Breath Test.

~~(a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath subject to the provisions set out in subsection (b).~~

~~(b)~~(a) A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath to determine the alcohol concentration of the person's breath, or oral fluid, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol and drugs or both alcohol and drugs.

~~(c) At the time the test is requested, the person shall be given oral notice that:~~

~~(1) There is no right to consult with an attorney regarding whether to submit to testing;~~

~~(2) Refusal to submit to testing is a traffic infraction; and~~

~~(3) Further testing may be required after the preliminary screening test.~~

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~~Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.~~

(d)(b) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.

(c) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1, 107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto."

SECTION SEVEN: Section 10.01.076 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.076 Obedience to Signal Indicating Approach of Train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not

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proceed until ~~he or she~~ such driver can do so safely. The foregoing requirements shall apply when:

- (1) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;
- (2) a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;
- (3) a railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; or
- (4) an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed."

SECTION EIGHT: Section 10.01.081 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.081 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 10.01.170(a), 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.

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(b) Every school bus shall be equipped with red visual signals meeting the requirements of 10.01.170(a), 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:

(1) 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.

(e) Any person violating subsection (a) of this section shall be guilty of a violation of this Chapter and subject to a fine of Three Hundred and Fifteen Dollars (\$315.00), except that any person convicted of violating any provision of this section within five (5) years of the first conviction shall be guilty of a violation of this Chapter and

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subject to a fine of Seven Hundred and Fifty Dollars (\$750.00). Any person convicted of violating subsection (a) of this section for a third or subsequent time, within five (5) years of the second or subsequent conviction, shall be subject to a fine of One Thousand Dollars (\$1000.00).

~~(e)(f)~~ The provisions of this section shall be subject to the provisions contained in K.S.A. Supp.8-2009a, and amendments thereto. ~~(K.S.A. 8-1156)~~"

SECTION NINE: Section 10.01.114.1 of the Olathe Municipal Code is hereby amended to read as follows:

"10.01.114.1 Unlawful Operation of All-Terrain Vehicle or Recreational Off-highway Vehicle.

(a) Except as provided in Subsection (b), (c) or (d) it shall be unlawful for any person to operate an all-terrain vehicle or a recreational off-highway vehicle:

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

(2) Within the corporate limits of the City of Olathe, unless operated on private property with the consent of the property owner for non-recreational property maintenance and/or agricultural purposes, or operated by the City of Olathe or any unified school district for public safety and/or property maintenance purposes.

(b) Notwithstanding the provisions of Subsection (a), all-terrain vehicles or recreational off-highway vehicles owned, operated or contracted by a county noxious weed department or the Kansas Department of Transportation may be used for the eradication of noxious weeds. The Kansas Department of Transportation may be allowed to operate such all-terrain vehicles or recreational off-highway vehicles upon the right-of-way of any federal highway or

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state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles or recreational off-highway vehicles may be operated incidentally thereto upon such federal highway or state highway.

(c) Notwithstanding the provisions of Subsection (a), all-terrain vehicles or recreational off-highway vehicles may be operated to cross a federal highway or state highway.

(d) Notwithstanding the provisions of Subsection (a)(1), persons engaged in agricultural purposes may operate all-terrain vehicles or recreational off-highway vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the all-terrain vehicle or recreational off-highway vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) The operator of the all-terrain vehicle or recreational off-highway vehicle must operate the all-terrain vehicle or recreational off-highway vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) The purpose of the trip using the all-terrain vehicle or recreational off-highway vehicle must be for agricultural purposes.

(e) No all-terrain vehicle or recreational off-highway vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles."

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SECTION TEN: Section 10.01.114.4 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.114.4 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; or~~
 - (2) ~~On any public highway or street or highway within the corporate limits of the City of Olathe unless authorized by the City.~~
 - (3) ~~On any street or highway with a posted speed limit greater than thirty (30) miles per hour.~~
- (B) The provisions of subsection (A)(1) of this Section shall not prohibit a golf cart from crossing a ~~federal or state highway or a street or highway with a posted speed limit in excess of thirty (30) miles per hour.~~
- (C) ~~A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with: (1) lights as required by law for motorcycles; and (2) a properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.”~~

SECTION ELEVEN: Section 10.01.114.5 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.114.5 Unlawful Operation of a Work-Site Utility Vehicle.

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway; or

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(2) Within the corporate limits of the City of Olathe unless authorized by the City.

(b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) The operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) The purpose of the trip using the work-site utility vehicle must be for agricultural purposes.

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

SECTION TWELVE: Section 10.01.156 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.156 Lamps or Flags on Projecting Loads.

(a) Whenever the load upon any vehicle extends more than six inches beyond the sides or four feet or more beyond the rear of

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the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in 10.01.144, two red lamps visible from a distance of at least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section.

(b) No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(c) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with a bumper.

(d) Any vehicle or combination of vehicles transporting passenger vehicles or other motor vehicles may carry a load which extends no more than four feet beyond the front and six feet beyond the rear of the transporting vehicle or combination of vehicles."

SECTION THIRTEEN: Section 10.01.158 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.158 Lamps on Other Vehicles and Equipment.

(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in 10.01.143, not specifically required by the provisions of other sections in this ordinance to be equipped with

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lamps or other lighting devices, shall be equipped, at all times specified in 10.01.144, with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.

(b) Every animal-drawn vehicle shall be equipped at all times with a slow-moving vehicle emblem complying with subsection (g) of K.S.A. 8-1717."

SECTION FOURTEEN: Section 10.01.169 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.169 Special Restrictions on Lamps.

(a) During the time specified in 10.01.144 any lighted lamps or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps, and school bus warning lamps which project a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in 10.01.160, 10.01.169.1, and 10.01.170, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

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(c) Flashing lights are prohibited except as authorized or required in 10.01.160, 10.01.161, 10.01.163(e), 10.01.170, 10.01.171 and 10.01.172.

(d) The flashing lights described in 10.01.160, 10.01.170 and 10.01.171 shall not be used on any vehicle other than a school bus, church bus or day program bus as defined in 10.01.171, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber."

SECTION FIFTEEN: Section 10.01.173 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.173 Brakes; Performance Requirements.

(a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop such vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface.

(b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold such vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice or loose material.

(c) When necessary for the safe operation of any vehicle or class of vehicles, the Secretary of Transportation may require additional braking systems. Every vehicle must comply with any additional requirements.

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~~(c)(d)~~ The provisions of this section shall not apply to vehicles registered pursuant to K.S.A. 8-166 et seq. and any amendments thereto."

SECTION SIXTEEN: Section 10.01.181 of the Olathe Municipal Code is hereby amended to read as follows:

"10.01.181 One-Way Glass and Sun Screening Devices.

(a) No motor vehicle required to be registered in this state and ~~which~~ that is operated on the highways of this City shall be equipped with one-way glass or any sun screen device, as defined in Section 10.01.001, and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;

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

(3) The total light transmission shall not be less than 35 percent when a sun screening device is used in conjunction with other existing sun screening devices.

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

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(c) The provisions of subsection (a) shall not apply to the installation, affixation or application of a clear, colorless and transparent material that may be installed, affixed or applied to the windshields, side wings, side windows or rear windows of a motor vehicle if the following conditions are met:

(1) The material has a minimum visible light transmittance of 78%;

(2) The window glazing with the material applied meets all the requirements of federal motor vehicle safety standard no. 205, including the specified minimum light transmittance of 70% and the abrasion resistance of AS-14 glazing, as specified in that federal standard.

(3) The material is designed and manufactured to enhance the ability of the existing window glass to block the sun's harmful ultraviolet A or B rays;

(4) The driver or occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist that:

(A) Identifies with reasonable specificity the driver or occupant of the vehicle; and

(B) States that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with the material is necessary to safeguard the health of the driver or occupant of the vehicle; and

(C) If the material described in this subsection tears or bubbles, or is otherwise worn to prohibit clear vision, it shall be removed and replaced.

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(d) Any driver who is issued a citation for failure to possess a signed statement pursuant to subsection (c)(4) shall have 60 days to either produce in court a signed statement or remove the material described in subsection (c). If such driver produces the signed statements or submits proof to the satisfaction of the court that the material described in subsection (c) has been removed, then the court shall dismiss the citation.

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

~~(d)~~(f) No motor vehicle required to be registered in this state ~~which that~~ is operated on the highways of this City shall be equipped with head lamps ~~which that~~ are covered with any sun screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(e)~~(g) Any person violating the provisions of (a), (c) or (d) of this Section shall be in violation of this Chapter and punished as provided in Section 10.01.201.

~~(f)~~(h) Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of this Section, upon conviction, shall be guilty of a violation of this Chapter and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) month or by both such fine and imprisonment."

SECTION SEVENTEEN: Section 10.01.182.1 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.182.1 Safety Belts.

(a) Except as provided in Section 10.01.182 and in subsection (b) or (c) of this Section, each occupant of either a passenger car manufactured with safety belts in compliance with

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federal motor vehicle safety standard No. 208 or an autocycle, who is eighteen (18) years of age or older, shall have a safety belt properly fastened about such person's body at all times when the vehicle is in motion.

(b) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard No. 208 or an autocycle, who is at least fourteen (14) years of age but less than eighteen (18) years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(c) This Section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or

(4) An occupant of a passenger car or autocycle required to be protected by a safety restraining system under the Child Passenger Safety Act, K.S.A. 8-1343 et seq.

(d) Law enforcement officers shall not stop drivers for violations of subsection (a) of this Section by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a) of this Section by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

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(e)

(1) Persons violating subsection (a) of this Section shall be guilty of a traffic infraction and be fined Thirty Dollars (\$30.00); and

(2) Persons violating subsection (b) of this Section shall be guilty of a traffic infraction and be fined Sixty Dollars (\$60.00).

(f) For purposes of this Section, "passenger car" means 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 ten (10) passengers or fewer, including vans, but excluding motorcycles and motor-driven cycles. (K.S.A. 8-2502.)

(g) For purposes of this Section, "safety belt properly fastened about such person's body at all times when the vehicle is in motion" means the safety belt is secured across the occupant's lap with the shoulder restraint passing over the occupant's shoulder and across the occupant's chest."

SECTION EIGHTEEN: Section 10.01.193 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.193 Driver’s License in Possession.

Every licensee shall have ~~his or her~~ such person's driver's license in ~~his or her~~ such person's immediate possession at all times when operating a motor vehicle or motorized bicycle, and shall display the same upon demand of any law enforcement officer when the license is in such person's immediate possession at the time of the demand. However, no person charged with violating this section shall be convicted if such person produces in court a driver's license theretofore issued to such person and valid at the time of arrest."

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SECTION NINETEEN: Section 10.01.201 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.201 Penalties.

(a) It is unlawful for any person to violate any of the provisions of this Chapter.

(b) The judge in the municipal court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish scheduled fines for violation of any section of this Chapter classified as a traffic infraction by K.S.A. 8-2118, and amendments, thereto, and section 10.01.181. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation ~~and payment of the fine and any court costs.~~

(c) A person who has been convicted of a traffic infraction ~~may shall~~ be sentenced to pay a fine which shall be fixed by the court, not exceeding Five Hundred Dollars (\$500.00), subject to the penalties otherwise provided in the Olathe Traffic Ordinance.

(d) ~~Any Every~~ person convicted of a violation of any of the provisions of the Olathe Traffic Ordinance shall be punished, ~~subject to the penalties otherwise provided in the Olathe Traffic Ordinance or this adopting ordinance by a fine described in the Olathe Traffic Ordinance or the schedule of fines established by the judge of the municipal court. If no such fine is established the convicted person shall be punished~~ by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment in jail for not more than one year, or be both so fined and imprisoned. Each day during or upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.”

SECTION TWENTY: 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; 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) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, 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 within thirty (30) days from the date of mailing, the Division of Vehicles will be notified to suspend the person's driving privileges. The municipal judge 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.

(c) Except as provided in subsection (d) when the municipal court notifies the Division of Vehicles of failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of ~~Fifty-Nine Dollars (\$59.00)~~ 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.

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~~(c)(d)~~ The municipal court shall waive the reinstatement fee provided for in subsection ~~(b)(c)~~, 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 ~~s~~State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

(e) 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, 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."

SECTION TWENTY-ONE: Section 10.01.001 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.001 Definitions.

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

“Alcoholic beverage” means 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.

“Alcohol concentration” means the number of grams of alcohol per one hundred (100) milliliters of blood or per two hundred ten (210) liters of breath.

“Alcoholic liquor” means alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or

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beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than three and one-fifths percent (3.2%) alcohol by weight.

“Alley” means 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.

“All-terrain vehicle” means any motorized nonhighway vehicle fifty inches (50") or less in width, having a dry weight of one thousand five hundred (1,500) pounds or less, traveling on three or more nonhighway tires.

“Arterial street” means 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.

“Authorized emergency vehicle” means such fire department vehicles, 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, as defined by K.S.A. 66-1329, and amendments thereto, having a certificate of public service from the state corporation commission, and when operating under the direction of a duly authorized law enforcement officer; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010 and amendments thereto.

“Autocycle” means a three (3) wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

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“Bicycle” means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen inches (14") in diameter.

“Bus” means every motor vehicle designed for carrying more than ten (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.

“Business district” means the territory contiguous to and including a highway when within any six hundred feet (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 three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway.

“Cancellation of a driver’s license” means the annulment or termination by formal action of the Division of a person’s driver’s license because of some error or defect in the license or because the licensee is not entitled to such license, but the cancellation of a license is without prejudice; and application for a new license may be made at any time after such cancellation.

“Cereal malt beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but not including any such liquor which is more than three and one-fifths percent (3.2%) alcohol by weight.

“Chief of Police” means the Chief of Police of the City, or any member of the police department of the City designated by the Chief of Police to act in his or her place.

“Church bus” means 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

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this Section, religious organization means any organization, church, body of communicants or group, 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.

“City or this City” means the City of Olathe, Kansas.

“City Traffic Engineer” means the Chief Traffic Engineer for the City or any member of the City Traffic Department designated by the Chief Traffic Engineer to act in his or her place.

“Commercial motor vehicle” means a motor vehicle designed or used to transport passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of twenty six thousand one (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;

(2) The vehicle is designed to transport sixteen (16) or more passengers, including the driver; or

(3) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F, effective January 1, 1991.

“Compression release engine braking system” means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

“Controlled-access highway” means 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

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by the public authority having jurisdiction over such highway, street or roadway.

“Crosswalk” means:

- (1) 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
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Day care program” means 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.

“Day care program bus” means every bus used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas Department of Health and Environment who provides transportation for children six (6) through eighteen (18) years of age.

“Digital network” means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

“Director” means the director of vehicles.

“Divided highway” means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier or

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by a clearly indicated dividing section so constructed as to impede vehicular traffic.

“Division” means the Division of Vehicles of the Department of Revenue.

“Drag race” means 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.

“Drawbar” means 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 tow bar may be coupled.

“Driveaway-towaway operations” means any operation in which any motor vehicle, trailer or semi-trailer, 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.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Driver’s license” means any license to operate a motor vehicle issued under the laws of this state, or any other state.

“Electric-assisted bicycle” means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle’s electric motor must have a power output of no more than one thousand (1,000) watts, be incapable of propelling the device at a speed of more than twenty

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(20) miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty (20) miles per hour.

“Electric-assisted scooter” means every self-propelled vehicle 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.

“Electric personal assistive mobility device” means a self-balancing two (2) nontandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

“Electric vehicle” means 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:

- (1) Residential electric service;
- (2) 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.

“Essential parts” means 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.

“Exhibition of speed or acceleration” means those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including

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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.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements, such as drawing plows, mowing machines and other implements of husbandry, in any manner consistent with the structural design of such power unit.

“Flammable liquid” means any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

“Golf cart” means a motor vehicle that has not less than three (3) wheels in contact with the ground, an unladen weight of not more than one thousand eight hundred (1,800) pounds, is designed to be and is operated at not more than twenty-five (25) miles per hour and is designed to carry not more than four (4) persons including the driver.

“Governing Body” means the Mayor and Council of this City.

“Gross weight” means the weight of a vehicle without load plus the weight of any load thereon.

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Highway. See “Street or Highway.”

“House trailer” means:

(1) A trailer or semi-trailer 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

(2) A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection (1) of this definition, 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.

(3) House trailer does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202.

“Identifying numbers” means the numbers, and letters, if any, on a vehicle designated by the Division for the purpose of identifying the vehicle.

“Ignition interlock device” means 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.

“Implement of husbandry” means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a farm tractor; a self-propelled farm implement; a fertilizer spreader, nurse tank or truck

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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; a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; 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.

“Intersection” means:

(1) 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 (2) 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

(2) Where a highway includes two (2) roadways thirty feet (30') 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 (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection. The junction of an alley with a street or highway shall not constitute an intersection.

“Interstate system” means the national system of interstate and defense highways.

“Intoxicating liquor” means any alcoholic liquor, beer, cereal malt beverage, nonalcoholic malt beverage, spirit or wine.

“Laned roadway” means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

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“License or license to operate a motor vehicle” means 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:

- (1) Any temporary license or instruction permit;
- (2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (3) Any nonresident’s operating privilege.

“Light transmission” means 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.

“Litter” is as defined in Section 10.01.105.

“Low pressure tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of twelve inches (12") or less, and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the vehicle manufacturer.

“Low-speed vehicle” means any four (4) wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (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.

“Luminous reflectants” means 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.

“Mail” means to deposit in the United States mail properly addressed and with postage prepaid.

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“Manufacturer” means every person engaged in the business of manufacturing motor vehicles, trailers or semi-trailers.

“Metal tire” means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

“Micro utility truck” means any motor vehicle which is not less than forty-eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred sixty inches (160"), has an unladen weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (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 or recreational off-highway vehicle.

“Motor home” means every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use.

“Motor vehicle” means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground including, but not limited to, vehicles commonly known as autocycles, pocket bikes, miniature motorcycles, miniature choppers and similar motorized vehicles, but excluding a tractor.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached except a motorized bicycle, a low power cycle or an electric-assisted bicycle.

“Motorized bicycle” means every device having two (2) tandem wheels or three (3) wheels, which may be propelled by either

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human power or helper motor, or by both, and which has: (1) A motor which produces not more than three and one-half (3.5) brake horsepower; (2) a cylinder capacity of not more than one hundred thirty (130) cubic centimeters; (3) an automatic transmission; and (4) the capability of a maximum design speed of no more than thirty (30) miles per hour.

“Motorized scooter” means any tandem-wheeled device powered by a gas or electric motor that has a skateboard-type deck and handlebars, and either is designed to be stood upon by the operator, or one with a seat mounted on the deck designed to be sat upon by the operator. Motorized scooters shall be considered skateboards for purposes of Section 10.01.136.

“Motorized skateboard” means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground. Motorized skateboards shall be considered skateboards for purposes of Section 10.01.136.

“Motorized wheelchair” means any self-propelled vehicle, designed specifically for use by a physically disabled person that is incapable of a speed in excess of fifteen (15) miles per hour.

“Narrow width lane” means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

“Nonhighway tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of fourteen inches (14") or less.

“Nonhighway vehicle” means nonhighway vehicle shall not include an implement of husbandry, as defined in K.S.A. 8-126, and amendments thereto.

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“Nonreflective” means a product or material designed to absorb light rather than to reflect it.

“Nonresident” means every person who is not a resident of this state.

“Nonresident’s operating privilege” means 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.

“Official time standard” means 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” means all signs, signals, markings, and devices, not inconsistent with this Chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

“Official traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Ordinance traffic infraction” means a violation of any Section of this Chapter 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, as amended.

“Other competent evidence” includes:

(1) Alcohol concentration tests obtained from samples taken three (3) hours or more after the operation or attempted operation of a vehicle; and/or

(2) Readings obtained from a partial alcohol concentration test on a breath testing instrument.

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“Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement or the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of thirty (30) days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this Chapter.

“Park or parking” means 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.

“Passenger car” means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

“Passenger vehicle” means every motor vehicle, as herein defined which is designed primarily to carry ten (10) or fewer passengers, and which is not used as a truck.

“Pedestrian” means any person afoot or 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 any person using an electric personal assistive mobility device.

“Person” means every natural person, firm, association, partnership or corporation.

“Person with a disability” means any individual who:

- (1) Has a severe visual impairment;

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- (2) Cannot walk one hundred feet (100') without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) 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 (1) liter or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
- (5) Uses portable oxygen;
- (6) 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
- (7) Is severely limited in such person's ability to walk at least one hundred feet (100') due to an arthritic, neurological or orthopedic condition.

“Pneumatic tire” means every tire in which compressed air is designed to support the load.

“Pole trailer” means any 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.

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“Police officer” means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

“Private road or driveway” means 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.

“Racing” means the use of one (1) 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.

“Railroad” means a carrier of persons or property upon cars operated upon stationary rails.

“Railroad sign or signal” means 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.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

“Recreational off-highway vehicle” means any motor vehicle greater than fifty inches (50") but not greater than sixty-four inches (64") in width, having a dry weight greater than one thousand five hundred (1,500) pounds but not greater than two thousand (2,000) pounds, traveling on four (4) or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control.

“Recreational vehicle” means 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

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motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet (8') and a body length not exceeding forty feet (40'); but such term shall not include a unit which has no electrical system which operates above twelve (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.

“Registration” means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

“Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300') or more is improved in the main with residences or residences and buildings in use for business.

“Revocation of driver’s license” means 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 by state law.

“Right-of-way” means the right of one (1) 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.

“Road construction zone” means that portion of the highway which is 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 the road construction zone has ended.

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“Roadway” means 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.

“Safety hitch” means 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.

“Safety zone” means 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.

“Samples” includes breath supplied directly for testing, which breath is not preserved.

“School bus” means every motor vehicle defined and designated as a school bus in Subsection (g)(1) of K.S.A. 72-8301 as amended.

“School crossing guard” means a person eighteen (18) years of age and older 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.

“Secretary” means the Secretary of the Kansas Department of Transportation.

“Semi-trailer” means 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

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that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

“Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

“Solid rubber tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

“Special mobile equipment” means 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.

“Specially constructed vehicle” means 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.

“Stand or standing” means 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.

“State” means the state of Kansas.

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“Stop” means when required means complete cessation from movement.

“Stop or stopping” means 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.

“Street or highway” means 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 Chapter, it shall mean street, avenue, boulevard, thoroughfare, traffic way, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

“Sun screening devices” means 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.

“Suspension of a driver’s license” means the temporary withdrawal by formal action of the Division of a person’s license or privilege to operate a motor vehicle on the highways.

“Through highway” means 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 Chapter.

“Tow bar” means 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

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which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

“Toxic vapors” means: The following substances or products containing such substances:

- (1) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (2) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosive acetate;
- (3) Acetone;
- (4) Benzene;
- (5) Carbon tetrachloride;
- (6) Cyclohexane;
- (7) Freons, including freon 11, freon 12 and other halogenated hydrocarbons;
- (8) Hexane;
- (9) Methyl ethyl ketone;
- (10) Methyl isobutyl ketone;
- (11) Naphtha;
- (12) Perchlorethylene;
- (13) Toluene;
- (14) Trichloroethane; or
- (15) Xylene.

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“Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

“Traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Traffic-control signal preemption device” means any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

“Traffic infraction” means a violation of any of the statutory provisions listed in Subsection (c) of K.S.A. Supp. 8-2118 as amended.

“Trailer” means 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.

“Transportation network company” means a corporation, partnership, sole proprietorship or other entity operating in Kansas that uses a digital network to connect transportation network company riders to transportation network drivers who provide prearranged rides.

“Transportation network company driver” means an individual who:

(1) Receives connections to potential passengers and related services from a 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

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for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride.

“Truck” means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than ten (10) passengers.

“Truck-camper” means 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.

“Truck tractor” means 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.

“Urban district” means 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.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

“Waste collection vehicle” means a vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations.

“Wide-base single tires” means all tires having a section width, as specified by the manufacturer, of fourteen inches (14") or more.

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“Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two (2) 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.

“Work-site utility vehicle” means any motor vehicle which is not less than forty-eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred thirty-five inches (135"), has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more low pressure tires, a steering wheel and a bench or bucket-type seating allowing at least two (2) people to sit side by side, and which may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

“Wrecker or tow truck” means any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

“Write, send or read a written communication” means 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.”

SECTION TWENTY-TWO: Existing Sections 10.01.030.2, 10.01.076, 10.01.081, 10.01.114.1, 10.01.114.4, 10.01.114.5, 10.01.156, 10.01.158, 10.01.169, 10.01.173, 10.01.181, 10.01.182.1, 10.01.193, 10.01.201, 10.01.201.1 and 10.01.001 are hereby repealed.

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SECTION TWENTY-THREE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

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.

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