

**ORDINANCE NO. 25-XX**

**AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; ADDING NEW SECTION 10.01.040.2 AND AMENDING SECTION 10.01.144 AND REPEALING THE EXISTING SECTION.**

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

**NEW SECTION ONE:** Section 10.01.040.2 is hereby added to the Olathe Municipal Code to read as follows:

**“10.01.040.2            Passing a Stationary Vehicle Displaying Hazard Warning Lights.**

(a) The driver of a motor vehicle, upon approaching a stopped, standing, or parked vehicle that is displaying hazard warning signal lamps, road flares, or caution signals, including traffic cones, caution signs, or reflective triangles, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary vehicle; or
- (2) If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.”

**SECTION TWO:** Section 10.01.144 of the Olathe Municipal Code is hereby amended to read as follows:

**“10.01.144            When Lighted Lamps Required; Visibility Distance and Mounted Height of Lamps.**

- (a) Every vehicle, except as provided in subsection (b), upon a highway within this state, at all times shall display lighted head and other lamps and illuminating devices as required for different classes of

## ATTACHMENT A

vehicles, subject to exceptions with respect to parked vehicles:

- (1) From sunset to sunrise;
- (2) When due to insufficient light or unfavorable atmospheric conditions, including smoke or fog, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; or
- (3) When windshield wipers are in continuous use as a result of rain, sleet or snow.

Stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

- (b) Motorcycles, motor-driven cycles and motorized bicycles manufactured after January 1, 1978, shall display lighted head and tail lights at all times that such vehicles are operated on any highway.
- (c) Law enforcement officers shall issue a warning citation to anyone ~~violation~~ violating subsection (a)(3)."

**SECTION THREE:** Existing Section 10.01.144 of the Olathe Municipal Code is hereby repealed.

**SECTION FOUR:** 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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

## ATTACHMENT A

APPROVED AS TO FORM:

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City Attorney

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