

## CHAPTER XIV. TRAFFIC

- Article 1. Standard Traffic Ordinance
- Article 2. Local Traffic Regulations
- Article 3. Abandoned Motor Vehicles on Public Property
- Article 4. Hazardous Materials
- Article 5. Bicycles

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### ARTICLE 1. STANDARD TRAFFIC ORDINANCE

- 14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of LaHarpe, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 1991, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of LaHarpe, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Code 1992)
- 14-102. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES. (a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.  
(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.  
(Code 1992)
- 14-103. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$30, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500. (Code 1992)

## ARTICLE 2. LOCAL TRAFFIC REGULATIONS

- 14-201. TRAFFIC CONTROL DEVICES AND MARKINGS. The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:  
The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labelled on a map of the City of LaHarpe for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. (Code 1992)
- 14-202. MAIN TRAFFICWAY. Main Street within the corporate limits of the city is hereby designated and established as a main trafficway and through highway as contemplated by K.S.A. 8-508 and K.S.A. 12-685. (Ord. 1329, Sec. 1)
- 14-203. U-TURNS. It shall be unlawful for any person operating any type of conveyance to make a 180 degree or "U" turn on the Main Street beginning with North 2nd Street south to and including its intersection with south 2nd Street. (Ord. 1329, Sec. 2)
- 14-204. PARKING. (a) It shall be unlawful for any vehicle, other than a private passenger automobile or vehicle, to be parked on the Main Street between north 2nd Street and south 2nd Street.  
(b) It shall be unlawful for any vehicle to be parked on Main Street between north 3rd Street and south 2nd Street other than parallel to the street and within two feet of the curb or so as to be clear of the improved surface of the street if there is not curb.  
(Ord. 1329, Secs. 3:4)
- 14-205. STOPPING ON MAIN STREET. All vehicles shall stop and yield the right-of-way before entering or crossing Main Street. (Ord. 1329, Sec. 5)

## ARTICLE 3. ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY

- 14-301. DEFINITIONS. For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings:  
(a) Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for

purposes of vehicular travel. Where the word "highway" or the word "street" is used in this article, it means street, avenue, boulevard, thoroughfare, alley, and other public way for vehicular travel by whatever name, unless the context clearly indicates otherwise.

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

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

(Code 1992)

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

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

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

(c) Any motor vehicle which:

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

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

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

(d) Any motor vehicle, the continued presence of which, because of the physical location or condition of the motor vehicle, poses a danger to the public safety or to the motor vehicle.

(e) Any motor vehicle which has been abandoned or parked on any real property, other than public property or property open to use by the public, may be moved and disposed of in accordance with the terms of this article by the police department upon the request of the owner or occupant of such real property. The real property referred to herein shall not be owned or leased by the person who abandons or parks said vehicle or by the owner or lessee of such vehicle. The city or any person, partnership, corporation or their agent conducting a business enterprise for the purpose of towing vehicles which removes such vehicle from the real property at the request of the police department shall have a possessory lien on such vehicle for the cost incurred in removing, towing and storing such vehicle. For purposes of this article, common areas shall be construed not to mean public property or property open to the public. (Code 1992)

14-303. **SAME.** The police department may authorize storage of such impounded motor vehicles at any location, public or private, which is zoned for the storage of motor vehicles. (Code 1992)

14-304.

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

(b) When Owner not Present. (1) When the police department impounds and removes a motor vehicle pursuant to section 14-302(a) and the owner of the motor vehicle is not present at the time of the impoundment, the police department shall, if such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with said division, mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall be in the form prescribed by the police department containing the same information as required by section 14-304(a). The police department shall use reasonable diligence in determining the title owner, or if from a non-title state, the registered owner, of the vehicle, and shall inquire by mail of the office of the register of deeds of the county in which the title shows the owner resides, if registered in this state, as to whether there are any lienholders of record. If the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed to be a resident of the state whose whereabouts are unknown and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

If the owner does not reside in the state, as appears from the motor vehicle registration and the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner,

the owner shall be deemed a nonresident of the state and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

(c) Failure or Refusal to Sign Notice. If any person required by this section to sign a notice of impoundment willfully fails or refuses to do so, or if such person cannot be found, the police department shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section.  
(Code 1992)

14-305.

**IMPOUNDMENT AFTER REQUEST TO LEAVE MOTOR VEHICLE.** In all cases wherein the owner or operator of a motor vehicle which is on a public street has requested that the motor vehicle be left unattended at that location, in lieu of impoundment of the motor vehicle pursuant to section 14-302, the police department may honor said request for a period of time not exceeding 24 hours, after which time the motor vehicle shall either be removed from the location by the owner or operator or be impounded by the police department pursuant to section 14-304. The police department shall be immune from liability for any damage, loss or destruction of the motor vehicle occasioned by its being left unattended pursuant to the request of the owner or operator thereof, in lieu of impoundment. Nothing in this section shall be construed to limit the authority of the police department to order the removal of a motor vehicle by its owner or operator or to impound a motor vehicle pursuant to section 14-304 at any time whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety. (Code 1992)

14-306.

**RELEASE OF MOTOR VEHICLE FROM IMPOUNDMENT.** (a) Generally. Unless the vehicle is impounded pursuant to section 14-302(b) herein, the owner of an impounded motor vehicle may secure the release of the motor vehicle from impoundment upon requesting such release and presenting proof of ownership satisfactory to the custodian of the place where the motor vehicle is stored. If the custodian is satisfied that the person making the request is the owner or his or her authorized agent, he or she shall release the motor vehicle to the owner or his or her agent. Nothing in the preceding sentence shall preclude the owner of the impounded motor vehicle or his or her agent from paying any towing and storage charges that may be assessed against the motor vehicle, but neither the police department nor the custodian of the storage space may require payment of any towing or storage charges as a condition precedent to such release. At the same time as the owner or his or her agent requests release of the impounded motor vehicle, and if such request is made with 40 days after the owner receives a copy of the notice of impoundment, the police department shall provide him or her an opportunity to make a request for a hearing on the propriety of the impoundment and on the amount and his or her liability for the towing and storage charges occasioned by the impoundment; provided, that if the owner or his or her agent requests release of the impounded motor vehicle more than 40 days after the owner receives a copy of the notice of impoundment, no hearing may be

requested on the impoundment or on the towing and storage charges and the owner shall be conclusively presumed to have consented to the impoundment and to the amount of and his or her liability for the towing and storage charges.

(b) Security for Payment of Charges. If the ownership of the impounded motor vehicle is evidenced by a title certificate issued by the Kansas Department of Highway Safety and Motor Vehicles, the owner or his or her agent may secure the release of the motor vehicle from impoundment without the payment of any towing or storage charges or the deposit of any security for the payment thereof. If the ownership of the impounded motor vehicle is evidenced by a foreign title instrument, or if the jurisdiction in which title is recorded is not evidenced from the document establishing ownership, the owner or his or her agent, before the custodian of the place where the motor vehicle is stored authorizes release of the motor vehicle from impoundment, shall deposit with the custodian cash in the amount of the towing and storage charges to the date of the request. If the owner or his or her agent refuses to provide the cash deposit, the custodian shall not authorize release of the impounded motor vehicle but if the request is timely made, a date shall be set for the hearing on the impoundment and charges. (Code 1992)

14-307.

HEARING. If the owner of an impounded motor vehicle or his or her agent timely requests the release of the motor vehicle from impoundment and a hearing on the impoundment and charges, as provided in section 14-306, a date shall be set, not more than five days after the date of request, for the hearing. The city attorney shall provide a hearing examiner to conduct the hearings required by this section. At the hearing, the owner, his or her agent, or his or her attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his or her objections to (a) the impoundment of the motor vehicle and (b) (1) the amount of the towing and storage charges and (2) his or her liability for the payment thereof. If the owner or his or her agent requested the hearing more than five days but not more than 40 days after the owner received a copy of the notice of impoundment, the owner, his or her agent or his or her attorney shall be required at the hearing, as a condition precedent to the presentation of any objections by the owner, to show good cause for the delay in making the request more than five days after the owner received a copy of the notice of impoundment: if good cause cannot be shown, the hearing officer shall dismiss the hearing and make the finding stated in subsection (b) below; otherwise, the hearing examiner shall proceed to hear the owner's objections. At the conclusion of the hearing on the owner's objections, the hearing examiner shall render his or her decision if the hearing examiner:

- (a) Finds that the impoundment was improper, he or she shall:
  - (1) Find that the owner is not liable for any towing or storage charges occasioned by the impoundment and
  - (2) Determine whether and to what extent the city shall be the expense of the towing and storage charges; or
- (b) Finds that the impoundment was proper, he or she shall establish:

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

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

In the event that the impoundment was pursuant to K.S.A. 8-1102(b), the owner or occupant of the real property upon which the abandoned vehicle was located shall not be assessed the costs of towing and storage of the vehicle. Further, nothing within this article shall be construed to modify or effect the validity of the possessory lien of the person removing such vehicle from the real property established by K.S.A. 8-1102(b). (Code 1992)

14-308. CHARGES CONSTITUTE A LIEN. The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to section 14-302 shall be and constitute a lien upon the impounded motor vehicle, except as provided in this section. If the hearing examiner finds pursuant to section 14-307 that the impoundment was improper and if he or she determines that the city shall bear part or all of the towing and storage charges, the lien created by this section shall be discharged. If the hearing examiner finds pursuant to section 14-306 that the impoundment was proper but that the towing and storage charges should be in an amount less than the amount of the lien, the lien created by this section shall be discharged to the extent that it exceeds the amount established by the hearing examiner. The holder of a lien created by this section may perfect such lien in any manner provided by law, but he or she may not retain possession of the motor vehicle when it has been released pursuant to section 14-306(a). In the event that the impounded motor vehicle is released from impoundment and the owner or his or her agent has provided security for payment of charges as required by section 14-306(b), the lien created by this section shall also be a lien against the security so provided, subject to being wholly or partially discharged as provided in this section. (Code 1992)

14-309. SATISFACTION OF LIEN; NOTICE OF PUBLIC SALE. The holder of a lien against a motor vehicle created by section 14-308, to the extent that such lien has not been discharged as provided in section 14-308 or otherwise satisfied, may enforce such lien in any manner provided by law after 60 days from the date the motor vehicle is impounded by the police department. If the owner of the motor vehicle or his or her agent has provided security for the payment of the lien as provided in section 14-306(b), the lien shall first be satisfied out of the security so provided and, if any portion of the lien remains unsatisfied and undischarged, may then be enforced in any manner provided by law. If the motor vehicle against which the lien is created pursuant to section 14-308 is still under impoundment 60 days from the date it is impounded by the police department and the owner has not requested release of the motor vehicle from impoundment nor paid the

towing and storage charges that are the basis for the lien, the motor vehicle shall be sold at public sale to the highest and best bidder for cash to satisfy the lien. Notice of the sale shall be given in accordance with K.S.A. 8-1102. Publication, required by K.S.A. 8-1102, may be made before the termination of the 60 day period for a sale thereafter. (Code 1992)

14-310.

REDEMPTION. If the city is to conduct the sale:

(a) Any holder of a recorded lien or retained title on a motor vehicle to be sold by the city under the provisions of section 14-309 may claim and take possession thereof, upon payment of accrued charges and estimated costs of publication of the notice of sale to the police department and the deposit with the police department of sufficient assurance by surety bond or otherwise, approved by the city attorney, that the motor vehicle will be forthcoming for public sale thereof or upon claim of the rightful owner prior to the sale. The police department shall, within three days, make a report to the city treasurer and deliver the charges and costs so paid to the city treasurer, taking a receipt therefor and filing it, together with a duplicate copy of the report to the city treasurer, with the records in his or her office. The funds shall be held in a trust account until final disposition of the motor vehicle. Not less than five days before the date for sale of the motor vehicle, the police department shall notify the lienholder or retained titleholder of the time and place for the sale, and the lienholder or retained titleholder shall deliver such motor vehicle to the police department at or before 12:00 noon of the day before the sale. At the sale the amount paid shall be credited on the bid of the lienholder or retained titleholder. If the lienholder or retained titleholder is the successful bidder for the motor vehicle, the police department shall report this fact to the city treasurer and then the funds previously paid by the lienholder or retained titleholder shall be relieved of the trust previously impressed and become the same as other funds received by the city for storage and costs of impounded motor vehicles. If the motor vehicle is sold for a higher bid to any person other than the lienholder or retained titleholder, the police department shall report this fact to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him out of the trust account.

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

(Code 1992)

14-311.

SALE PROCEEDS. The proceeds of a public sale held pursuant to section 14-308 whether such sale was conducted by the city or by any other person, after payment of the towing and storage charges and costs and expenses incident to



the sale, shall be deposited with the city treasurer, if the owner of the motor vehicle is absent from the sale, for credit to the trust account. The funds deposited in the trust account pursuant to this section shall remain in the account subject to the order of the person legally entitled thereto, but if no claim is made for these funds within a period of one year after the sale, the funds shall become the property of the city, be released from the trust account and be paid into the general fund as miscellaneous revenues. (Code 1992)

14-312. STATUTORY PROCEDURES. Nothing in this article shall be construed to augment, diminish, supersede or otherwise interfere with any statutory procedure established by the legislature for the collection of unpaid towing and storage charges. The procedures in this article are supplementary and cumulative to any statutory procedures. (Code 1992)

14-313. IMPLEMENTATION OF ARTICLE. The police department and city treasurer are authorized to make rules for the implementation and administration of this article. (Code 1992)

14-314. REIMBURSEMENT FOR DISCHARGED LIENS. If a lien created by section 14-308 and held by a private wrecker or towing firm is discharged by section 14-308 pursuant to a determination by a hearing examiner that an impoundment was improper and that the city shall bear part or all of the towing and storage charges, the city shall pay to the firm the amount determined by the hearing examiner. No payment shall be made until it is authorized by the city attorney. (Code 1992)

#### ARTICLE 4. HAZARDOUS MATERIALS

14-401. HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, radioactive material or any substance that due to its nature may cause death, disability or injury upon contact therewith. (Code 1992)

14-402. SAME; EXCEPTIONS. The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 1992)

14-403. TRANSPORTATION OF HAZARDOUS MATERIALS. Except as provided in section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city. (Code 1992)

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

(a) (Reserved)

(b) (Reserved)

(c) (Reserved)

(Code 1992)

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

(1) (Reserved)

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

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

(Code 1992)

14-406. REMOVAL OF ILLEGALLY PARKED TRAILERS. If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property. (Code 1992)

## ARTICLE 5. BICYCLES

14-501. BICYCLES; EQUIPMENT. Every bicycle operated upon the streets, alleys, or other public ways of the city in the nighttime shall be equipped with a lamp on

the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear; except that a device reflecting a red color as contemplated by the statutes of the State of Kansas may be used in lieu of a rear light. (Ord. 1377, Sec. 1)

14-502. SAME. Every bicycle used within the city and upon the streets, alleys or other public ways shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry level clean pavement. (Ord. 1377, Sec. 2)

14-503. RIDING ON SIDEWALKS. It shall be unlawful for any person or persons to ride a bicycle on the sidewalks within the corporate limits of the city. (Ord. 1377, Sec. 3)

14-504. BICYCLES; RIDING. It shall be unlawful for any person riding a bicycle to hold to or become attached to any vehicle traveling in the same direction while the bicycle is being ridden. (Ord. 1377, Sec. 4)

14-505. SAME. No bicycle shall be ridden by more persons than such bicycle is designed to accommodate. (Ord. 1377, Sec. 5)

14-506. SAME. All persons riding bicycles within the city shall obey all traffic rules set out in the ordinances of the city and provided by the laws of the State of Kansas and such persons riding bicycles shall obey the directions of any police officer, marshal, or deputy directing traffic. (Ord. 1377, Sec. 6)

14-507. SAME. It shall be unlawful for any person to ride a bicycle upon the public streets when such streets are being used by fire equipment or ambulances and at such times the bicycles shall be ridden to the curb and stopped. (Ord. 1377, Sec. 7)

14-508. PENALTY. Any person who shall violate any of the provisions of this article shall be deemed guilty of a code violation and upon conviction shall be punished by a fine not exceeding the sum of \$100. (Ord. 1377, Sec. 8)

(Published In *The Iola Register*, March 17, 2018)

**GENERAL ORDINANCE 1803**

AN ORDINANCE AMENDING CHAPTER XIV, ARTICLE 1 SECTION 14-102 OF THE CODE OF THE CITY OF LaHARPE, RELATING TO THE REGULATION OF TRAFFIC WITHIN ITS CITY LIMITS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LaHARPE, KANSAS.

**SECTION 1: AMENDMENT.** The City does hereby amend Section 14-102 of Article1,

Chapter XIV of the Code of the City of LaHarpe, to read as follows:

**SECTION 1. AMENDMENTS:** The previously adopted Standard Traffic Ordinance for Kansas Cities (2017) is hereby supplemented by adding thereto the following section:

**Section 208. Weight Limit for Sixth Street.** No vehicle or vehicle pulling a trailer may be driven on Sixth Street between Main Street and Monroe if the gross weight of the vehicle and/or vehicle with a trailer exceeds Ten (10) tons. This excludes any vehicles and/or vehicles and trailers that have been authorized by the City.

**SECTION 2. REPEAL:** All ordinances in conflict herewith are hereby repealed.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

**PASSED** by the Council and **SIGNED** by the Mayor this 14th day of March 2018.

CITY OF LAHARPE, KANSAS

By: Ella Mae Crowell  
Ella Mae Crowell, Mayor

Attested to:

By: Michelle Altis  
Michelle Altis, City Clerk

(Published In *The Iola Register*, September 21, 2017)

## GENERAL ORDINANCE 1799

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LAHARPE, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 45th EDITION, 2017, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING PRIOR TRAFFIC ORDINANCES.

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

**SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE:** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of LaHarpe, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 45th Edition, 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance 1799," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this Ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**SECTION 2. AMENDMENTS:** Section 2 and Section 114.5 of the adopted Standard Traffic Ordinance for Kansas Cities (2017) are hereby amended as follows:

**Section 2. Provisions of Ordinance Refer to Vehicles Upon the Streets and Highways and Other Designated Areas; Exceptions.**

(a) The provisions of this Ordinance relating to the parking and other operation of vehicles refer exclusively to the parking and operation of vehicles upon streets and highways and upon any publicly owned property within this City except: (i) Where a different place is specifically referred to in a given section; (ii) The provision of Sections 29 to 31, inclusive, of this Ordinance, and the provision of Articles 10 and Chapter 8 of the Kansas Statutes Annotated, and any acts amendatory thereof, shall apply upon streets and highways and elsewhere throughout the City.

(b) As used above in subsection (a), the phrase "publicly owned property" shall mean property owned by the City of LaHarpe or by an agency thereof or by any duly constituted public body within the City of LaHarpe.

**Section 114.5** is amended to read as follows:

**Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES; PENALTY.**

(a) Work-site utility vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the city between sunrise and sunset. After sunset these vehicles will be permitted in a direct route from destination to home.

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

(c) No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. This means no one under the age of 14 can individually operate any motorized vehicle on any public highway, street, road, or alley.

(f) A violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2017 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

(g) Work-site utility vehicles shall not exceed 20 mph at any time.

(h) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise.

(i) A nuisance will be declared if a complaint has been made with the City of LaHarpe and the operator upon conviction will be fined no less than \$100 for each violation and all applicable costs & fees incurred.

**SECTION 3. SUPPLEMENTAL PROVISIONS:** The adopted Standard Traffic Ordinance for Kansas Cities (2017) is hereby supplemented by adding thereto the following Article: **ARTICLE 22, ADDITIONAL PROVISIONS**, and by adding the following sections:

**Section 206. Safety Patrol Drivers' Obedience to Signals Requested, When Speed Limitation.**

(a) The Chief of Police shall empower the principals of public or private schools to designate students or other persons to use and operate official traffic control devices for the purpose of regulating and controlling traffic upon the public streets of the City in front of or near public or private schools under such laws or regulations as the Chief of Police may deem advisable.

(b) Where hand signs, signals or other warning devices are being used by persons for the purposes of regulating and controlling traffic as provided for in subsection (a) above, the driver of any motor vehicle upon the streets where such signs, signals or other warning devices are used shall bring the vehicle which he is driving to a complete stop when the signs signals or warning devices are being waived, held over the curb line or otherwise displayed so as to indicate a cessation of movement. The vehicle shall remain stationary while children are crossing the streets. When the signs, signals or other warning device is withdrawn, the driver of such vehicle may proceed at a lawful rate of speed past such school or such intersection.

**Section 207. Through Truck Traffic.** Through truck traffic is permitted on only those streets within the City of LaHarpe which have been designated as state highways or federal highways. Use of any other streets in the city limits in the City of LaHarpe by through truck traffic is not permitted. Violation of this Section shall be considered an unclassified traffic violation.

**SECTION 4. DELETED PROVISIONS:** The adopted Standard Traffic Ordinance for Kansas Cities (2017) is hereby amended by deleting the following : ARTICLE 6, Sections 30 and 30.1.:

**SECTION 5. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES:**

(a) An Ordinance traffic infraction is a violation of any section of this Ordinance 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. 8-2118, as amended.

(b) All traffic violations which are included within this Ordinance, and which are not Ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

**SECTION 6. PENALTY FOR SCHEDULED FINES:** The fine for violation of an Ordinance traffic infraction, or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule, shall not be less than \$42.50 nor more than \$500.00, except for speeding which shall not be less than \$76.50 nor more than \$500.00. A person tried and convicted for violation of an Ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$500.00.

**SECTION 7. REPEAL:** Ordinance 1798 and all ordinances in conflict herewith are hereby repealed.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

**PASSED** by the Council and **SIGNED** by the Mayor this 13 day of September 2017.

(First published in the lola Register, July \_\_, 2013)

**GENERAL ORDINANCE NO 1776**

AN ORDINANCE AMENDING CHAPTER XIV, ARTICLE 1, SECTION 114.1 OF THE CODE OF THE CITY OF LaHARPE, RELATING TO UNLAWFUL OPERATION OF ALL TERRAIN VEHICLES

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

SECTION 1: AMENDMENT. The City does hereby amend Section 114.1 of Article I, Chapter XIV of the Code of the City of LaHarpe, to read as follows:

114.1. Unlawful Operation of All-Terrain Vehicle.

(a) Except as provided in subsections (b),(c),(d),(e) or (f), it shall be unlawful for any person to operate an all-terrain vehicle:

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

(2) Within the corporate limits of the City of LaHarpe.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) Notwithstanding the provision of subsection (a), owners and/or operators of a business in the City of LaHarpe, after obtaining a permit from the City of LaHarpe, shall be allowed to operate an all-terrain vehicle within the corporate limits of the City of LaHarpe if such use is related to the operation of such business and otherwise complies with the traffic ordinances adopted and in use by the City of LaHarpe and the laws and statutes of the State of Kansas;

(d) Notwithstanding the provision of subsection (a), employees of a government or quasi-government entity, shall be allowed to operate an all-terrain vehicle within the corporate limits of the City of LaHarpe if such use is related to the operation of such government or quasi-government entity and otherwise complies with the traffic ordinances adopted and in use by the City of LaHarpe and the laws and statutes of the State of Kansas;

(e) Notwithstanding the provision of subsection (a), a resident of the City of LaHarpe shall be allowed to operate an all-terrain vehicle if such vehicle is owned by the resident and if such use is upon property designated as private property and owned, rented or leased by such resident within the corporate limits of the City of LaHarpe if such use otherwise complies with the traffic ordinances adopted and in use by the City of LaHarpe and the laws and statutes of the State of Kansas;



(f) Notwithstanding the provision of subsection (a), a resident of the City of LaHarpe may allow guests designated by the property owner, land owner, tenant or lessee to operate an all-terrain vehicle if such vehicle is owned by the resident and if such use is upon property designated as private property and owned, rented or leased by such resident within the corporate limits of the City of LaHarpe if such use otherwise complies with the traffic ordinances adopted and in use by the City of LaHarpe and the laws and statutes of the State of Kansas;

(g) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise, in the City of LaHarpe..

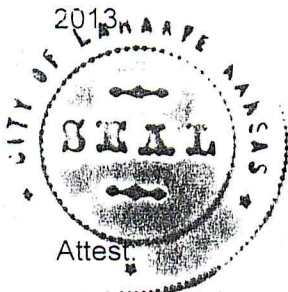
(h) No person shall operate an ATV on any public highway, street, road, alley or public right-of-way within the corporate limits of the city unless such person has a valid driver's license and a valid permit on file with the City.


(i) Unless the State of Kansas requires all ATV's to be registered with the state, all ATV's shall have prominently displayed a valid permit issued by the City of LaHarpe allowing the operation of that particular vehicle within the City limits. Said permit shall be issued by the City of LaHarpe after inspection by the city to ensure that all equipment and insurance requirements of this section are met and upon the payment of a \$10.00 fee. Said permit shall expire one year front the date of issuance. If the State of Kansas requires all ATV's to be registered with the state, then said ATV's shall not be required to obtain a permit from the City of LaHarpe., but a copy of the State permit and proper insurance must be on file with the City.

SECTION 2: REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect from and after its passage, approval and publication in The Iola Register as provided by law.

**PASSED** and **APPROVED** by the counsel and **SIGNED** by the Mayor this 10<sup>th</sup> day of July



  
Michelle Altis, City Clerk

CITY OF LaHARPE, KANSAS

By:   
Cynthia Carr, Mayor

GENERAL ORDINANCE #1696

"AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LANARPE, KANSAS: INCORPORATING BY REFERENCE THE 'STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES,' EDITION OF 1992, PROVIDING CERTAIN PENALTIES AND REPEALING PRIOR TRAFFIC ORDINANCES."

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

SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Lallarpe, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1991, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said standard traffic ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance #.1696, and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION II: TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

a. An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision

That is a classified as a traffic infraction in K.S.A. 8-2118

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

SECTION III. PENALTY FOR SCHEDULED FINES: The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

SECTION IV. REPEAL. All ordinances and parts of ordinances in conflict herewith are hereby repealed accordingly.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect and be enforced from and after its publication in the Iola Register.

PASSED BY the Council and SIGNED by the Mayor this 7th day of October, 1992.

CITY OF LAHARPE, KANSAS

BY Mary L Moore  
MAYOR- MARY MOORE

Attest:

Evelyn Maloney  
CITY CLERK-EVELYN MALONEY