

(First Published in the Iola Register, August , 2016)

ORDINANCE NO. 3467 SUMMARY

On August 8, 2016, the City of Iola, Kansas adopted Ordinance 3467, incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 44th Edition, 2016 with certain additions, amendments and deletions thereto. The purpose of this ordinance is to provide a standardized and comprehensive ordinance to regulate traffic offenses within the jurisdiction of the City of Iola, Kansas. A complete copy of this ordinance is available at City Hall, 2 W. Jackson, Iola, Kansas or may be viewed on the City's website at www.cityofiola.com. This summary has been certified by Robert E. Johnson II, Iola City Attorney.

(Published In *The Iola Register*, August , 2016)

GENERAL ORDINANCE 3467

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF IOLA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 44th EDITION OF 2016, 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 IOLA, 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 Iola, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 44th Edition of 2016, 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 3467," 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 Sections 114.2, 114.3, 114.4 and 114.5 of the adopted Standard Traffic Ordinance for Kansas Cities (2016) 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 Iola or by an agency thereof or by any duly constituted public body within the City of Iola including, but not limited to, U.S.D. #257 School Board, the Iola Public Housing Authority Board, the Iola

Library Board and Allen Community College.

Section 114.2 Unlawful Operation of a Micro Utility Truck.

- (a) It shall be unlawful for any person to operate a micro utility truck on any interstate highway, federal highway, or state highway.
- (b) No micro utility truck 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 and amendments thereto.
- (c) The provisions of subsection (a) shall not prohibit a micro utility truck from crossing a federal or state highway. (K.S.A. Supp. 8-15,106)
- (d) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, including section 200 of the Standard Traffic Ordinance, then in effect, which requires liability insurance and which is expressly made applicable herein to micro utility trucks.
- (e) No person shall operate a micro utility truck on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Unless the State of Kansas requires all micro utility trucks to be registered with the state, all micro utility trucks shall have prominently displayed a valid permit issued by the City of Lola allowing the operation of that particular vehicle within the city limits. Said permit shall be issued by the City of Lola after inspection by the city to ensure that all equipment and insurance requirements are met upon payment of a \$30.00 fee. Said permit shall expire one year from the date of issuance. If the State of Kansas requires all micro utility trucks to be registered with the state, then said trucks shall not be required to obtain permit from the City of Lola.
- (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 of the Standard Traffic Ordinance, and amendments thereto, or such other or similar provision as the city may then have in effect.

Section 114.3 Unlawful Operation of Low-Speed Vehicle.

- (a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.
- (b) The provisions of subsection (a) shall not prohibit a low-speed vehicle from crossing a street with a posted speed limit in excess of 40 miles per hour.
- (c) Owners of low-speed vehicles are required to obtain a permit from City Hall,

certifying that the vehicle has been inspected by a police officer for compliance with National Highway and Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571-500, and that the owner carries liability insurance on the vehicle. A license plate will be issued as part of the permit, to be mounted on the vehicle. An annual fee of \$3CJ.OO will be charged for the permit.

- (d) 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 of the Standard Traffic Ordinance, and amendments thereto, or such other or similar provision as the city may then have in effect.

Section 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;
 - (2) On any street or highway with a posted speed limit greater than 30 miles per hour.
- (b) The provisions of subsection (a) 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 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. (K.S.A. Supp. 8-15, 108)
- (d) Every owner of a golf cart operating on city streets shall provide liability coverage in accordance with Section 200 of the STO and amendments thereto.
- (e) Operators of golf carts on city streets must possess a valid driver's license.
- (f) All State of Kansas motor vehicle seatbelt and child safety seat/booster seat regulations shall apply. Any occupants of Golf Carts without such restraints, must be 18 years of age or older.
- (g) It shall be illegal to operate a Golf Cart on city streets unless such vehicle displays a slow moving vehicle emblem as defined in K.S.A. 8-1717 displayed on the rear of the vehicle, or has an attached flag pole of a minimum of seven feet in height on which is affixed a fluorescent orange flag of at least 30 square inches in size.
- (h) Owners of golf carts are required to obtain a permit from City Hall, certifying that the vehicle has been inspected by a police officer for equipment requirements and that the owner carries liability insurance on the vehicle. A license plate will be issued as part of the permit, to be mounted on the

vehicle. An annual fee of \$30.00 will be charged for the permit.

- (i) 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 of the Standard Traffic Ordinance, and amendments thereto, or such other or similar provision as the city may then have in effect.

Section 114.5 Unlawful Operation of a Work-site Utility Vehicle.

- (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 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.
- (c) 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, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.
- (d) Work-site utility vehicles shall not exceed 30 mph at any time.
- (e) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise.
- (f) Owners of low-speed vehicles are required to obtain a permit from City Hall, certifying that the vehicle has been inspected by a police officer for equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated. and that the owner carries liability insurance on the vehicle. A license plate will be issued as part of the permit, to be mounted on the vehicle. An annual fee of \$30.00 will be charged for the permit.
- (g) 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 of the Standard Traffic Ordinance, and amendments thereto, or such other or similar provision as the city may then have in effect.

SECTION 3. SUPPLEMENTAL PROVISIONS: The adopted Standard Traffic Ordinance for Kansas Cities (2016) 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 Iola which have been designated as state highways or federal highways. Use of any other streets in the city limits in the City of Iola by through truck traffic is not permitted. Violation of this Section shall be considered an unclassified traffic violation.

Section 208. Motorized vehicles, Horses Prohibited on Recreational Trails

- (a) Unauthorized vehicle are not permitted on any recreational trail. No person shall operate any motorized vehicle on any recreational trail located inside the corporate limits of the city without permission from the city.
- (b) Horseback riding is prohibited on any recreational trail located within the corporate limits of the city.
- (c) "Recreation Trails" means the Prairie Spirit Trail, Missouri Pacific Trail, Southwind Trail and Lehigh Portland Trail.

SECTION 4. 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.

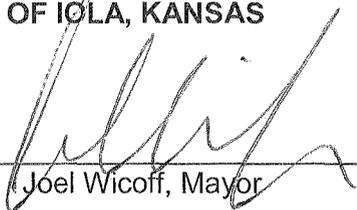
SECTION 5. PENALTY FOR SCHEDULED FINES: The fine for violation of an Ordinance traffic infraction, or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule, shall not be less than \$42.50 nor more than \$500.00, except for speeding which shall not be less than \$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 6. 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 8th day of August 2016.

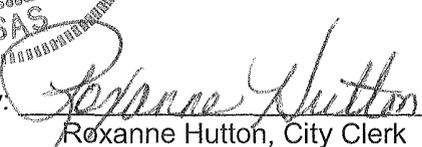
CITY OF IOLA, KANSAS

By: _____


Joel Wicoff, Mayor



Attest:
By: _____


Roxanne Hutton, City Clerk