

**ORDINANCE NO. 913      SUMMARY**

On August 26, 2020, the City of Wellsville, Kansas adopted Ordinance No. 913 amending Chapter XIV of the City Code to incorporate the 2020 Edition of the Standard Traffic Ordinance for Kansas Cities, and to amend the City’s Local Traffic regulations to provide for limited authorization for “Special Purpose Vehicles” to be operated upon City streets. A complete copy of this ordinance is available at [www.cityofwellsvilleks.org](http://www.cityofwellsvilleks.org) or at City Hall, 411 Main St., Wellsville, KS 66092. This summary is certified by Patrick G. Reavey, City Attorney.

**ORDINANCE NO. 913**

**AN ORDINANCE AMENDING CHAPTER XIV OF THE CITY CODE TO ADOPT THE 2020 EDITION OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, AND TO AMEND THE CITY’S LOCAL TRAFFIC REGULATIONS TO PROVIDE FOR LIMITED AUTHORIZATION FOR “SPECIAL PURPOSE VEHICLES” TO BE OPERATED UPON CITY STREETS**

WHEREAS, the City annually adopts the Standard Traffic Ordinance for Kansas Cities, prepared and published in book form by the League of Kansas Municipalities, and the City is prepared to adopt the 2020 Edition (as set forth herein below); and

WHEREAS, the Standard Traffic Ordinance contains provisions applicable to certain vehicles (not licensed by the State of Kansas), to include provisions allowing cities to “authorize” operation of said vehicles on City streets; and

WHEREAS, Article 2 of Chapter XIV of the City Code prohibits -- with certain enumerated exceptions -- the operation of unlicensed motorized vehicles on City streets; and

WHEREAS, the Governing Body believes it is in the best interest of the City to add an exception -- to its existing enumerated exceptions -- to authorize the limited operation of “Special Purpose Vehicles” on City streets.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS:

**SECTION 1:** Article 1 of Chapter XIV of the City Code is hereby amended to read as follows:

**Article 1. Standard Traffic Ordinance**

**14-101. Standard traffic ordinance incorporated.**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Wellsville, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” Edition for the year 2020, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions modified or changed in existing Article 2 of Chapter XIV of the City Code, such incorporation being authorized by K.S.A. 12-3009 through 12-3302, inclusive, as amended. A copy of said standard ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Wellsville, 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.

**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 2016)

**14-103. Penalty for scheduled fines.**

The fine for violation of an ordinance traffic infraction or any other traffic offense shall be established and published in a fine schedule by the municipal judge. 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 the maximum amount permitted by applicable law.

(Code 2016)

**SECTION 2:** Article 2 of Chapter XIV of the City Code is hereby amended to read as follows:

**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 labeled on a map of the City of Wellsville 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 2016)

**14-202. Regulation of wheeled devices.**

The intent of these regulations on wheeled devices is to supplement the Standard Traffic Ordinance adopted each year by the City to address specific concerns the City has with wheeled devices that are not subject to being registered as vehicles by the Division of Vehicles of the Kansas Department of Revenue. Nothing herein is intended to conflict with the Standard Traffic Ordinance and, in the event a conflict arises, the Standard Traffic Ordinance shall supersede this section.

(Ord. 753; Code 2016)

#### **14-203. Definitions.**

For the purpose of Sections 14-201, and 14-204 thru 14-212 of this article, the following terms, phrases, words and their derivations shall mean:

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

(b) City is the City of Wellsville, Kansas.

(c) Child is anyone thirteen (13) years of age or younger, whose care and custody as well as right to his or her earnings, repose in a parent or legal guardian.

(d) Motorized Wheeled Device is any device with wheels that is propelled by a motor or battery, used to transport persons, and is not subject to being registered as a vehicle by the Division of Vehicles of the Kansas Department of Revenue.

(e) Non-Motorized Wheeled Device is any device with wheels, and not having a motor or battery, that is propelled by human power and used to transport persons, to include, but not be limited to, bicycles, roller blades, roller skates, skateboards, or scooters.

(f) Parent is any person having legal custody of a minor.

(i) as a natural or adoptive parent,

(ii) as a legal guardian,

(iii) as a person who stands in loco parentis, or order.

(iv) as a person to whom legal custody has been given by court

(g) Person is every natural person, firm, association, partnership or corporation.

(h) Sidewalk is 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.

(i) Street or Highway is 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 traffic. Where the word "highway" or the word "street" is used in this article, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

(Ord. 753; Code 2016)

#### **14-204. Motorized wheeled devices prohibited.**

It is unlawful for any person to operate a motorized wheeled device on any City street, highway, or sidewalk.

(Ord. 753; Code 2016)

#### **14-205. Non-motorized wheeled devices restricted.**

It is unlawful for any person to operate a non-motorized wheeled device on any City sidewalk along Main Street between Fourth Street and Seventh Street, or upon any sidewalk within a distance of 100 feet from any store or business or place of assembly or where specifically prohibited by posted sign, within the corporate boundaries of the City.

(Ord. 753; Code 2016)

#### **14-206. Exceptions to sections 14-204 and 14-205.**

The following devices, or use of devices, shall be exempt from Sections 14-204 and 14-205 and, therefore, authorized and not unlawful:

(a) When the device is being used by or for a “Person with a Disability” (as defined by the Standard Traffic Ordinance) who, without use of the device, is unable to transport himself or herself;

(b) When the device is being used by a city employee for authorized city business, or by a person in a City parade, or other community event authorized by the Governing Body;

(c) When the device is being used by law enforcement officers or by emergency personnel while in the performance of their official duties;

(d) Lawn care equipment, construction equipment, or other commercial or residential equipment which temporarily enter upon a city street or sidewalk for the purpose of completing a task or project requiring such equipment, which task or project shall not be related to the transport of persons;

(e) “Authorized Emergency Vehicle” as defined by the Standard Traffic Ordinance;

(f) “Farm Tractor” as defined by Standard Traffic Ordinance;

(g) “House Trailer” as defined by Standard Traffic Ordinance;

(h) “Implement of Husbandry” as defined by Standard Traffic Ordinance;

(i) “Motorized Wheelchair” as defined by Standard Traffic Ordinance;

(j) “Recreational Vehicle” as defined by Standard Traffic Ordinance;

(k) “Special Mobile Equipment” as defined by Standard Traffic Ordinance;

(l) When the device is being used to transport young children such as strollers, walkers, wheelchairs, or wagons.

(m) A device that the City Council has specifically approved and subjected to appropriate limitations, and the device is specifically defined and identified in a City Council Resolution that must be in or on the device when it is being operated on a City street.

(n) A “Special Purpose Vehicle” that is in full compliance with the following:

(1) It meets the definition and applicable requirements in the current Standard Traffic Ordinance of being a “Micro Utility Truck”, a “Low-Speed Vehicle”, a “Golf Cart”, or a “Work-Site Utility Vehicle”; and

- (2) It has a permanently affixed license plate on the left-rear quarter panel that displays a current and validly issued annual permit by the Wellsville, Kansas Police Department following the Department's verification of:
  - i. the owner's valid, unrestricted Kansas driver's license; and
  - ii. proof of liability insurance for the specific vehicle in accordance with the Kansas Automobile Injury Reparations Act; and
  - iii. Payment of applicable fees in accordance with the City's annual Fee Resolution; and
- (3) It is operated by a person with a valid, unrestricted Kansas driver's license, and in accordance with all duties applicable to an operator of a Kansas licensed motor vehicle and any equipment or operating requirements specific to the type of vehicle (i.e. "Micro Utility Truck", "Low Speed Vehicle", "Golf Cart", or "Work-Site Utility Vehicle") that are contained within the Standard Traffic Ordinance; and
- (4) It is not operated on any City street before sunrise or after sunset, nor at all on any State highway other than to perpendicularly travel across said highway; and
- (5) In addition to any other equipment specific to the type of vehicle (i.e. "Micro Utility Truck", "Low Speed Vehicle", "Golf Cart", or "Work-Site Utility Vehicle") as set out in the current Standard Traffic Ordinance, the vehicle must have the following minimum equipment:
  - i. Front and rear turn signal lamps; and
  - ii. Stop lamps; and
  - iii. One red reflector on each side as far to the rear as practicable, and one red on the rear; and
  - iv. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; and
  - v. A parking brake;
  - vi. Seatbelts for the driver and any persons being transported;
  - vii. An engine that is capable of moving the vehicle at a speed greater than twenty miles per hour; and
  - viii. A slow-moving vehicle emblem mounted and displayed in compliance with K.S.A. 8-1717 and amendments thereto.

**14-207. Same; parental responsibility.**

It shall be unlawful for a parent of a child to permit, or by insufficient control, to allow such child to violate Sections 14-204 and 14-205 of this article.

(Ord. 753; Code 2016)

#### **14-208. Enforcement.**

(a) If there is a violation of sections 14-204 or 14-205 by a child, or if a child violates any provision of Article 15 of the Standard Traffic Ordinance related to the operation of bicycles, the device used in such violation shall be confiscated by a City law enforcement officer and only released to a parent of the child after payment of \$25 impoundment fee, or if no such parent resides in the City, the device can be released if the child provides the \$25 impoundment fee and a letter from a parent or guardian requesting that it be released;

(b) If there is a violation of this article by any person other than a child, the person shall be charged and served a Notice to Appear in Municipal Court. Upon conviction, the person shall be sentenced to complete a community service program; however, in the alternative, the Municipal Court shall have the discretion to impose a fine not to exceed \$150 dollars and costs; or, to impose a sentence of both a community service program and a fine not to exceed one hundred fifty \$150 dollars and costs.

(c) If a parent, having custody or control of a child, authorizes or knowingly permits a child to violate Section 14-204 or 14-205 of this article, said parent shall be charged and served a Notice to Appear in Municipal Court and, upon conviction, shall be subject to a fine not to exceed \$200 dollars and costs. In lieu of a fine, the Municipal Court may impose probation; provided, however, that as a condition of probation, attendance is required at family counseling sessions by the parent having custody or control of the child.

(Ord. 753; Code 2016)

#### **14-209. Truck routes.**

It is unlawful for any person to drive or operate any truck of a length greater than thirty feet and/or a weight of more than twenty-four thousand pounds on any street or alley within the corporate limits of the city other than the following streets which are hereby designated as lawful truck routes: First Street, Fourth Street, Sixth Street, Seventh Street, Main Street, Poplar Street, and Stafford Road. Nothing herein shall be construed as preventing a truck, as defined herein above, from accessing City streets -- other than those designated as lawful truck routes -- if such access is the only means for said truck to make a pickup, delivery, provide a service, or to lawfully park on premises within the City. Designated truck routes are intended only for movement of trucks through and within the city and shall not be used by any truck, as defined herein above, for parking for more than a two-hour period on any given day.

(Code 2016)

#### **14-210. Snow routes.**

(a) The following streets and locations are designated as snow routes:

- (1) All of First Street from Hunt Street to 33 Highway;
- (2) Main Street from First Street to Tenth Street;
- (3) Fourth Street from Walnut Street to 33 Highway;
- (4) Sixth Street from Walnut Street to 33 Highway;
- (5) Seventh Street from fifty feet west of the nursing home's driveway to 33 Highway; and

(6) Walnut Street from Third Street to Seventh Street.

(b) During periods of snow, all vehicles shall be removed from the above designated portions of streets between the hours of midnight to 6 a.m., and the city will not be liable for any damages to vehicles left parked in the above designated areas in violation of this Section.

(c) The city will set in place signs indicating the above described snow routes and any vehicle found to be in violation of this section is subject to being fined, and such vehicles may be towed by the city at the owner's expense.

(Code 2016)

#### **14-211. Parking restrictions on main street.**

(a) It is unlawful for any person, company, firm or corporation to park, cause to park, or permit to remain parked, any motor vehicle on either side of Main Street between Fourth and Seventh Streets in the city between the hours of 1 a.m. and 6 a.m. on Tuesdays and Fridays.

(b) Angle parking at the angle indicated by markings on the curb, sidewalk, or pavement, is permitted and required on both sides of Main Street from Fourth Street to Seventh Street.

(Code 2016)

#### **14-212. Speed limits.**

Speed limits within the corporate boundaries of the City shall be as established in the Standard Traffic Ordinance, except:

(a) Streets that are not posted with a speed limit sign but are within a residence district, and are not otherwise addressed below and do not fall within any of the descriptors contained in (1) through (5) of Subsection (a) of Section 33 of the Standard Traffic Ordinance, shall have a speed limit of 25 miles per hour.

(b) The portion of First Street, starting at Elm Street and ending at the west edge of the city limit, is a designated School Zone and, for any days that school is in session, the speed limit shall be 20 miles per hour during the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m.

(c) The portion of West Fourth Street, starting at Ash Street and ending at Walnut Street, shall have a speed limit of 20 miles per hour.

(d) The portion of East Tenth Street, starting at Poplar Street and ending at Main Street, shall have a speed limit of 30 miles per hour.

(e) The portion of Main Street, starting at Eighth Street and ending at Seventh Street, shall have a speed limit of 20 miles per hour.

(f) The portion of Walnut Street, starting at West Seventh Street and ending at West First Street, shall have a speed limit of 20 miles per hour.

(g) The portion of Ash Street, starting at West First Street and ending at West Third Terrace, shall have a speed limit of 20 miles per hour.

(h) The following stretches of residential streets located in and around the Glenwood Acres Subdivision shall have a fixed maximum speed limit of 20 miles per hour:

- (1) Maple Terrace, from First Street to West Third Terrace;
- (2) Meadowbrook Lane, from Maple Terrace to the West city limit;
- (3) Prairie Lane, from Maple Terrace to the West city limit;
- (4) Edgewood Drive, from Maple Terrace to the West city limit;
- (5) Downey Drive, from Maple Terrace to 218 Downey Drive;
- (6) Cedarlane Drive, from Maple Terrace to the West city limit; and
- (7) Benton Drive, from Maple Terrace to North Elm Street.

**SECTION 3: Repeal.** Existing Chapter XIV, and Ordinance No. \_\_\_\_\_ are hereby repealed.

**SECTION 4: Effective Date.** This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF WELLSVILLE,  
KANSAS THIS 26<sup>th</sup> DAY OF AUGUST 2020.

\_\_\_\_\_  
BILL LYTLE, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Jones, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney