

(Summary Published in *The McPherson Sentinel* _____, 2016, once)

ORDINANCE NO. 3227

AN ORDINANCE REGULATING TRAFFIC AND PARKING WITHIN THE CORPORATE LIMITS OF THE CITY OF MCPHERSON, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 2016 EDITION WITH CERTAIN CHANGES AND ADDITIONS; PROVIDING CERTAIN PENALTIES, AND AMENDING SECTIONS NUMBERED 82-2 AND 82-3 OF THE MCPHERSON CITY CODE (2003), AS AMENDED TO DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, 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 McPherson, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 2016 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, except such sections, parts or portions as are hereafter modified or changed. No fewer than three copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3227," with all sections or portions thereof intended to be changed clearly marked to show such 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 the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. Additions and Modifications. From and after the effective date of this Ordinance, Section 23(b) of the Standard Traffic Ordinance shall read as follows:

- (1) Total property damages of less than \$1,000.00 shall be guilty of a Class C misdemeanor upon conviction;
- (2) Injury to any person or total property damages in excess of \$1,000.00 or more shall be guilty of a Class A person misdemeanor.

Further, from and after the effective date of this Ordinance, Section 87(a) of the Standard Traffic Ordinance shall be amended to read as follows:

Sec. 87. Accessible Parking.

No person shall stop, stand or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability unless such vehicle bears a special license plate, permanent placard or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1, 125, and amendments thereto, and is being

operated by or used for the transportation of person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability it shall be unlawful for any other person to park in such space. As used in this Section 87(a), "clearly marked" shall require a vertical sign post with a handicapped parking sign attached and not merely painted handicap markings on the ground.

Further, from and after the effective date of this Ordinance, Section 87(e) of the Standard Traffic Ordinance shall contain a further subsection (4) which shall read as follows:

(4) In any action prosecuted for violation of subsection (e)(1) of this section, it shall not be a defense that the parking space in which the alleged violator has parked was not properly designated as an accessible parking space as stated in subsection (d) of this section, as long as the parking space has been reasonably identified as an accessible parking space by the marking in or about such space of the international symbol of access.

Further, from and after the effective date of this Ordinance, Section 88 of the Standard Traffic Ordinance shall read as follows:

PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway or city-owned parking lot for a principal purpose of either:

(a) Displaying such vehicle for sale.

(1) For the purposes of this subsection, either of the following conditions shall raise the presumption that a principal purpose the vehicle was parked was to sell the vehicle:

a. The vehicle is not currently registered or tagged pursuant to K.S.A. 8-126 through K.S.A. 8-149, inclusive; or

b. The vehicle is tagged with a dealer's tag pursuant to K.S.A. 8-136 and has any markings or signs directly or indirectly indicating that the vehicle is for sale.

Or

Washing, greasing or repairing such vehicle except repairs necessitated by emergency and except to the extent that the vehicle is moved the same day to an appropriate location for such washing, greasing or repair.

Further, from and after the effective date of this Ordinance, the provisions of Section 109.1 of the Standard Traffic Ordinance pertaining to motorized skateboards shall not be applicable.

Further, from and after the effective date of this Ordinance, the provisions of Section 114.1 of the Standard Traffic Ordinance shall be amended to read as follows:

UNLAWFUL OPERATION OF ALL-TERRAIN VEHICLES.

- (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle within the corporate limits of the City of McPherson.
- (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by any unit or agency of state or local government (including the McPherson Recreation Commission and Unified School District No. 418, McPherson County, Kansas) may operate such all-terrain vehicles within the City of McPherson.
- (c) No all-terrain 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.

Further, from and after the effective date of this Ordinance, persons operating roller skates or inline skates upon a roadway shall be subject to the requirements of Sections 128, 131 and 133(a) of the Standard Traffic Ordinance otherwise applicable to bicycles.

Further, from and after the effective date of this Ordinance, Section 136 of the Standard Traffic Ordinance shall not apply to roller skates (including inline roller skates) if operated by persons age 12 or over, or under age 12 if accompanied by a person at least age 18.

Further, from and after the effective date of this Ordinance, Section 198(b) of the Standard Traffic Ordinance shall read as follows:

(b) Any person violating subsections (1), (2) or (3) shall be punished by a fine not exceeding \$2500, or by imprisonment for no more than six months, or by both such fine and imprisonment. Any person violating subsection (4) or (5) shall be punished as provided in section 201(d) of this ordinance.

Further, from and after the effective date of this Ordinance, Section 200(e) of the Standard Traffic Ordinance shall read as follows:

- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (a), (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy or a certificate of self-insurance signed by the commissioner of insurance.

Further, from and after the effective date of this Ordinance, Section 201(e) of the Standard Traffic Ordinance shall be added to read as follows:

The fine for any violation of Standard Traffic Ordinance No. 85 or No. 86 shall be fifteen dollars (\$15.00) without court costs.

Section 3. Amendment of Code Sections. From and after the effective date of this ordinance, existing Sections 82-2 and 82-3 of the McPherson City Code (2003), as amended to date, are hereby further amended to conform to this ordinance.

Section 4. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED AND SIGNED September 26, 2016.

(SEAL)

Thomas A. Brown, Mayor

ATTEST:

Tamra K. Seely, City Clerk

Ordinance No. 3227, Summary

On September 26, 2016, the City of McPherson, Kansas adopted Ordinance No. 3227 an Ordinance regulating traffic and parking within the corporate limits of the City of McPherson, Kansas; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," 2016 edition with certain changes and additions; providing certain penalties, and amending sections numbered 82 2 and 82 3 of the McPherson City Code (2003), as amended to date. A complete copy of this Ordinance is available at www.mcpcity.com or at the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary.