ORDINANCE NO. 17620

AN ORDINANCE introduced by Mayor Joan Wagonon relating to traffic and vehicles; Administration and Enforcement, amending City of Topeka Code §§ 142-1, Definitions; 142-36, Division of traffic engineering and municipal parking; 142-37, Duties of traffic engineer; 142-39, Records of violations; 142-40, Driver's files to be maintained; 142-63, Disposition of fines and forfeitures; and 142-121, Authority to install traffic control devices and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article I. In General, Section 142-1. Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Angle or diagonal parking means the standing or parking of a motor vehicle on a public street with the long axis of the vehicle extending away from the street curb or roadway edge, and with the front of the vehicle away from the center of the street or roadway.

core area means all streets within the area from the north line of Third Street to the south line of 13th Street and from the east line of Quincy Street to the west line of Topeka Avenue.

Central business district means that area bounded by Tyler Street, Madison Street, Second Street, and Huntoon Street.

Parallel parking means:
(1) On streets with curbs, the standing or parking of the vehicle with the righthand wheels thereof parallel and within 12 inches of the righthand curb or roadway edge, subject to the exceptions permitting left side parallel parking as provided in this chapter.

(2) On streets without curbs, the standing or parking of a motor vehicle with the righthand wheels thereof parallel with the right edge of the roadway so that at least 20 feet of the width of the roadway remains for the free movement of vehicular traffic.

Street parking means that portion of a street between the curb or lateral lines of a roadway and the adjacent lot lines not occupied by a sidewalk.

Traffic division means the traffic division of the city police department created by ordinance or such other unit of the police department as is designated functions under this chapter.

Traffic engineer means the traffic engineer of the city or any person designated by the engineer to act in the engineer's placepublic works director or designee for the purpose of implementing and enforcing ordinances of the city relating to traffic.

Transportation operations division means that division within the public works department which has responsibility for street maintenance, traffic operations and onstreet and offstreet parking.

Transportation operations superintendent means the supervisor of the transportation operations division within the public works department.

Vehicle as used in section 142-266(b) means any vehicle belonging to a person other than the person who owns or is entitled to possession of the private property on
which abandonment occurs, propelled by power other than human power, designed to travel along the ground by use of wheels, tread, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

Zones:

1. **Curb loading zone** means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

2. **No parking zones** means portions of streets described, designated and established by the city council as zones within which parking is prohibited at all times or at stated times when signposted.

3. **No standing zones** means portions of streets described, designated and established by the city council as zones within which standing or stopping is prohibited at all times or at stated times when signposted.

4. **Parking meter zones** means portions of streets described, designated or established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, referred to in this chapter as parking meters.

5. **Passenger curb loading zone** means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

6. **Safety zone** means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected
or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Words and phrases not defined in this section shall have the meaning ascribed to them by the laws of the state relating to motor vehicles.

Section 2. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division I. Generally, Section 142-36. Division of traffic engineering and municipal parking, is hereby amended to read as follows:

Division Section of traffic engineering and municipal parking.

(a) The division section of traffic engineering and municipal parking shall be under the overall supervision and jurisdiction of the public works department director or designee.

(b) The principal officer of the division section of traffic engineering and municipal parking shall be the traffic engineer who shall be a professional engineer with practical experience in traffic engineering and shall be appointed by the director of public works.

(c) The division section of traffic engineering and municipal parking shall consist of such other employees in addition to the traffic engineer as are necessary for the operation of the division section of traffic engineering and municipal parking.

Section 3. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division I. Generally, Section 142-37. Duties of traffic engineer, is hereby amended to read as follows:
Duties of traffic engineer.

It shall be the general duty of the traffic engineer to:

(1) Conduct engineering investigations of traffic and parking conditions;
(2) Conduct engineering analyses of traffic accidents and devise remedial measures therefor;
(3) Determine the installation, proper operation and maintenance of traffic control devices;
(4) Administer and operate the municipal parking stations and onstreet parking program;
(5) Cooperate with other city officials, including the transportation operations superintendent, in the development of ways and means to improve traffic and parking conditions; and
(6) Carry out the additional powers and duties imposed by this chapter and other ordinances of the city.

Section 4. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division I. Generally, is hereby amended by the addition to the following language:

Division of transportation operations.

The transportation operations division shall be under the supervision and jurisdiction of the public works director. The principal officer of the division shall be the transportation operations superintendent under direction of the director of public works. The division of transportation operations shall consist of such other employees in addition to the superintendent as are necessary for the operation of the division.
It shall be the duty of the superintendent to:

1. Conduct investigations and surveys regarding parking conditions;
2. Install and maintain control devices in accordance with the traffic engineer;
3. Administer and operate the municipal parking stations and onstreet parking determinations programs;
4. Cooperate with other city officials, including the traffic engineer, in the development of ways and means to improve traffic and parking conditions; and
5. Carry out the additional powers and duties imposed by this chapter and other ordinances of the city, including but not limited to pavement management, snow removal programs, and street maintenance.

Section 5. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division I. Generally, Section 142-39. Records of violations, is hereby repealed.

Records of violations.

The traffic division shall keep a record of all violations of this chapter and other traffic ordinances of this city of which any person has been charged, except violations of any ordinance regulating the parking or standing of vehicles, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of such violations and the total of each. All forms for records of violations and notices of violations shall be serially numbered.
Section 6. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division I. Generally, Section 142-40. Driver's files to be maintained., is hereby amended to read as follows:

Driver's files to be maintained.

(a) The traffic division shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver which shall be filed alphabetically under the name of the driver concerned.

(b) The traffic division engineer shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent a reoccurrence of the same or to have the licenses of such persons suspended, revoked or canceled.

Section 7. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II. Administration and Enforcement, Division 2. Enforcement Procedures and Penalties, Section 142-63. Disposition of fines and forfeitures., is hereby amended to read as follows:

Disposition of fines and forfeitures.

(a) All fines or forfeitures collected upon conviction, or upon the forfeiture of bail, of any person charged with a violation of any of the provisions of this chapter shall be paid into the city treasury and deposited in the general fund; provided, however; that all fines or forfeitures penalties collected upon conviction or upon the forfeiture of bail of any person charged with issuance of a violation notice and/or through a final determination of a violation notice in violation of section 142-386 shall be paid into the city treasury and allocated as follows: deposited in the parking fund for the proper regulation, control and
inspection of parking upon the public streets and municipal offstreet parking facilities as
provided for in section 142-382(b).

(1) — Fifteen percent deposited in the general fund.

(2) — Eighty-five percent deposited in the parking meter fund for the proper
regulation, control and inspection of traffic upon the public streets and
municipal offstreet parking facilities as provided for in section 142-
382(b).

(b) — Failure, refusal or neglect on the part of any judicial or other officer or
employee receiving or having custody of any fine or forfeiture collected as provided in
subsection (a), either before or after a deposit as provided in subsection (a), to comply with
the provisions of subsection (a) shall constitute misconduct in office and shall be grounds
for removal therefrom:

Section 8. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article II.
Administration and Enforcement, Division 5. Traffic Control Signs, Signals, Devices and
Markings, Section 142-121. Authority to install traffic control devices, is hereby amended
to read as follows:

Authority to install traffic control devices.

The traffic engineer may 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 traffic engineer shall
operations division shall place and maintain such traffic control signs, signals and
devices when and as may be required to make effective the provisions of this chapter and
other ordinances for the regulation of traffic.
Section 9. Original City of Topeka Code §§ 142-1, 142-36, 142-37, 142-39, 142-40, 142-63, and 142-121 are hereby specifically repealed.

Section 10. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper and on January 1, 2001.

PASSED and APPROVED by the City Council. DEC 12 2000

Joan Wagonn, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 10/26/00 BY WAG
TO BE CODIFIED X
NOT TO BE CODIFIED

SEAL OF TOPEKA
CAPITAL CITY INCORPORATED
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