ORDINANCE NO. 17815

AN ORDINANCE introduced by Mayor Harry Felker amending City of Topeka Code §§ 142-211, 142-212, 142-213, 142-214, and 142-215 relating to school speed zones and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 142-211, Declaration of purpose, is hereby amended to read as follows:

Declaration of purpose.

It is hereby determined and declared upon the basis of an engineering and traffic investigation and recommendations of the traffic engineering division that speed zones be established within the city for the purpose of safety of children attending school.

Section 2. That City of Topeka Code § 142-212, Definitions, is hereby amended to read as follows:

Definitions.

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

Adjacent school speed zone means:

(4)(a) Adjacent school speed zone means that portion of any street which is where the speed limit is normally 30 miles per hour or less located within 150 feet, or where the speed limit is normally more than 30 miles per hour located within 250 feet, of the property boundary of any public or private school building housing kindergarten through sixth grade students or...
schoolyard or other public or private school building housing elementary or middle school students deemed necessary by a traffic study performed by the traffic engineer, where the speed limit on such street is normally 30 miles per hour; and  

(2)(b) Crosswalk school speed zone means  

(1) That portion of any through street where the speed limit is normally 30 miles per hour or less located within 150 feet, or where the speed limit is normally more than 30 miles per hour which is located within 250 feet, in either direction of a marked crosswalk associated with one of the property boundary of any public or private school building housing kindergarten through sixth grade students or schoolyard or other public or private school building deemed necessary by a traffic study performed by the traffic engineer, where the speed limit on such street is normally more than 30 miles per hour housing elementary or middle school students.  

Crosswalk school speed zone means:  

(4) That portion of any street which is located within 150 feet in either direction of a marked crosswalk, where the speed limit on such street is normally 30 miles per hour; and  

(2) That portion of any street which is located within 250 feet in either direction of a marked crosswalk, where the speed limit on such street is normally more than 30 miles per hour.
(2) The crosswalk school speed limit zones set out in his section shall not apply to those designated crosswalks across state highways or on streets where pedestrian-actuated traffic signals are installed to aid the pedestrian in crossing.

For the purposes of this ordinance, school zone means either an adjacent school speed zone or crosswalk school speed zone.

Section 3. That City of Topeka Code § 142-213, Posting of signs; deviations authorized, is hereby amended to read as follows:

Posting of signs; deviations authorized.

(a) The traffic-engineering transportation operations division shall erect appropriate place and maintain signs at all adjacent school zones and crosswalk school zones where it has determined a reduced speed limit is necessary during certain hours of school days for the safety of children. Such signs shall be in conformity with the standard size, color and height of other speed limit signs within the city. In addition to stating the maximum school zone speed limit, such signs shall also conspicuously display the times of day during which the school zone speed limit is in effect on school days. 20 miles per hour. The signs shall be positioned in such a manner and at such locations so as to be visible to approaching traffic, not to interfere with ingress to or egress from driveways, and not extend into a roadway. In so doing, Placement of the signs may exceed the exact distances contained in section 142-212 need not be strictly observed, but
when necessary due to obstructions at the exact location. Deviations from such distances shall not reduce the actual dimensions of any school zone.

In each case where a deviation is necessary from the exact distances set out in section 142-212, its location and a statement of the reason for such deviation shall be indexed and filed as a public record within the traffic engineering operations division.

In addition to school zone speed limit signs, the traffic engineering division may, in its discretion, also paint or attach upon the street pavement within any school zone or upon the approach to any school zone the words "School Speed Zone" or similar markings designed to alert oncoming motorists of the existence of the school zone. Such words or markings shall not expand nor reduce the actual dimensions of any school zone. The absence or obscured visibility of such words or markings shall not constitute a defense to a traffic charge of exceeding the posted school zone speed limit.

In addition to school zone speed limit signs, the traffic operations division may, in its discretion, also erect a sign clearly displaying the times of day during which the school zone speed limit is in effect on school days, or at the City's traffic engineer's discretion, place and maintain flashing yellow lights above or beside school zone speed limit signs to alert oncoming motorists of the existence of the effective times of the school zone. When such flashing yellow lights are activated they shall not be used to establish or indicate the
effective times of any school zone, and shall not be used as a substitute for the posted times of day required in subsection (a) of this section. The absence of a flashing yellow light or the malfunctioning of an existing flashing yellow light shall not constitute a defense to a traffic charge of exceeding the posted school zone speed limit. A sign will be posted with the speed limit sign stating the school zone is in effect when flashing. Evidence that the lights were functioning properly before and after any violation of a school speed zone limit constitutes prima facie proof that the lights were functioning properly at the time of the violation.

Section 4. That City of Topeka Code § 142-214, Maximum school zone speed limit, is hereby amended to read as follows:

Maximum school zone speed limit.

(a) On days in which any public or private schools where grades kindergarten through sixth or other schools deemed necessary by the traffic engineer attend are in session within the city, 20 miles per hour shall be the maximum speed limit in each posted school zone during the times of day enumerated on the signs in the school zone, and it shall be unlawful for any person to drive a motor vehicle in excess of the posted 20 miles per hour limit on school days during such times of day. It shall be unlawful for any person to drive a motor vehicle in excess of 20 miles per hour in any school zone marked by effective times or flashing yellow lights as provided in section 142-212 and 142-213.
(b) The effective times of day for each school zone shall be conspicuously posted on the school-zone speed limit signs in accordance with section 142-213. Such times shall be established as closely as practicable with the following schedule:

(1) On school day mornings, a school zone speed limit shall go into effect 30 minutes prior to the time at which the closest school, where grades kindergarten through sixth or other schools deemed necessary by the traffic engineer attend, commences classes for the day, and shall remain continuously in effect for a period of at least one hour.

(2) During school days, a school zone speed limit shall again go into effect 15 minutes prior to the time the closest school, where grades kindergarten through sixth or other schools deemed necessary by the traffic engineer attend, dismisses its morning kindergarten classes, or adjourns classes for lunch, whichever time is earlier, and shall remain continuously in effect until 15 minutes after such school reconvenes classes following lunch or commences its afternoon kindergarten through sixth-grade classes or other classes deemed necessary by the traffic engineer, whichever time is later.

(3) At the close of school days, a school zone speed limit shall again go into effect 15 minutes prior to the time the closest school, where grades kindergarten through sixth or other grades as deemed necessary by the traffic engineer attend, dismisses its afternoon
classes or dismisses all classes for the day, whichever time is earlier,
and shall remain continuously in effect for at least one hour.

Every school zone speed limit shall remain continuously in effect for at least one hour at a
time. The time of commencement or termination of a school zone speed limit may be
rounded off to the nearest quarter-hour interval, provided such rounding off does not
reduce the duration of such school zone to a period of less than one continuous hour.

It is permissible for the effective times of day and durations of school zones servicing any
public or private school, where grades kindergarten through sixth or other grades as
deemed necessary by the traffic engineer attend, to vary from the effective times and
durations of any or all other school zones within the city. The fact that the effective times
and durations of a school zone vary from others within the city shall not constitute a
defense to a traffic charge of exceeding that posted school zone speed limit, established
by the traffic operations division in conjunction with the school authorities of the affected
schools. The traffic operations division shall maintain a public record of the established
effective times for each school zone.

(c) The school speed limit zones set out in this section shall not apply to those
designated crosswalks across state highways or on streets where
pedestrian-actuated traffic signals are installed to aid the pedestrian in
crossing not adjacent to the school where grades kindergarten through sixth
attend. It is permissible for the effective times of day and durations of school
zones servicing any public or private elementary or middle school to vary
from the effective times and durations of any or all other school zones within
the city, as deemed necessary by the transportation operations division. The
fact that the effective times and durations of a school zone vary from others within the city shall not constitute a defense to a traffic charge of exceeding that posted school zone speed limit.  

(d) For purposes of this division, the term "school-day" means each day or part thereof during which any school, where grades kindergarten through sixth or other grades as deemed necessary by the traffic engineer attend, within the city is open and conducting classes. If any school, where grades kindergarten through sixth attend, within the city is open for part or all of a day, all school zones throughout the city shall be in effect during that day.

Section 5. That City of Topeka Code § 142-215, Penalties for violation, is hereby amended to read as follows:

Penalties for violation.

(a) Every person, upon a conviction of exceeding a posted school zone speed limit in violation of section 142-214, moving violation as defined in K.S.A. 8-249 and Kansas Administrative Regulation 92-52-9, shall be fined $2.00 for each mile-per-hour the court finds such person exceeded the 20 miles-per-hour school zone speed limit three times the amount on the fine schedule as set by the Municipal Court in accordance with section 50-70, with the exception of those offenses excluded by section 50-70, such fine shall not be paroled or otherwise reduced.

(b) The municipal court is hereby authorized to establish mandatory court appearances for any person charged with violating a school zone speed limit in an amount the court finds to be excessive. In addition to the fine listed in
subsection (a), the municipal court, upon a conviction of violation of section 142-214, may impose a jail sentence not to exceed 90 days.

(c) Court costs may be added to the fines and jail terms established in this section, in accordance with established court schedules.

Section 6. That City of Topeka Code §§ 142-211, 142-212, 142-213, 142-214, and 142-215 are hereby repealed in their entirety.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council APR 09 2002

Harry Feltke, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/10/02 BY
TO BE CODIFIED
NOT TO BE CODIFIED

LORDISCHOOLSPEDZONES 04/10/02