ORDINANCE NO. 179810

AN ORDINANCE introduced by Mayor Felker, relating to, amending Topeka City Code 142-266, pertaining to abandoned and junk vehicles.

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

Section 1. Chapter 142, Criminal Code of the City of Topeka (1995) as amended, shall be amended by the following:

Section 2. Sec. 142-266. Prohibitions. Abandoned and Junk Vehicles.

(a) No person shall abandon any vehicle on any street or highway or on any other public property within the city and no person shall leave any vehicle at or on any such place within the city for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(b) No person shall abandon in any manner any vehicle, as defined in subsection (d) of this section, on any private property within the city which the person is not lawfully entitled to so use; and no person shall leave any vehicle at or on any such place within the city for such times and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned.

(c) No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway or other public property within the city.
(d) An "abandoned vehicle" is a vehicle which:

1. Remains on the streets or other public property for more than 48 hours;

2. Has been impounded by the police department under authority of any vehicle traffic ordinance and which remains unclaimed after 48 hours;

3. Remains on private property for more than 48 hours following notification to remove the vehicle to the owner or person in charge of such vehicle by the owner or person in possession of the private property;

4. Remains on private property for more than 48 hours following the posting of a notice in a conspicuous place therein or thereon ordering immediate removal of the vehicle by the owner or person entitled to possession of the private property, regardless of whether the vehicle was lawfully placed on the private property initially;

5. Is parked or placed in the driveway or other regular place of ingress or egress of a particular private property, regardless of the length of time the vehicle is so situated; or

6. Is placed or parked on any private lot or parcel of ground which is posted
or designated as a lot or parcel of ground for public automobile parking for
hire, or as reserved space for the parking of automobiles of persons who
have special permission for such use, and the vehicle is so parked or
placed without payment of the required fee there for or otherwise placed or
parked in violation of or contrary to the posting or designation described in this
section, regardless of the length of time the vehicle is so situated.

(7) Is found stopped, standing, or parked in a tow away zone, regardless of the
length of time the vehicle is so situated.

(8) Is found stopped, standing, or parked in a tow away zone or fire lane on
private property, regardless of the length of time the vehicle is so situated.

(Code 1981, § 43-402)

(e)

(1) The Chief of Police may designate tow away no parking zones subject to
approval of the Traffic Engineer. Tow away no parking zones will be posted
with signs containing the words "No Parking" and "Tow Away Zone" by the
Traffic Engineer.

The Chief of Police may designate a tow away zone on a temporary basis, not
to exceed seven (7) days. Such zone shall be posted with temporary signs

containing the words "No Parking" and "Tow Away Zone" and "By Order of the
Chief of Police."

(2) No person shall stop, stand or park an unoccupied vehicle in any place marked
As a tow away zone or any parking area or on any street, alley or drive.

As used in this section "parking" shall be defined as the area of any street
between the curbline and the property line, including that area authorized
for ingress and egress to adjacent property.

(f)

(1) A legally parked vehicle may be towed from any location when a police or fire
supervisor has reason to believe the removal of the vehicle is necessary to
facilitate public safety.

(2) When a vehicle is towed pursuant to subsection (f)(1):

a. The City will bear the expense for such removal and storage.

b. The reason for the removal will be documented on the appropriate report
filed at the Police or Fire Department by the towing officer.

c. The Police or Fire Department will take reasonable steps to locate the owner
prior to towing only as time permits in the interest of public safety.
d. The Police or Fire Department will take reasonable steps to notify the owner of a towed vehicle as to the location of the vehicle and the reason it was towed.

Section 3. 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 8 2003

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk