ORDINANCE NO. 18972

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 142-152 concerning amendments to the Standard Traffic Ordinance, and specifically repealing said original code section and City of Topeka Ordinance No. 18806.

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

Section 1. That City of Topeka Code § 142-152, Amendments, is hereby amended to read as follows:

Amendments.

The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted by reference, shall be amended as follows:

Other competent evidence includes: (1) Alcohol concentration tests obtained from samples taken two hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing instrument.

(b) Section 13 of the standard traffic ordinance, relating to traffic control signal legend, is hereby declared to be and is omitted and deleted.

(c) Section 33 of the standard traffic ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted.

(d) Section 37 of the standard traffic ordinance, relating to racing on
highways; exhibition of speed, is amended to read as follows:

(1) No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, or test. For purposes of this section, "speed competition or contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to, rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other racing participants.

(2) No person shall knowingly engage in a speed exhibition on a highway. For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(e) Section 50 of the standard traffic ordinance relating to right, left and U-turns at intersection: obedience to, is hereby declared to be and is omitted and deleted.

(f) Section 67 of the standard traffic ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.
(g) Section 104 of the standard traffic ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted.

(h) Section 107 of the standard traffic ordinance, relating to unattended motor vehicles, is hereby deleted in its entirety and the following provisions shall be substituted therefore:

   (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

   (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle.

   (c) This section shall not apply to public or private utility vehicles engaged in the restoration of utility services or to emergency vehicles (as defined by K.S.A. 8-1404 either in use during an emergency or in the performance of law enforcement, firefighting, rescue or medical duties, including those vehicles transporting canines as part of a law enforcement function.

(i) Section 114.1 of the standard traffic ordinance, relating to unlawful operation of All-Terrain Vehicle, is hereby deleted in its entirety and the following provisions shall be substituted therefore:

   (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person to operate an all-terrain vehicle:
(1) On any interstate highway, federal highway or state highway;

or

(2) Within the corporate limits of a city of the first class.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated on streets, highways and elsewhere in the city by law enforcement officers performing law enforcement duties.

(d) 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.

(e) All-terrain vehicles operated pursuant to subsections (b) and (c) need not be registered pursuant to article 1, chapter 8 of the Kansas Statutes Annotated to operate on the public highways, streets, roads and alleys within the corporate limits of the city.

(bij) Section 119 of the standard traffic ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted.
Section 194 of the standard traffic ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

Section 195.1 of the standard traffic ordinance, relating to operation of a motor vehicle when a habitual violator is hereby declared to be and is omitted and deleted.

Section 198 of the standard traffic ordinance, relating to vehicle license; illegal tag, is hereby declared to be and is omitted and deleted.

Section 2. That original City of Topeka Code § 142-152 and Ordinance No. 18806 are hereby specifically repealed.

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 October 9, 2007.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk