

(Published in the Topeka Metro News February 11, 2019)

ORDINANCE NO. 20170

AN ORDINANCE introduced by City Manager Brent Trout, adopting the 2018 Standard Traffic Ordinance (STO) and local amendments thereto, amending TMC 10.15.010 and TMC 10.15.020 and repealing TMC 10.20.020.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 10.15.010, Incorporation of Standard Traffic Ordinance, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Incorporation of Standard Traffic Ordinance.

(a) Generally – Copies. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city of Topeka, Kansas, the Standard Traffic Ordinance for Kansas Cities, 43rd 46th Edition (~~2015~~2018), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. One copy of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. ~~19989~~ 20170,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this chapter and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The Standard Traffic Ordinance, as amended, shall also be posted on the City’s website.

(b) Traffic Infractions and Traffic Offenses.

(1) A traffic infraction is a violation of any section of this title or of the Standard Traffic Ordinance that prohibits or requires the same behavior as that

29 prohibited or required by a statutory provision that is classified as a traffic
30 infraction in K.S.A. 8-2118, and amendments thereto.

31 (2) All traffic violations which are included within this title and which are
32 not traffic infractions as defined in subsection (b)(1) of this section shall be
33 considered traffic offenses.

34 Section 2. That section 10.15.020, Amendments, of The Code of the City of
35 Topeka, Kansas, is hereby amended to read as follows:

36 **Amendments.**

37 The ~~2015~~2018 Edition of the Standard Traffic Ordinance for Kansas Cities, as
38 adopted by reference, shall be amended as follows:

39 (a) Section 33 of the Standard Traffic Ordinance, relating to maximum speed
40 limits, is hereby declared to be and is omitted and deleted and the provisions set forth at
41 TMC 10.20.060 shall be substituted therefor.

42 (b) Section 50 of the Standard Traffic Ordinance, relating to right, left and U-
43 turns at intersection – obedience to, is hereby declared to be and is omitted and deleted
44 and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220
45 shall be substituted therefor.

46 (c) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to
47 use right half of crosswalks, is hereby declared to be and is omitted and deleted.

48 (d) Section 104 of the Standard Traffic Ordinance, relating to inattentive
49 driving, is hereby declared to be and is omitted and deleted and the provisions set forth
50 at TMC 10.20.100 shall be substituted therefor.

51 (e) Section 107 of the Standard Traffic Ordinance, relating to unattended

motor vehicles, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.125 shall be substituted therefor.

(f) Section 116 of the Standard Traffic Ordinance, relating to driving upon sidewalks, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.127 shall be substituted therefor.

(g) Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 TMC shall be substituted therefor.

(h) Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle paths, is hereby declared to be and is omitted and deleted.

(i) Section 133(c), relating to bicycle pedals, is hereby amended by adding the following exception:

Exception: Subsection (c) shall not apply where the design of the pedal does not allow attachment of reflectors.

~~(h)~~ Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

~~(i)~~ 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 and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

~~(j)~~ Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.05.060 shall be substituted therefor.

(kl) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in school zones, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.170 shall be substituted therefor.

~~(l) Section 182.1 of the Standard Traffic Ordinance, relating to seat belts, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.020 shall be substituted therefor.~~

Section 3. That section 10.20.020, Seat belts, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Seat belts.~~

~~(a) Except as provided in subsection (b) of this section:~~

~~(1) Each occupant of either a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 or an autocycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and~~

~~(2) Each occupant of either a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 or an autocycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.~~

~~(b) This section does not apply to:~~

~~(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;~~

~~(2) Carriers of United States mail while actually engaged in delivery and~~

98 ~~collection of mail along their specified routes; or~~

99 ~~(3) Newspaper delivery persons while actually engaged in delivery of~~
100 ~~newspapers along their specified routes.~~

101 ~~(c) Law enforcement officers shall not stop drivers for violations of subsection~~
102 ~~(a)(1) of this section by a back seat occupant in the absence of another violation of law.~~
103 ~~A citation for violation of subsection (a)(1) of this section by a back seat occupant shall~~
104 ~~not be issued without citing the violation that initially caused the officer to effect the~~
105 ~~enforcement stop.~~

106 ~~(d)(1) Persons violating subsection (a)(1) of this section shall be fined \$30.00 and~~
107 ~~no court costs; and~~

108 ~~(2) Persons violating subsection (a)(2) of this section shall be fined \$60.00 and~~
109 ~~no court costs.~~

110 ~~(e) As used in this section, "passenger car" means a motor vehicle,~~
111 ~~manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or~~
112 ~~assembled prior to 1968 which was manufactured or assembled with safety belts, with~~
113 ~~motive power designed for carrying 10 passengers or fewer, including vans, but does~~
114 ~~not include a motorcycle or a motor-driven cycle.~~

115 Section 4. That original § 10.15.010 and § 10.15.020 of The Code of the City
116 of Topeka, Kansas, are hereby specifically repealed.

117 Section 5. This ordinance shall take effect and be in force from and after its
118 passage, approval and publication in the official City newspaper.

119 Section 6. This ordinance shall supersede all ordinances, resolutions or rules,
120 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on February 5, 2019.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk