

ORDINANCE NO. 401

AN ORDINANCE CONCERNING THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1986; AMENDING SECTION 194 OF SAID ORDINANCE RELATING TO DRIVING WHILE LICENSE CANCELLED, SUSPENDED OR REVOKED; REPEALING THE ORIGINAL SECTION 194 OF SAID ORDINANCE; AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY IN CONFLICT HEREWITH.

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

SECTION 1. SECTION 194 OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1986, AMENDED. Section 194 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1986, is hereby amended to read as follows:

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty. (a) (1) Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked shall upon conviction be punished by imprisonment for not more than six months or fined not to exceed \$500, or both.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, to the return of such person's driver's license or was, at the time of arrest, eligible under K.S.A. 8-256, to apply for a new license to operate a motor vehicle.

(3) Except as otherwise provided by subsection (a) (4), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) If a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30 of this ordinance or K.S.A. 8-1567, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. Supp. 8-1567, and (B) is or has been also convicted of a violation of Section 30 of this ordinance or K.S.A. 8-1567 or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. 8-1567, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or a law of another state which is in substantial conformity with this section. (K.S.A. Supp. 8-262)

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in The Wathena Times, Official City Newspaper.

SECTION 3. DISTRIBUTION OF COPIES OF ORDINANCE. Immediately after publication of this Ordinance the City Clerk shall distribute and attach a copy of this Ordinance to each and every copy of the Standard Traffic Ordinance No. 398 as distributed pursuant to Section 3 of said Ordinance No. 398 as passed and approved by the Governing Body of the City of Wathena on the 19th day of August, 1986.

SECTION 4. REPEALER. Section 194 of the Standard Traffic Ordinance for Kansas Cities, edition of 1986, and all other ordinances and sections of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

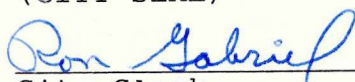
PASSED by the Council and APPROVED by the Mayor on the 18th day of November, 1986.

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Mayor

ATTEST:

(CITY SEAL)

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City Clerk