

ORDINANCE NO. 654

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, REGULATING TRAFFIC AND PARKING UPON THE STREETS, ALLEYS, HIGHWAYS AND OTHER WAYS OF THE CITY OF WATHENA, KANSAS; ADOPTING AND INCORPORATING BY REFERENCE THE PROVISIONS OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2019 PREPARED AND PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES; PROVIDING FOR CERTAIN ADDITIONS TO SUCH STANDARD TRAFFIC ORDINANCE; AND REPEALING ORDINANCE NO. 649 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. INCORPORATING STANDARD TRAFFIC ORDINANCE. That pursuant to the provisions of K.S.A. 12-3009 through 123012, and K.S.A. 12-3301 and 12-3302, and any amendments thereto, the provisions of the Standard Traffic Ordinance for Kansas Cities, Edition of 2019 prepared and published by the League of Kansas Municipalities, and contained in booklet form, are hereby adopted and enacted as an ordinance of the City of Wathena, Kansas, and said Standard Traffic Ordinance for Kansas Cities is hereby incorporated. in this Ordinance by reference as if the same had been set out in full herein.

SECTION 2. DISTRIBUTION OF COPIES OF ORDINANCE. The City Clerk is hereby directed to make or stamp upon not less than three (3) copies of such Standard Traffic Ordinance for Kansas Cities, the following, "Official Copy as Incorporated by Ordinance No. 654, and to attach thereto copies of this incorporating ordinance, and to file the same among his records to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 3. ADDITIONAL SPEED LIMITS AND SPEED ZONES: SUBSECTION 4 RENUMBERED. (a) In addition to the maximum speed limits established by subsections (a), (1) through (5) inclusive of Section 33 of the aforesaid Standard Traffic Ordinance, the following speed zone and maximum speed limits are hereby established as subsections (6), (7), (8), (9), and (10) of said Section 33 (a):

“(6) On U.S. Highway No. 36 within the City, as established and

posted by the Kansas Department of Transportation.”

“(7) Fifteen (15) miles per hour within 150 feet of any school or any school cross-walk.”

“(8) On Evergreen Street, 20 miles per hour.”

“(9) On Spruce Street, 20 miles per hour.”

“(10) On Maple Street, 20 miles per hour.”

SECTION 4. DIAGONAL PARKING. That in addition to the provisions for the parking of vehicles as contained in the aforesaid Standard Traffic Ordinance, it is hereby provided that angle or diagonal parking of motor vehicles, if made in compliance with the remaining terms and provisions of this Ordinance, shall be and is hereby authorized and permitted on the following streets in said City of Wathena and no others, to wit: On both the North and South sides of St. Joseph from its intersection with 2nd Street to its intersection with 4th Street, on the North side of St. Joseph Street from its intersection with 4th Street West for a distance of 60 feet, on the West side of 3rd Street from its intersection with St. Joseph Street North for a distance of 140 feet, and on the West side of 3rd Street from its intersection with St. Joseph Street South for a distance of 140 feet, on the West side of 7<sup>th</sup> Street from its intersection with Jesse Street to its intersection with Benton Street.

SECTION 5. TOWING OF VEHICLES WHICH ARE IN VIOLATION OF ORDINANCE. In addition to the provisions contained in said Standard Traffic Ordinance for the parking of vehicles, all law enforcement officers are authorized and empowered to cause vehicles parked in violation of said Standard Traffic Ordinance to be towed or removed from the streets of the City of Wathena and all vehicles or trailers so towed or removed shall remain impounded until the costs and expenses of such towing or removing have been paid.

SECTION 6. PARKING PROHIBITED IN SPECIFIED PLACES. Section 35 of the aforesaid Standard Traffic Ordinance is hereby amended to include a new subsection (f) which shall provide for the additional prohibition of parking in specified places and such subsection (f) is as follows:

“(f) No person shall stop, stand or park (i) any truck, or combination of truck or truck tractor and any type of trailer or semi-trailer, having a gross weight of more than 12,000 pounds, or (ii) any separate trailer or semi-trailer of any kind whatsoever, along streets, alleys or other public thoroughfares within any areas of the corporate limits of the City of

Wathena which are zoned for residential purposes said classifications of

zoning being R-1 Single Family Residential District, R-2 Two Family Residential District and R-3 Multi-Family Residential District as defined by Ordinance No. 244 of the City of Wathena and amendments. The term "gross weight" shall mean and include the empty weight of truck, or combination of truck or truck tractor and any type of trailer or semi-trailer, plus the maximum weight of cargo which may be legally transported on or with the same according to registration of the same. This subsection (f) shall be expressly subject to the provisions of Section 98 of The Standard Traffic Ordinance for Kansas Cities as adopted by the City of Wathena providing for limited short term parking for the purpose of loading and unloading commercial and delivery vehicles."

**SECTION 7. CARELESS DRIVING.** Any person who shall operate, drive or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger, or to be likely to endanger, any person or property, is guilty of the offense of careless' driving, and upon conviction thereof, shall be subject to penalty as provided in Section 201 of said Standard Traffic Ordinance for Kansas Cities.

#### **SECTION 8: REGISTRATION OF VEHICLES**

(K.S.A. 8-129). Application for registration

(a) Applications for the registration of a vehicle required to be registered shall be made by the owner, by mail, on-line, electronically or otherwise, in the office of the county treasurer of:

(1) The county in which such owner resides; or

(2) the county in which the owner has a bona fide place of business, if such vehicle is garaged in such county for a period exceeding 90 days. Such place of business shall not be an office or facility established or maintained solely for the purpose of obtaining registration.

(K.S.A 8-1,138) Registration of vehicles; residency; exceptions. (a) For purposes of article 1 of chapter 8 of the Kansas Statutes Annotated, a person shall be deemed to be a resident of a county in this state if:

1. (1) The person, including a student, is registered to vote in such county; or

(2) the person, partnership, company, firm, corporation or association maintains an office within such county to lease or rent motor vehicles, if such motor vehicles are operated within the state for a period exceeding 60 days.

(b) For purposes of article 1 of chapter 8 of the Kansas Statutes Annotated, there is a rebuttable presumption that a person is a resident of a county in this state if any of the following exist:

(1) The person, other than a student, owns, leases or rents a place of domicile within such county and remains in such county for a period exceeding 90 days, except for infrequent or brief absences;

(2) the person enrolls the person's child in a school district, all or any part of which is located in such county, unless out-of-state tuition is being charged for the attendance of the child at school in such school district;

(3) the person has a place of domicile in such county and has accepted employment or engages in any trade, profession or occupation within this state;

(4) any individual, partnership, company, firm, corporation or association maintains a main or branch office or warehouse facility within such county or bases and operates motor vehicles in such county, if such motor vehicles are garaged in such county for a period exceeding 90 days; or

(5) any individual, partnership, company, firm, corporation or association operates motor vehicles in intrastate haulage in this state, if such motor vehicles are garaged in such county for a period exceeding 90 days.

(c) For purposes of this section, resident does not include:

(1) A student who is enrolled for at least nine hours of credit at a college or university in this state, if the student has a domicile in another state and has a valid driver's license and vehicle registration issued by the state of domicile; and

(2) members of the armed forces who are stationed in the state, provided such members' vehicles are properly registered in such members' state of residence.

Any person operating a motor vehicle in the City of Wathena in violation of this section is guilty of the offense of unlawful registration, and upon conviction thereof, shall be subject to penalty as provided in Section 198 of said Standard Traffic Ordinance for Kansas Cities.

**SECTION 9. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section in this ordinance that prescribes or requires the same behavior as that prescribed or required by statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, as amended.

(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this Section, shall be considered traffic offenses.


**SECTION 10. PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine schedule shall not be less than \$35.00 nor more than \$500.00. A

person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$500.00.

SECTION 11. REPEALER. Ordinance No. 649 and all other ordinances and sections of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in The Kansas Chief, Official City Newspaper.

PASSED by the Council and APPROVED by the Mayor on the 6<sup>th</sup> day of January, 2020.

  
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John Cluck, Mayor

ATTEST:

(CITY SEAL)

  
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James Richardson, City Clerk