

(Published at www.mcpcity.com beginning on _____, 2023.)

ORDINANCE NO. 3399

AN ORDINANCE REGULATING TRAFFIC AND PARKING WITHIN THE CORPORATE LIMITS OF THE CITY OF MCPHERSON, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 2023 EDITION WITH CERTAIN CHANGES AND ADDITIONS; PROVIDING CERTAIN PENALTIES, AND AMENDING SECTIONS NUMBERED 82-2 AND 82-3 OF THE MCPHERSON CITY CODE (2003), AS AMENDED TO DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of McPherson, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 2023 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, except such sections, parts or portions as are hereafter modified or changed. No fewer than three copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3399," with all sections or portions thereof intended to be changed clearly marked to show such change, and to which shall be attached a copy of this Ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable 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 2. Additions and Modifications. From and after the effective date of this Ordinance, Section 23(b) of the Standard Traffic Ordinance shall read as follows:

(b) A person who violates subsection 23(a) when an accident results in:

- (1) Total property damages of less than \$1,000.00 shall be guilty of a Class C misdemeanor upon conviction;
- (2) Injury to any person or total property damages in excess or \$1,000.00 or more shall be guilty of a Class A person misdemeanor.

Further, from and after the effective date of this Ordinance, Section 87(a) of the Standard Traffic Ordinance shall be amended to read as follows:

Sec. 87. Accessible Parking.

No person shall stop, stand or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability unless such vehicle bears a special license plate, permanent placard or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1, 125, and amendments thereto, and is being operated by or used for transportation of person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability it shall be unlawful for any other person to park in such space. As used in this Section 87(a), "clearly marked" shall require a vertical sign post with a handicapped parking sign attached and no merely painted handicap markings on the ground.

Further, from and after the effective date of this Ordinance, Section 87(e) of the Standard Traffic Ordinance shall contain a further subsection (4) which shall read as follows:

- (4) In any action prosecuted for violation of subsection (e)(1) of this section, it shall not be a defense that the parking space in which the alleged violator has parked was not properly designated as an accessible parking space as stated in subsection (d) of this section, as long as the parking space has been reasonably identified as an accessible parking space by the marking in or about such space of the international symbol of access.

Further, from and after the effective date of this Ordinance, Section 88 of the Standard Traffic Ordinance shall read as follows:

PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway or city-owned parking lot for a principal purpose of either:

- (a) Displaying such vehicle for sale.

- (1) For the purposes of this subsection, either of the following conditions shall raise the presumption that a principal purpose the vehicle was parked was to sell the vehicle:

- a. The vehicle is not currently registered or tagged pursuant to K.S.A. 8-126 through K.S.A. 8-149, inclusive; or

- b. The vehicle is tagged with a dealer's tag pursuant to K.S.A. 8-136 and has any markings or signs directly or indirectly indicating that the vehicle is for sale.

Or

Washing, greasing or repairing such vehicle except repairs necessitated by emergency and except to the extent that the vehicle is moved the same day to an appropriate location for such washing, greasing or repair.

Further, from and after the effective date of this Ordinance, Section 89 of the Standard Traffic Ordinance shall be deleted in its entirety and in its place the following inserted:

Sec. 89. Stall Parking.

Where parking stalls or spaces are marked or designated on the pavement or curb, vehicles shall be parked or stopped within such stalls or spaces in direction of the flow of traffic or at the angle indicated by the markings, except a motorcycle shall park so that motorcycle's back wheel touches or is next to curb or curb line.

Further, from and after the effective date of this Ordinance, the provisions of Section 109.1 of the Standard Traffic Ordinance pertaining to motorized skateboards shall not be applicable.

Further, from and after the effective date of this Ordinance, the provisions of Section 114.1 of the Standard Traffic Ordinance shall be amended to read as follows:

UNLAWFUL OPERATION OF ALL-TERRAIN VEHICLES.

- (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle within the corporate limits of the City of McPherson.
- (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by any unit or agency of state or local government (including the McPherson Recreation Commission and Unified School District No. 418, McPherson County, Kansas) may operate such all-terrain vehicles within the City of McPherson.
- (c) 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.

Further, from and after the effective date of this Ordinance, the provisions of Section 114.4 of the Standard Traffic Ordinance shall be amended to read as follows:

UNLAWFUL OPERATION OF A GOLF CART.

- (d) Notwithstanding the provisions of this Section 114.4, any golf cart owned or operated by any unit or agency of state or local government (including the McPherson Recreation Commission and Unified School District No. 418, McPherson County, Kansas) may operate such golf carts within the City of McPherson. Any such golf cart operated on any public highway, street or road between sunset and sunrise unless equipped with lights are required by law for motorcycles.

Further, from and after the effective date of this Ordinance, Section 116 of the Standard Traffic Ordinance, shall be amended to read as follows:

Section 116. Driving Upon Sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area, except:

- (a) upon a permanent or duly authorized temporary driveway; or
- (b) on a bicycle, skateboard, tricycle, or other human-powered conveyances or as otherwise provided by Code on public sidewalks not included in the B-3 Central Business District as defined by the City's zoning regulations except:
 - (1) bicycles and tricycles are not required to use sidewalks; and
 - (2) pedestrians shall have the full right-of-way.

Further, from and after the effective date of this Ordinance, persons operating roller skates or inline skates upon a roadway shall be subject to the requirements of Sections 128, 191 and 133(a) of the Standard Traffic Ordinance otherwise applicable to bicycles.

Further, from and after the effective date of this Ordinances, Section 136 of the Standard Traffic Ordinance shall not apply to roller stakes (including inline roller stakes) if operated by persons age 12 or over, or under age 12 if accompanied by a person at least age 18.

- (b) Any persona violating subsections (1), (2), or (3) shall be punished by a fine not exceeding \$2,500, or by imprisonment for no more than six months, or by both such fine and imprisonment. Any person violating subsection (4) or (5) shall be punished as provided in section 201(d) of this ordinance.

Further, from and after the effective date of this Ordinance, Section 177 of the Standard Traffic Ordinance is deleted in its entirety and in its place the following is added:

Sec. 177. Windows must be Unobstructed and Windshields Equipped with Wipers; Eye Protection.

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such vehicle or on the dash or other interior surface of such vehicle which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.
- (b) No person shall drive any motor vehicle with a damaged front windshield or side or rear windows which substantially obstructs the driver's clear view of the highway or any intersecting highway.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (d) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Further, from and after the effective date of this Ordinance, Section 198 of the Standard Traffic Ordinance is deleted in its entirety and in its place the following is added:

- (b) Any person violating subsections (1), (2), or (3) shall be punished by a fine not exceeding \$2,500, or by imprisonment for not more than six months, or by both such fine and imprisonment. Any person violating subsections (4) or (5) shall be punished as provided in section 201(d) of this Ordinance. (K.S.A. Supp. 8-142; K.S.A. 8-149)

Further, from and after the effective date of this Ordinance, Section 200(e) of the Standard Traffic Ordinance shall read as follows:

- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (a), (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance

issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy or a certificate of self-insurance signed by the commissioner of insurance.

Further, from and after the effective date this Ordinance, Section 201(e) of the Standard Traffic Ordinance shall be added to read as follows:

The fine for any violation of Standard Traffic Ordinance N. 85 or No. 86 shall be fifteen dollars (\$15.00) without court costs.

Section 3. Amendment of Code Sections. From and after the effective date of this ordinance, existing Sections 82-2 and 82-3 of the McPherson City Code (2003), as amended to date, are hereby further amended to conform to this ordinance.

Section 4. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b) and the City Code.

PASSED AND SIGNED August 15, 2023.

Thomas A. Brown, Mayor

[SEAL]

ATTEST:

Lisa Faust, City Clerk