

## ORDINANCE NUMBER 17-10898

**AN ORDINANCE AMENDING CHAPTER 38, SECTION 38-1 OF THE SALINA CODE BY INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 45<sup>th</sup> EDITION (2017); ADDING LOCAL AMENDMENTS TO THE 2017 STANDARD TRAFFIC ORDINANCE; AND REPEALING EXISTING SECTIONS 38-1 AND 38-1a.**

**BE IT ORDAINED** by the Governing Body of the City of Salina, Kansas:

**Section 1. Amendment.** Section 38-1 of Chapter 38 of the Salina Code is hereby amended as follows:

### **Sec. 38-1. Incorporating Standard Traffic Ordinance with amendments.**

(a) **Incorporation by reference.** The *Standard Traffic Ordinance for Kansas Cities, 45<sup>th</sup> Edition (2017)*, published by the League of Kansas Municipalities, Topeka, Kansas, (the "*Standard Traffic Ordinance*") is adopted and incorporated by reference except as Sections 4, 30.2, 33, 85, and 114.4 are amended as set forth in paragraphs (b), (c), (d), (e), and (f) below. At least one copy of the *Standard Traffic Ordinance* shall be marked or stamped "Official Copy as Adopted by Ordinance Number 17-10898" with all sections thereof intended to be amended clearly marked to show any such amendments 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 business hours.

(b) **Amendment.** Section 4 of the Standard Traffic Ordinance is hereby amended to read as follows:

#### **Section 4. Authority of Police and Other City Officials.**

Police officers of the city shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this city and temporary and emergency rules and regulations of the chief of police, and may at any time direct and control traffic in person or by visible or audible signals: provided, that in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances. (K.S.A. 8-2001; 8-2002). Community Service Technicians, parking officers, or other similar officials designated by the City Manager (collectively "Community Service Technicians") shall at all times be empowered to enforce the provisions of this ordinance bearing upon stopping, standing, and parking, including, without limitation, the provisions of Article 13. Additionally, Community Service Technicians shall at all times be empowered to enforce any other ordinance of this city bearing upon stopping, standing, and parking, and shall also at all times be empowered to enforce the temporary and emergency rules and regulations of the chief of police bearing upon stopping, standing, and parking. Nothing in this section shall be construed to limit the authority of city officials or employees from enforcing the ordinances, rules, or regulations of this city.

(c) **Amendment.** Section 30.2 of the Standard Traffic Ordinance is hereby amended to read as follows:

**Section 30.2. Preliminary Breath Test.**

- (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection (b).
- (b) A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening of the person's breath or saliva, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- (c) At the time the test is requested, the person shall be given oral notice that:
  - (1) There is no right to consult with an attorney regarding whether to submit to testing;
  - (2) Refusal to submit to testing is a traffic infraction; and
  - (3) Further testing may be required after the preliminary screening test.Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.
- (d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operating of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.
- (e) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto.

**(d) Amendment.** Section 33 of the Standard Traffic Ordinance is hereby amended to read as follows:

**Section 33. Maximum speed limits.**

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
  - (1) In any city park, fifteen (15) miles per hour, unless posted differently, in which case the maximum speed limit shall be the posted speed limit;
  - (2) In any school zone, twenty (20) miles per hour;
  - (3) In any non-arterial residential district, thirty (30) miles per hour;
  - (4) In any alley, ten (10) miles per hour;
  - (5) In all other locations, fifty-five (55) miles per hour, unless posted differently, in which case the maximum speed limit shall be the posted speed limit.

The maximum speed limits established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof.

- (b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provision of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

- (e) **Amendment.** Section 85 of the Standard Traffic Ordinance is hereby amended to read as follows:

**Section 85. Stopping, Standing or Parking Prohibited in Specified Places.** No person shall:

- (a) Stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any place where official signs prohibit stopping;
- (12) Alongside the curb of a street where the curb is painted yellow;
- (13) Fully or partially upon any area of the public right-of-way outside the curb of a street. For purposes of this section, "public right-of-way" means the area of real property in which the City has a dedicated or acquired interest for public utilization;

(14) Within a marked bicycle lane.

*Except:*

- (1) When necessary to avoid conflict with other traffic;
  - (2) In compliance with law or the directions of a police officer or official traffic-control device; or
  - (3) Parking necessitated by an isolated or intermittent commercial, governmental, educational or not-for-profit event resulting in the need for overflow parking when the overflow parking occurs outside of public or railroad rights-of-way and is compliant with all other applicable laws or ordinances.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway;
  - (2) Within 15 feet of a fire hydrant;
  - (3) Within 20 feet of a crosswalk at an intersection;
  - (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of the roadway;
  - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted;
  - (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
- (1) Within 50 feet of the nearest rail of a railroad crossing;
  - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property (K.S.A. 8-1571)
- (f) **Amendment.** Section 114.4 of the Standard Traffic Ordinance is hereby amended to read as follows:

**Section 114.4. Unlawful Operation of a Golf Cart**

- (a) It shall be unlawful for any person to operate a golf cart:
- (1) On any interstate highway, federal highway, or state highway;
  - (2) On any public highway or street within the corporate limits of the City of Salina;
  - (3) On any street or highway with a posted speed limit greater than 30 miles per hour; or

- (4) On any public sidewalk.
- (b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal, state or local street or highway or a sidewalk within a crosswalk.
- (c) A golf cart shall be operated on any public street or highway in compliance with provisions of subsection (b) only during the hours between sunrise and sunset (K.S.A. Supp. 8-15, 108)

**Section 2. Repealer.** Existing Sections 38-1 and 38-1a are hereby repealed.

**Section 3. Effective.** This ordinance shall be in full force and effect from and after its adoption and publication by the following summary once in the official city newspaper.

Ordinance No. 17-10898 Summary

On October 9, 2017, the City of Salina, Kansas, passed Ordinance No. 17-10898. The ordinance amends the Chapter 38, Section 38-1 of the Salina Code by adopting the 'Standard Traffic Ordinance for Kansas Cities,' 45<sup>th</sup> Edition (2017) prepared and published in book form by the League of Kansas Municipalities and by providing certain local amendments to Sections 4, 30.2, 33, 85 and 114.4. A complete copy of the ordinance is available at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the City Attorney.

Introduced: October 9, 2017

Passed: October 9, 2017

Kaye J. Crawford, Mayor

[SEAL]  
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this \_\_\_\_ day of October, 2017.

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Greg A. Bengtson, City Attorney