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UNOFFICIAL CODE EXERPTS on RELATED TOPICS

City of SALINA, KANSAS

CHAPTER 38. TRAFFIC AND MOTOR VEHICLES

ARTICLE III. STOPPING, STANDING AND PARKING²

DIVISION 1. GENERALLY

Sec. 38-41. Parking of certain vehicles on streets in residential areas; arterial streets at night prohibited.

It shall be unlawful for any person to use any residential street in the city for what is commonly known as nighttime parking of any truck (except pickup trucks), tractor, trailer, mobile home, motor home, boat or bus; provided however, this provision shall not apply to streets which are located in commercial or industrial areas and which have not been designated by the city as arterial streets; and if such truck is used for the transportation of livestock or gasoline or other flammable liquid, the same shall not be parked at any time in any driveway or yard within fifty (50) feet of any dwelling house occupied by any person or family other than the person or family of the person owning or using such truck or commercial vehicle. For the purpose of this section, "nighttime" shall be defined as the period of time from one-half (1/2) hour after sundown until one-half (1/2) hour before sunrise. For the purpose of this section, "residential area" shall be defined as an area where fifty (50) percent or more of the property abutting the street within the block is used for residential purposes. "Commercial or industrial areas" shall be defined as areas where fifty (50) percent or more of the property abutting the street within the block is used for commercial or industrial purposes.

(Code 1966, § 22-150)

Sec. 38-42. Parking on private property without permission prohibited.

(a) It shall be unlawful for any person to park, place or leave standing, whether attended or unattended, any vehicle upon the private real property of another, without the consent of the owner or lessee of the real property.

(b) Whenever any person complains under oath that a vehicle is standing on private real property in violation of subsection (a), any police officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety as outlined herein. Absent an emergency situation in which damage to property or personal injury is likely if the vehicle is not removed immediately, no vehicle shall be removed without either:

- (1) Personally notifying the owner of the violation and giving said person a reasonable time to move said vehicle; or
- (2) Placing notice of the violation in a noticeable place on the vehicle, then waiting forty-eight (48) hours, and making a reasonable attempt to locate the owner of the illegally parked vehicle. If an emergency situation exists, any police officer is authorized to provide for the removal of such vehicle immediately. The owner or other person entitled to the possession of such vehicle shall be required to pay the reasonable costs of such removal and storage before being entitled to possession of such vehicle.

² **Cross references:** Off-street parking and loading requirements, § 42-541 et seq.

FAQ Topics

- heavy trucks in residential areas
- "owner impound"
- living in campers
- front yard parking
- surfacing, use and maintenance requirements

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(c) It is declared to be a public offense for any person to violate subsection (a) and any person convicted of such violation thereof shall be punished by a fine of not more than fifty dollars (\$50.00).

(d) If any person contests validity of the towing of his or her vehicle, or contests the costs and fees related to towing his or her vehicle, said person is entitled to a hearing on these issues within seventy-two (72) hours after notifying the clerk of the municipal court of the issue. Said hearing shall be in the municipal court of the City of Salina.

(Code 1966, §§ 22-153--22-155; Ord. No. 84-9023, § 1, 5-14-84)

Sec. 38-43. Impounding, removal of nuisance vehicles.

(a) Any unoccupied vehicle left parked continuously upon any street of the city twenty-four (24) hours or more is hereby declared to be a nuisance. It shall be the duty of the chief of police to cause any such vehicle to be removed and impounded in a public vehicular garage. Said removal shall take place only after the following procedures.

(b) Absent an emergency situation in which damage to property or personal injury is likely if the vehicle is not moved immediately, no vehicle shall be removed without either:

- (1) Personally notifying the owner of the violation and giving said person a reasonable time to move said vehicle; or
- (2) Placing notice of the violation in a noticeable place on the vehicle then waiting forty-eight (48) hours, and making a reasonable attempt to locate the owner of the illegally parked vehicle. If an emergency situation exists, any police officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety immediately. After towing a vehicle in an emergency situation, the chief of police is required to make a reasonable attempt to notify the owner of the towed vehicle of the location of said vehicle and the procedure for returning said vehicle to the owner or other person entitled to possession of said vehicle. Any vehicle towed in an emergency or nonemergency situation shall be surrendered to the identified owner thereof, only upon the payment of storage charge and towing fee, which is necessarily incurred by the chief of police, or any other department of the city for the towing and storage of such vehicle.

(c) Any vehicle against which there have been issued three (3) or more traffic summons, either for exceeding the parking limit or for being parked at a place where parking is prohibited, either by this chapter or any other ordinance of the city, and where the owner of such vehicle has failed to appear in municipal court for the disposition of such cases, is hereby declared to be a nuisance. It shall be the duty of the chief of police to cause such vehicle to be removed and impounded on sight, thereafter, such vehicle shall be surrendered to the duly identified owner thereof only upon payment of the storage charge and tow-in fee, which is necessarily incurred by the chief of police, or any other department of the city for towing and storage of said vehicle.

(d) If any person contests validity of the towing of his or her vehicle, or contests the costs and fees related to the towing of his or her vehicle, under this section, said person is entitled to a hearing on said matter within seventy-two (72) hours. Said hearing shall be in the municipal court of Salina, Kansas.

(Code 1966, § 22-14; Ord. No. 84-9022, § 1, 5-14-84)

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Sec. 38-48. Violations.

(a) Any person who shall violate any parking provisions of the Code or any other parking regulations, except as otherwise provided, shall be punished by a fine of not more than twenty-five dollars (\$25.00) and court costs.

(b) When a vehicle is parked within any area wherein parking is prohibited, each full hour shall be deemed to be a separate offense.

(c) When a vehicle is parked within an area wherein the length of time a vehicle is permitted to park is limited, each successive period of time, equal to the permitted time, shall constitute a separate offense.

(Ord. No. 96-9777, § 1, 1-13-97)

Note: See editor's note following § 38-41.

Secs. 38-49, 38-50. Reserved.

Sec. 38-88. Penalty.

(a) Any person violating the provisions of this division shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00), or imprisoned not to exceed five (5) days, or be both so fined and imprisoned, for each offense. Each day such violation continues to exist shall constitute a separate offense.

(b) Upon a conviction for violation of this division, it shall be within the court's discretion to order that the vehicle be removed and stored at the expense of the person so convicted.

(Code 1966, § 23-178; Ord. No. 87-9189, § 3, 5-18-87)

Secs. 38-89--38-100. Reserved.

CHAPTER 22. MOBILE HOMES AND TRAILERS¹

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings specifically ascribed to them:

(1) *Easement* means a vested or acquired right to use land, other than as a tenant, for a specified purpose.

(2) *Mobile home* means any movable structure designed for occupancy as a residence, office, business, etc., which was not or cannot be determined to have been built in accordance with the building code of the city. This definition excludes any movable structure which was designed for recreational purposes or not designed for permanent attachment to utilities.

(3) *Mobile home park or court* means an area, piece, parcel, tract, lot or plot of land which is licensed by the city, and which is used or intended for use or occupancy by one or more mobile homes. This term does not include sales lots on which unoccupied mobile homes, whether new or used, are located for the purposes of storage, inspection or sale.

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(4) *Mobile home space (area unit)* means a plot of land within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewerage and electricity.

(5) *Mobile home stand* means that part of an individual area which has been reserved for the replacement of the mobile home, appurtenant structures or additions.

(6) *Recreational space (open space)* means any area or space designed for joint use of tenants occupying mobile home parks.

(7) *Recreational vehicle* means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities include: travel trailer, camping trailer, truck camper and motor home.

(8) *Roadway* means a private street which affords a principal means of public access to properties or structures; same to be identified on the plan.

(Code 1966, § 21-1)

1*Cross references: Buildings and structural appurtenances, Ch. 8; housing, Ch. 18; planning, Ch. 29; public utilities, Ch. 31; solid waste, Ch. 34; streets, sidewalks and other public places, Ch. 35; subdivision regulations, Ch. 36; traffic and motor vehicles, Ch. 38; water and sewers, Ch. 41; zoning regulations, Ch. 42; MH manufactured home park district, § 42-216 et seq. State law references: Uniform standards code for manufactured homes and recreational vehicles, K.S.A. 75-1211 et seq. Cross references: Definitions and rules of construction generally, § 1-2.

Secs. 22-2--22-15. Reserved.

ARTICLE II. GENERAL REGULATIONS APPLICABLE TO ALL EXISTING AND FUTURE MOBILE HOMES AND MOBILE HOME OWNERS

Sec. 22-16. Location.

(a) It shall be unlawful for any person to maintain, use, occupy or lease a mobile home within the city outside of a licensed mobile home park or outside of an area zoned for that use by the ordinances of the city except as provided below.

(b) It shall be permissible hereunder for a bona fide guest of the householder to park a recreational vehicle in the rear yard of a dwelling for a period not to exceed fifteen (15) days; provided, that such recreational vehicle may be used only for sleeping purposes or temporary storage during such fifteen (15) day period and it does not constitute a hazard or a nuisance.

(Code 1966, § 21-12)

Chapter 42 Zoning Regulations*

ARTICLE XI. OFF-STREET PARKING AND LOADING*

DIVISION 2. OFF-STREET PARKING

Sec. 42-551. Applicability.

In any zoning district, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the regulations of this division. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the regulations of this division for the total area or capacity of such expansion.

(Code 1966, § 36-1000(1))

Complete Code may be accessed on the Internet at www.salina-ks.gov.

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Sec. 42-552. General provisions.

(a) *Utilization.* Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such uses.

(b) *Area.* A required off-street parking space shall be at least eight (8) feet six (6) inches in width and at least nineteen (19) feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.

(c) *Access.* Each required off-street parking space shall open directly upon a driving aisle having a width in accordance with the angle of parking as follows:

<i>Aisle width</i>	<i>Parking angle</i>				
	<i>0°</i>	<i>30°</i>	<i>45°</i>	<i>60°</i>	<i>90°</i>
One-way traffic	12'	11'	12'	17'	24'
Two-way traffic	19'	20'	20'	20'	24'

Driveways connecting an off-street parking area to a street shall not be less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic except that ten-foot wide driveways are permissible for two-way traffic when the driveway is not longer than fifty (50) feet, it provides access to no more than 6 spaces, and sufficient turnaround space is provided so that vehicles will not back into a public street.

(d) *Open and enclosed parking.* No open off-street parking, driving or maneuvering areas shall cover more than sixty (60) percent of the total area of any front yard in any district except in the C-4, C-5, C-6, I-2, and I-3 districts. **No motor vehicle or recreation vehicle shall be parked in any front yard except upon a driveway or adjacent surfaced parking area.** The area devoted to driveway purposes shall not be considered in determining whether off-street parking requirements have been met except for single family or two-family detached and single-family attached dwellings. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable to structures in the district in which located.

(e) *Design and maintenance:*

(1) *Design.* Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the city. Off-street parking spaces may be open to the sky or enclosed in a building.

(2) *Surfacing.* **All open off-street parking spaces, access drives and aisles shall be paved with asphalt or concrete. As an alternative to asphalt or concrete, off-street parking spaces, access drives and aisles may be surfaced with alternative methods of paving, provided that the pavement surface and base for any alternative to asphalt and concrete must be designed by a professional engineer licensed in the State of Kansas and reviewed and approved by the City Engineer.** A pavement cross-section shall be provided demonstrating the structural ability of the design to support the anticipated vehicle loads including fire apparatus.

The paved surfacing requirement shall not apply to the following uses: any permitted use in the RS, R, R-1, R-2, R-2.5, R-3, or MH residential zoning district with a parking requirement of six (6) or fewer spaces or any permitted use in the A-I agricultural, I-2 or I-3 industrial zoning district. Although exempt from the paving requirement, access drives and parking spaces for the above uses shall be graded and surfaced with crushed stone, gravel, or other all-weather material. All parking areas shall be properly

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maintained and kept free of potholes, weeds, dust, trash and debris. Loose material shall be contained within the designated parking area and kept from spilling into public streets.

(3) *Screening*. All open off-street parking areas containing more than six (6) parking spaces shall be effectively screened on each side that adjoins any property situated in a single-family residential district by a wall, fence or densely planted compact evergreen hedge not less than six (6) feet or more than eight (8) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge.

(4) *Lighting*. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

(5) *Storage and repair*. No storage of merchandise, materials, equipment, refuse containers, inoperable vehicles or the repair of vehicles shall be permitted in required off-street driving aisles or parking spaces.

(6) *Computation*. When determination of the number of off-street parking spaces required by this division results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one (1) parking space.

(7) *Collective and joint use provisions*. One (1) off-street parking area may serve several different uses provided the area contains the total required spaces for all uses. In addition, different uses may make joint use of the same parking spaces provided written assurances are given that such uses operate at different or nonconflicting times. All regulations covering the location of accessory parking spaces in relation to the uses served shall be adhered to.

(8) *Location*. All parking spaces required to serve buildings or uses shall be located on the same zoning lot or in the same zoning district as such building or use, except that such parking spaces may be provided in an adjacent zoning district if such district allows parking lots or parking garages as a permitted use. But in no instance shall required off-street parking be located more than six hundred (600) feet (as measured along lines of public access) from the use which it serves.

(9) *Employee parking*. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or expected to be on duty or residing, or both, on the premises at any one (1) time, at the same time as the building permit is issued.

(10) *Maximum number of spaces*. The total number of accessory parking spaces provided for a single-family, a two-family or multiple-family dwelling shall not exceed that required by this division, for such use or for any equivalent new use by more than fifty (50) percent or four (4) spaces, whichever number is greater.

(11) *Exempt zone*. Notwithstanding any other provision of this chapter, no accessory off-street parking facilities shall be required for any structure in the C-4 central business districts except residences, and those uses specifically required to provide parking.

(12) *Determination of required spaces*. When determining the required number of off-street parking spaces for apartment houses, lodging, boarding or rooming houses, fraternities, sororities, and dormitories, an occupant shall mean an individual separate and distinct from the immediate family of the owner, landlord or operator.

(Code 1966, § 36-1000(2); Ord. No. 87-9205, § 1, 9-28-87; Ord. No. 88-9243, § 1, 4-11-88; Ord. No. 90-9419, § 1, 12-17-90); Ord. 06-10327, § 1, 4-24-2006