

ORDINANCE NO. 7375

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES,” EDITION OF 2018, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 7312, AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Section 31-16 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-16. Incorporating Standard Traffic Ordinance.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Manhattan, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” Edition of 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, 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. 7375” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or 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. That Section 31-16.1 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-16.1. Traffic Infractions and Traffic Offenses.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.
- (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 3. That Article 1, Section 1 of said Standard Traffic Ordinance is hereby changed to read as follows:

Definitions. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires.

Alcoholic Beverage. Any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto.

Alcohol Concentration. The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

All-Terrain Vehicle. Any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, and traveling on three or more non-highway tires.

Arterial Street. Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

Authorized Emergency Vehicle. Such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 *et. seq.*, and amendments thereto; wreckers, tow trucks or car carriers, and defined by K.S.A. 66-1328, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

Autocycle. A three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

Bus. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab or livery vehicle as defined in Sec. 34-16 of this Code, and amendments thereto, designed and used for the transportation of persons for compensation.

Business District. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Chief of Police. The Chief of Police is hereby defined as the Director of the Riley County Police Department, or any member of the department designated by the Director to act in his or her place, and/or the Chief of Police for the Kansas State University Police Department, or any member of the department designated by the Chief to act in his or her place.

Church Bus. Every bus owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in the section, **religious organization** means any organization, church, body of communicants or groups, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

City or This City. The City of Manhattan, Kansas, in the Counties of Riley and Pottawatomie, and the State of Kansas.

Commercial Motor Vehicle. A motor vehicle designed or used to transport passengers or property, if:

- (a) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
- (b) The vehicle is designed to transport 16 or more passengers, including the driver; or
- (c) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F.

Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk.

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or,
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Day Care Program. Those which provide day service for development in self-help, social, recreational, and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

Day Care Program Bus. Every bus used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas department of health and environment who provides transportation for children six through 18 years of age.

Department or Motor Vehicle Department or Vehicle Department. The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

Director. The director of vehicles.

Director of Public Works. The Director of Public Works of the City of Manhattan or any member of the Public Works Department designated by him or her to act in his or her place.

Divided Highway. A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

Division. The division of vehicles of the department of revenue.

Drag Race. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

Drawbar. A bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a towbar may be coupled.

Driveaway-Towaway Operations. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

Driver. Every person who drives or is in actual physical control of a vehicle.

Driver's License. Any license to operate a motor vehicle issued under the laws of this state.

Electric-Assisted Bicycle. A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

Electronic Certificate of Title. Any electric record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. Supp. 8-135d, and amendments thereto.

Electric Personal Assistive Mobility Device. A self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Electric Vehicle. A vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electric energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (a) Residential electric service;
- (b) An electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

Exhibition of Speed or Acceleration. Those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

Farm Tractor. Every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

Farm Trailer. Every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

Golf Cart. A motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour, and is designed to carry not more than four persons, including the driver.

Governing Body. The Mayor and Commissioners of this city.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

Highway. Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term **highway** shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions. See also **Street or Highway**.

House Trailer.

- (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (c) **House Trailer** does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202.

Ignition Interlock Device. A device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

Implement of Husbandry. Every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (a) A farm tractor;
- (b) A self-propelled farm implement;
- (c) A fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (d) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; or
- (e) A mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot.

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

Interstate System. The national system of interstate and defense highways.

Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

License or License to Operate a Motor Vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- (a) Any temporary license, or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (c) Any nonresident's operating privilege.

Light Transmission. The ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

Low-Speed Vehicle. Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500.

Luminous Reflectants. The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

Mail. To deposit in the United States mail properly addressed and with postage prepaid.

Metal Tire. Every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

Micro Utility Truck. Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. **Micro utility truck** does not include a work-site utility vehicle or recreational off-highway vehicle.

Motor Home. Every motor vehicle designed to provide temporary living quarter for recreational, camping or travel use.

Motor Vehicle. Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

Motorcycle. Every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle.

Motorized Bicycle. Every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has:

- (a) A motor which produces not more than 3.5 brake horsepower;
- (b) a cylinder capacity of not more than 130 cubic centimeters;
- (c) an automatic transmission; and
- (d) the capability of a maximum design speed of no more than 30 miles per hour.

Motorized Skateboard. A self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

Motorized Wheelchair. Any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

Narrow Width Lane. A lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

No Parking Zone. The portions of a roadway which are identified by signs posted by the City of Manhattan or the Riley County Police Department as being an area in which the parking of vehicles is prohibited.

Nonreflective. A product or material designed to absorb light rather than to reflect it.

Nonresident. Every person who is not a resident of the State of Kansas.

Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Official Time Standard. Whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this city.

Official Traffic-Control Devices. All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Official Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Oil Well Servicing, Oil Well Clean-out or Oil Well Drilling Machinery or Equipment. A vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

Ordinance Traffic Infraction. A violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, as amended.

Other Competent Evidence. Includes: (a) alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (b) readings obtained from a partial alcohol concentration test on a breath testing machine.

Owner. A person who holds the legal title of the vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this code.

Park or Parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking Control Officer. A designated and duly authorized city official empowered to enforce the provisions of certain sections of this ordinance where specifically provided.

Passenger Vehicle. Every motor vehicle, as defined in this section, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

Pedestrian.

- (a) Any person afoot;
- (b) Any person in a wheelchair, either manually or mechanically propelled, or in another low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (c) Any person using an electric personal assistive mobility device.

Person. Every natural person, firm, association, partnership or corporation.

Person with a Disability. Any individual who:

- (a) Has a severe visual impairment;
- (b) Cannot walk 100 feet without stopping to rest;
- (c) Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (d) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (e) Uses portable oxygen;

- (f) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (g) Is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

Pneumatic Tire. Every tire in which compressed air is designed to support the load.

Pole Trailer. Any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

Police Officer. Every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Powered Scooter. Every device having two tandem wheels or three or more wheels which may be propelled by either human power or helper motor, or by both, and which is capable of maximum design speed of not greater than 25 miles per hour.

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Racing. The use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

Railroad. A carrier of persons or property upon cars operated upon stationary rails.

Railroad Sign or Signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Recreational Off-highway Vehicle. Any motor vehicle more than 50 but not greater than 64 inches in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires.

Recreational Vehicle. A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the state uniform standards code for mobile homes and recreational vehicles.

Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is improved in the main, with residences or residences and buildings in use for business.

Revocation of Driver's License. The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road Construction Zone. The portions of a highway which are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term **roadway** as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety Hitch. A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar or drawbar fails or becomes disconnected.

Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Samples. Includes breath supplied directly for testing, which breath is not preserved.

School Bus. Every motor vehicle defined and designed as a school bus in K.S.A. 72-8301(g), as amended.

School Crossing Guard. Any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation, and who is authorized under K.S.A. 8-15,104, and amendments thereto, to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

School Zone. The locations designated as school zones by Article VII of Chapter 31 of the Code of Ordinances of the city as amended.

Secretary. The Secretary of Transportation.

Security Agreement. A written agreement which reserves or creates a security interest.

Security Interest. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term included the interest of a lessor under a lease intended as security. A security interest is “perfected” when it is valid against third parties generally, subject only to specific statutory exceptions.

Self-propelled Farm Implement. Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Sidewalk. A paved pathway upon public property intended primarily for the use of pedestrians, or that portion of a street between the curb lines, or the lateral sides of a roadway, and the adjacent property lines intended for the use of pedestrians.

Solid Rubber Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Specially Constructed Vehicle. Any vehicle which shall not have been originally under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

Stand or Standing. Means The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in receiving or discharging passengers.

State. The State of Kansas.

Stop. When required means complete cessation from movement.

Stop or Stopping. When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word “highway” or the word “street” is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

Sun Screening Devices. A film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

Suspension of a Driver’s License. The temporary withdrawal by formal action of the division of a person’s license or privilege to operate a motor vehicle on the highways.

Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance.

Tow Bar. A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

Toxic Vapors. The following substances or products containing such substances:

- a) Alcohols, including methyl, isopropyl, propyl, or butyl;
- b) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
- c) Acetone;
- d) Benzene;
- e) Carbon tetrachloride;
- f) Cyclohexane;
- g) Freons, including freon 11, and freon 12 and other halogenated hydrocarbons;
- h) Hexane;
- i) Methyl ethyl ketone;
- j) Methyl isobutyl ketone;
- k) Naptha;
- l) Perchlorethylene;
- m) Toluene;
- n) Trichloroethane; or
- o) Xylene.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic Control Signal Preemption Device. Any device, instrument, or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal.

Traffic Infraction. A violation of any of the statutory provisions listed in subsection (c) of K.S.A. Supp. 8-2118 as amended.

Trailer. Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Travel Trailer. Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

Truck. A motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

Truck-Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except motorized wheelchairs, electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

Wide-Base Single Tires. All tires having a section width, as specified by the manufacturer, of 14 inches or more.

Wireless Communication Device. Any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages, or a laptop computer. **Wireless Communication Device** does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

Work-Site Utility Vehicle. Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. **Work-Site Utility Vehicle** does not include a micro utility truck.

Wrecker or Tow Truck. Any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

Write, Send or Read a Written Communication. Using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

Ref.: K.S.A. 8-126, K.S.A. 8-1013, 8-1402 to 8-1489, 8-1565, 8-1590, 8-1730a, 8-1749b, 8-1761, 8-1,124, 8-2,128, 39-1006, 66-1329, 75-1212, as amended.

Section 4. That Article 4, Section 20 of said Standard Traffic Ordinance is hereby declared to be and is omitted and deleted.

Section 5. That said Standard Traffic Ordinance is hereby changed to add the following section, which shall read as follows:

Section 4.1. Authority of Director of Public Works.

The Director of Public Works of the City of Manhattan is hereby empowered and authorized to make regulations, place traffic signs, designate crosswalks, safety zones, no parking zones and traffic lanes, and to do all other acts of authority granted within this ordinance to the Chief of Police or city traffic engineer. Nothing contained within this section shall be deemed to limit the authority of the Chief of Police or city traffic engineer. Provided that, this section shall not give authority to the Director of Public Works to enforce any of the provisions of this ordinance.

Section 6. That Article 7, Section 33 of said Standard Traffic Ordinance is hereby changed to read as follows:

Maximum Speed Limits.

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with Section 32 or K.S.A. 8-1557, as amended, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

- (1) In any business district, 20 miles per hour;
- (2) In any residence district, 30 miles per hour;
- (3) In all other locations, 55 miles per hour;
- (4) In any park in the city, 20 miles per hour; and

(5) In any alley in the city, 20 miles per hour.

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 of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limit established by or pursuant to this paragraph shall not be of any force or effect.

(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 provisions 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. (K.S.A. Supp. 8-1558)

(c) The maximum speed limits established by or pursuant to this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

Ref.: Power to change speed limits generally and regulate speed in parks and school zones. (K.S.A. Supp. 8-1560, as amended and K.S.A. 8-2002, as amended)

Section 7. That Article 9, Section 51 of said Standard Traffic Ordinance is hereby changed to read as follows:

U Turns; Where Prohibited.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district; nor upon any street where posted signs prohibit such movement; nor upon any other street, unless such movement can be made in safety without interfering with other traffic. (K.S.A. 8-1546).

Ref.: Secs. 48, 50.

Section 8. That Article 12, Section 81 of said Standard Traffic Ordinance is hereby changed to read as follows:

Overtaking and Passing School Bus.

(a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of Section 170, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of Section 170 of this ordinance, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

(1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;

- (2) In designated school bus loading areas where the bus is entirely off the roadway.
- (c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.
- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.
- (e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.
- (f) Violation of this section is punishable by the applicable uniform fine prescribed in K.S.A. 8-2118(c), and amendments thereto, for a violation of K.S.A. 8-1556, and amendments thereto. (K.S.A. Supp. 8-1556)

Section 9. That Article 12, Section 82 of said Standard Traffic Ordinance is hereby changed to read as follows:

Overtaking and Passing Church Bus or Day Care Program Bus.

- (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of Sec. 170, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.
- (b) If a church bus or day care program bus is equipped with visual signals permitted by subsection (c) of Sec. 171, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus driver shall not actuate said special visual signals:
- (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 - (2) In designated loading areas where the bus is entirely off the roadway.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(d) Violation of this section is punishable by the applicable uniform fine prescribed in K.S.A. 8-2118(c), and amendments thereto, for a violation of K.S.A. 8-1556a, and amendments thereto. (K.S.A. 8-1556a)

Section 10. That Article 13, Section 85 of said Standard Traffic Ordinance is hereby changed to read as follows:

Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, 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 or yellow painted curb markings prohibit stopping; or,
 - (12) Within three (3) feet of any alley's intersection with a street; the intersection is to include the flared end of the alley.
- (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, or on three (3) feet of either side of, a public or private driveway entrance. Driveway entrance is to include the flared end or driveway return;
 - (2) Within fifteen (15) feet of a fire hydrant;
 - (3) Within twenty (20) feet of a crosswalk at an intersection;
 - (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
 - (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station with seventy-five (75) feet of said entrance, when properly sign-posted;
 - (6) At any place where official signs or yellow painted curb markings 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 fifty (50) feet of the nearest rail of a railroad crossing;
 - (2) At any place where official signs or yellow painted curb markings prohibit parking.
 - (3) In a front yard, as that term is defined in the Manhattan Zoning Regulations, except in parking spaces in compliance with such Zoning Regulations.
- (d) Move a vehicle not lawfully under his 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)

Section 11. That said Standard Traffic Ordinance is hereby changed to add the following Section, which shall read as follows:

Sec. 85a. Enforcement by Parking Control Officer.

Section 85(a)(3) of this article may be enforced by a Parking Control Officer. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 85(a)(3).

Section 12. That Article 13, Section 86 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 86. Stopping or Parking on Roadways.

- (a) Except where angle parking is permitted by ordinance, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.
- (b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way road way shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (c) The governing body may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. (K.S.A. 8-1572)
- (d) Angle parking is permitted in public right-of-way adjacent to any street or highway when authorized by and marked pursuant to the instruction of the city's traffic engineer, and parking within such area shall be subject to the requirements of this ordinance.

Section 13. That said Standard Traffic Ordinance is hereby changed to add the following Section, which shall read as follows:

Sec. 87a. Enforcement by Parking Control Officer.

Section 87 of this article may be enforced by a Parking Control Officer. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 87.

Section 14. That said Standard Traffic Ordinance is hereby changed to add the following Section, which shall read as follows:

Sec. 92a. Enforcement by Parking Control Officer.

Section 92 of this article may be enforced by a Parking Control Officer. Nothing in this paragraph shall be interpreted to limit the authority of other police or law enforcement officers to enforce Section 92.

Section 15. That Article 14, Section 114.4 of said Standard Traffic Ordinance is hereby changed to read as follows:

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.

Section 16. That Article 14, Section 114.5 of said Standard Traffic Ordinance is hereby changed to read as follows:

Unlawful Operation of a Work-Site Utility Vehicle.

- (a) A work-site utility vehicle may be operated upon the public streets or highways that have a posted speed limit 30 miles per hour and less.
- (b) Notwithstanding subsection (a), it shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway;
 - (2) On any public street or highway that has a posted speed limit greater than 30 miles per hour.
- (c) The provisions of subsection (b) shall not prohibit a work-site utility vehicle from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.
- (d) No work-site utility 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.

Section 17. That said Standard Traffic Ordinance is hereby changed to add the following section, which shall read as follows:

Article 14, Section 126.3. Listening or Talking on Wireless Communication Devices While Driving.

(a) Except as provided in subsection (b), no person shall operate a motor vehicle on a public road or highway while listening or talking on a wireless communication device, unless the wireless communication device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

(b) The provisions of subsection (a) shall not apply to:

- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
- (2) A driver in a motor vehicle stopped off the regular traveled portion of the roadway;
- (3) A driver talking or listening to a law enforcement agency, health care provider, fire department, or other emergency services agency, for emergency purposes;
- (4) A person who is relaying information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle; and,
- (5) A driver who uses a digital two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizen's or family radio service bands in accordance with rules of the Federal Communications Commission; or
- (6) A driver who uses an amateur radio and who holds a valid amateur radio operator license, or any other similar license related to such use, issued by the Federal Communications Commission.

(c) For the purposes of subsection (a), "hands-free" use shall mean listening or talking on a wireless communication device that has an internal feature or function, or is equipped with a temporary or permanent attachment or addition, that allows listening or talking without the use of either hand, except to activate or deactivate that function of the wireless communication device.

(d) There shall be a rebuttable presumption that any person who is driving a motor vehicle and holding a wireless communication device to, or in the immediate proximity of, his or her ear is listening or talking on such device in violation of subsection (a). Immediate proximity shall mean that distance that permits the person to listen or talk on such device, but shall not require physical contact with the person's ear.

Section 18. That said Standard Traffic Ordinance is hereby changed to add the following section, which shall read as follows:

Article 15, Section 134.1. Application of Sec. 127, Sec. 128, and Sec. 130 to Sec. 133 Powered Scooters. The provisions of Sections 127, 128, and Sections 130 to 133, inclusive, shall be applicable to powered scooters, and every person operating a powered scooter shall be subject to the provisions thereof.

Section 19. That Article 19, Section 194 of said Standard Traffic Ordinance is hereby changed to read as follows:

Driving While License Canceled, Suspended or Revoked; Penalty.

- (a) (1) No person shall drive a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked.
 - (2) 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 or while such person's privilege to obtain a driver's license is suspended or revoked, shall upon a first conviction be punished by imprisonment for not more than six months or fined not to exceed \$1,000 or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section such person shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment.
 - (3) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.
 - (4) Except as otherwise provided by subsection (a)(5) or (b), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until the completion of five days' imprisonment.
 - (5) Except as otherwise provided by subsection (b), if a person (A) is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance, resolution or law prohibits the acts prohibited by those statutes; and, (B) is or has been also convicted of a violation of Section 30 of this ordinance or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license 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 a person shall be in addition to such a term of imprisonment.
- (b) A person on a third or subsequent conviction of this section shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:
- (1) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in

K.S.A. 8-1012, and amendments thereto;

- (2) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
- (3) Was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal or or K.S.A. 21-5405, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or,
- (4) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

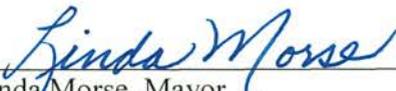
(c) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) 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 resolution of any county or a law of any state, which is in substantial conformity with this section. (K.S.A. Supp. 8-262)

Section 20. Ordinance No. 7312 and all other ordinances in conflict herewith are hereby repealed.

Section 21. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 4TH DAY OF SEPTEMBER, 2018, BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS.


Linda Morse, Mayor

ATTEST:


Gary S. Fees, MMC, City Clerk

