

CHAPTER 14 TRAFFIC

- Article 1. Standard Traffic Ordinance
- Article 2. Local Traffic Regulations
- Article 3. Reserved
- Article 4. Hazardous Materials
- Article 5. Special Purpose Vehicles

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

- 14-101. **INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Carbondale, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2014, prepared and published in book form by the League of Kansas Municipalities, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. One copy of said standard ordinance shall be marked or stamped 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 such Standard Traffic ordinance similarly marked, as may be deemed expedient. (Ord. 474-2014; Code 2014)
- 14-102. **SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section of this article 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. Supp. 8-2118.
(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.
(Ord. 474-2014; Code 2014)
- 14-103. **PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$2,500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$2,500.
(Ord. 474-2014; Code 2014)

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

14-201. TRAFFIC CONTROL DEVICES AND MARKINGS. The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:

The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of Carbondale for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
(Code 2014)

14-202. RESTRICTING PARKING ON PUBLIC STREETS AND RIGHTS OF WAY.

(a) Definitions: Commercial motor vehicle, truck, tractor, semi-trailer, school bus, church bus, day care program bus, and other terms used herein are defined in the Standard Traffic Ordinance as adopted by the City of Carbondale, Kansas.

(b) It shall be unlawful for any person to park any commercial motor vehicle, truck tractor, or semi-trailer upon any street, alley, avenue, or other public right of way within the city. Each twenty-four (24) hour period that such violation is committed or permitted to continue shall constitute a separate offense.

(c) Exceptions. This provision shall not prohibit the following:

(1) The parking of emergency vehicles for the purpose of attending emergency situations.

(2) The parking of such vehicle for the purpose of loading or unloading cargo for so long as is reasonably necessary to complete the same. In no event shall vehicles be parked overnight.

(3) The parking of a school bus, church or day care program bus.

(4) The parking of such vehicle for the purpose of patronizing a particular business.

(5) The parking of such vehicle which is incapacitated or unable to move for so long as is reasonably necessary to remove the same. In no event shall such vehicle remain longer than twenty-four (24) hours.

(6) The parking of such vehicles owned, operated by the City, a contractor of the City, or a public utility, while engaged in construction, maintenance, or repair of the streets or utility service, or while collecting refuse.

(d) Upon a first conviction of a violation of this provision, a person shall be punished by a fine not to exceed \$100.00. Upon a second or subsequent conviction of a violation of the provision within one year, such person shall be punished by a fine not to exceed \$200.00.

(Ord. 353; Code 2014)

14-203. ANGLE PARKING. Angle parking shall be permitted upon the streets or highways of the City only at the following locations:

- (a) The North side of Main Street between Second and Third Streets.
- (b) The South side of Main Street between Second and Third Streets.
- (c) The North one-half block of the East side of Fourth Street between Main and Market Streets.
- (d) The West side of Fourth Street between Wells and James Streets.
- (e) The South one-half block of the West side of Third Street between Main and North Streets.

(Ord. 352; Code 2014)

14-204. REQUIREMENTS FOR A NEIGHBORHOOD PARTY. (a) No neighborhood (or block) party is permitted in the City of Carbondale unless a resident has obtained a permit from City Office and approved by the Chief of Police for such gathering at least 7 days prior to the proposed event. The cost of the permit is \$25.00.

- (b) The Chief of Police will make a determination as to whether the time, duration, size and location of the proposed neighborhood party will disrupt the orderly and safe movement of traffic and whether it will unduly interfere with proper fire and police protection of, or ambulance service to, areas near the proposed neighborhood party.
- (c) The applicant assumes responsibility for any clean up and debris removal left by the neighborhood party.
- (d) Neighbors in adjoining blocks have the right to access and quiet enjoyment of their property. The City will investigate any reports received as to excessive noise, disruptive or offensive behavior or failure to allow a resident access to their property.
- (e) Applicants shall agree to assume the defense and indemnify and save harmless the City, its council members, officers, employees, and agents from all suits, actions, damages or claims to which the City may be subjected, of any kind of nature whatsoever resulting from, caused by, arising out of or as a consequence of such neighborhood party and the activities permitted in connection therewith.
- (f) Failure to comply with any of the terms of this provision will result in the permit being withdrawn and the neighborhood party ended.

(Ord. 407-2005; Code 2014)

ARTICLE 3. RESERVED

ARTICLE 4. HAZARDOUS MATERIALS

- 14-401. HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported, or disposed of or otherwise managed. (Code 2014)
- 14-402. SAME; EXCEPTIONS. The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 2014)
- 14-403. TRANSPORTATION OF HAZARDOUS MATERIALS. Except as provided in section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city. (Code 2014)
- 14-404. HAZARDOUS MATERIALS ROUTES. The provisions of section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:
- (a) (Reserved)
 - (b) (Reserved)
 - (c) (Reserved)
- (Code 2014)
- 14-405. PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS. (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code:
- (1) (Reserved)
 - (b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in section 14-404 of this code.
 - (c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.
- (Code 2014)

14-406. REMOVAL OF ILLEGALLY PARKED TRAILERS. If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.
(Code 2014)

ARTICLE 5. SPECIAL PURPOSE VEHICLES

- 14-501. OPERATION OF WORK-SITE UTILITY VEHICLES; PENALTY. (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure 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 or recreational off-highway vehicle.
- (c) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated.
- (d) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.
- (e) A violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be a fine of not more than \$500.
(Ord. 468-2012; Code 2014)
- 14-502. SAME; VALID DRIVER'S LICENSE RIEQUIRED; PENALTY. No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.
(Ord. 468-2012; Code 2014)
- 14-503. OPERATION OF ALL-TERRAIN VEHICLE OR GOLF CART. (a) All-terrain vehicles and golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) "All-terrain vehicles" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this subsection, "non-highway tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.
- (c) "Golf Cart" means 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, and 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.
- (d) No all-terrain vehicles or golf carts shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required for motorcycles.
- (e) Every person operating an all-terrain vehicle or golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. A person operating an all-terrain vehicle or golf cart shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other

person ride on an all-terrain vehicle or golf cart, unless such all-terrain vehicle or golf cart is designed to carry more than (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle or golf cart at the rear or side of the operator.

(f) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(g) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(h) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or golf cart or the view of the operator.

(Ord. 468-2012; Code 2014)

14-504. SAME; ROADWAYS LANED FOR TRAFFIC. (a) All all-terrain vehicles and golf carts are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle and golf carts operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle or golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle or golf cart between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles and golf carts shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

(Ord. 468-2012; Code 2014)

14-505. SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon an all-terrain vehicle or golf cart shall attach himself, herself or the all-terrain vehicle or golf cart to any other vehicle on a roadway. (Ord. 468-2012; Code 2014)

14-506. SAME; EQUIPMENT ON ALL-TERRAIN VEHICLES AND GOLF CARTS. (a) Any all-terrain vehicle or golf cart carrying a passenger shall be equipped with a seat and footrests for such passenger.

(b) All-terrain vehicle or golf carts shall be equipped with standard exhausts, lights and brakes. (Ord. 468-2012; Code 2014)

14-507. SAME; PENALTIES. A violation of any provision in sections 14-503 through 14-506 shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be a fine of not more than \$500. (Ord. 468-2102)

14-508. SAME; VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate an all-terrain vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1, 000 or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 468-2012; Code 2014)

14-509.

REGISTRATION; FEE, APPLICATION, INSPECTION. Before operating any work site utility vehicle, all-terrain vehicle or golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made upon forms provided by the city, and each application shall contain the name of the owner, the owner's residence address or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Applications are valid from January 1st through December 31st and are not prorated. Proof of insurance shall be furnished at the time of application for registration. The annual registration fee for a work-site utility vehicle, all-terrain vehicle, or golf cart shall be \$25.00. The full amount of the registration fee shall be required regardless of the time of year that the application is made. The registration issued hereunder is not transferrable.

(a) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.

(b) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle, license shall expire and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(c) In the event a license is lost or destroyed, the city clerk shall issue a new license in accordance with the provisions of the section for no additional fee.

(d) It shall be unlawful for any person to:

(1) Operate, or for the owners thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any work-site utility vehicle, all-terrain vehicle or golf cart which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the city for the current registration year.

(2) Display, cause or permit to be displayed, or to have possession, any registration receipt, registration license, or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (b) shall constitute an unclassified misdemeanor punishable by a fine of not more than \$500.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any work site utility vehicle, all-terrain vehicle or golf cart. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(5) Carry or display a registered number plate or plates or registration decal upon any work-site utility vehicle, all-terrain vehicle, or golf cart not lawfully issued for such vehicle.

(6) Except as otherwise may be provided herein, any person convicted of a violation of any of the provisions of this section shall for the first conviction thereof be punished by a fine of not more than \$250.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$500.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$1,000.00 and/or a jail term of not more than 30 days. (Ord. 468-2012; Code 2014)