

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER XI, ENTITLED “PUBLIC OFFENSES AND TRAFFIC” OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS, BY REPEALING AND REPLACING THE EXISTING ARTICLE 7, ENTITLED “LOCAL TRAFFIC REGULATIONS”**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS**

SECTION 1. Article 7 “LOCAL TRAFFIC REGULATIONS” of Chapter XI “Public Offenses and Traffic”, of the Code of the City of Prairie Village, is hereby repealed and replaced with a new Article 7, to read as follows:

**ARTICLE 7. LOCAL TRAFFIC REGULATIONS**

11-701. DEFINITIONS.

- A. “Bus” shall mean a motor vehicle designed or used to carry 10 or more passengers, other than vehicles commonly referred to as passenger vans, full size vans or minivans.
- B. “Commercial vehicle” shall mean any motor vehicle other than bus or a passenger vehicle (as each is defined in this article) or a recreational vehicle (as defined in Section 11-1501 of Article 15 of this Chapter).
- C. “Passenger vehicle” means a motor vehicle designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and sold primarily to individuals for personal use, and includes cars, except as excluded below, vehicles commonly referred to as passenger vans, full size vans or minivans (whether or not seats have been removed to allow the carrying of cargo), and, except as excluded below, vehicles commonly referred to as pickup trucks.

A motor vehicle shall not be excluded from the definition of “passenger vehicle” (a) because such vehicle is carrying items commonly found in residential areas, such as ladders, saw horses, or building materials, or (b) because accessories, such as racks, storage boxes or shells have been added to the vehicle, provided that the original exterior walls of the vehicle remain intact.

The following vehicles are excluded from the term “passenger vehicle”:

(a) Pickup trucks that do not have the traditional pickup bed and side walls;

(b) Vans that have extended height or width and are primarily designed to carry cargo instead of passengers;

(c) Vehicles with aerial buckets or platforms (e.g. "cherry pickers"), welding equipment, mechanical lifts or arms designed to assist in loading and unloading freight; and

(d) Vehicles commonly referred to as step vans, box vans, flatbed trucks, buses, as defined in this article, semi-tractors and trailers, former military vehicles, cement mixers, construction equipment, and any vehicle with dual rear axles.

D. "Traffic signs" means any sign, marking or device placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

E. "Traffic signal" means any device whether manually, electrically or mechanically operated by which traffic is alternatively directed to stop and permitted to proceed.

F. "Truck" means any bus or commercial vehicle as defined in this article.

11-702. **TRAFFIC CONTROL DEVICES AND MARKINGS.** The current Standard Traffic Ordinance for Kansas Cities adopted by the city from time to time pursuant to Article 6 of this chapter 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 article, 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 article 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 Prairie Village 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.

11-703. **TRAFFIC CONTROL LOCATIONS.** There is incorporated by reference for the purpose of regulating traffic within the city limits, that certain traffic control locations adopted by the governing body and on file in the office of the city clerk and all additions and/or elections made by council hereinafter be adopted traffic control locations in the city.

11-704.

SAME; SPEED LIMIT CHANGES.

- A. It having been determined upon the basis of an engineering and traffic investigation that the speed limits permitted by state law and by Section 33 of the current Standard Traffic Ordinance for Kansas Cities adopted by the city from time to time pursuant to Article 6 of this chapter, are greater or less than is reasonable or safe under the conditions found to exist upon the following streets and/or parts of streets, the following speed limits shall apply where indicated, except as provided in subsections (b) and (c) hereof:
- (1) 75th Street from State Line Road to Walmer Street -- 35 miles per hour.
  - (2) Mission Road, from 75th Street south to 95th Street, within the city -- 35 miles per hour.
  - (3) Mission Road, from northern City limit south to 75<sup>th</sup> Street -- 30 miles per hour.
  - (4) Nall Avenue from 63<sup>rd</sup> Street to 95<sup>th</sup> Street -- 35 miles per hour.
  - (5) Roe Avenue from northern City limit to 95<sup>th</sup> Street -- 35 miles per hour.
  - (6) 95th Street from Mission Road to Nall Avenue -- 35 miles per hour.
  - (7) 83rd Street from eastern City limit to Lamar Avenue -- 30 miles per hour.
  - (8) State Line Road from 71st Street south to 75h Street -- 30 miles per hour.
  - (9) State Line Road from 75<sup>th</sup> Street south to the southern city limits -- 35 miles per hour.
  - (10) Cambridge from State Line Road to Somerset Drive -- 30 miles per hour.
  - (11) Somerset Drive from State Line Road to Nall Avenue -- 30 miles per hour
  - (12) 79<sup>th</sup> Street from state Line Road to Mission Road -- 25 miles per hour
  - (13) 79<sup>th</sup> Street from Mission Road to Lamar Avenue -- 30 miles per hour
  - (14) Tomahawk Road between Mission Road and Nall Avenue -- 30 miles per hour.
  - (15) Tomahawk Road between Nall Avenue and 79<sup>th</sup> Street -- 25 miles per hour
  - (16) 71<sup>st</sup> Street between State Line Road and Reeds Drive -- 30 miles per hour
  - (17) 63<sup>rd</sup> Street between Mission Road and Nall Avenue, within the City -- 30 miles per hour.
  - (18) All other residential streets not herein otherwise designated -- 25 miles per hour.
- B. Except as provided in subsection (c) hereof, the maximum speed limit upon streets or portions of streets abutting school property or adjacent to school crosswalks in those areas designated as school zones shall be the speed limit posted on the appropriately erected signs giving notice of the speed limit in said school zones. The maximum speed to be posted within each school zone shall be determined by the traffic engineer retained by the City to consult on traffic matters, provided the speed limit shall not be less than 20 miles per hour. Maximum speed limits within school zones shall be effective and subject to enforcement by law enforcement officers during those time periods

set forth on appropriately erected signs giving notice of the effective hours of enforcement or during those times a flashing yellow beacon is in operation with appropriately erected signs indicating the school zone speed limits are enforced during the times the flashing yellow beacon is in operation. Said traffic engineer shall determine the times of enforcement for school zones within the City, provided such speed limits shall apply only during the hours in which students are normally en route to or from school.

- C. Notwithstanding subsection (b), it having been determined upon the basis of an engineering and traffic investigation that the speed limits currently posted for certain school zones along Mission Road are greater or less than is reasonable or safe under the conditions found to exist therein, a speed limit of 25 miles per hour shall apply at the following streets and/or parts of streets as shall be posted in accordance with subsection (b) hereof and during those time periods set forth on appropriately erected signs giving notice of the effective hours of enforcement or during those times a flashing yellow beacon is in operation;
- a. 94<sup>th</sup> Street & Mission Road (Cure of Ars School)
  - b. 83<sup>rd</sup> Street & Mission Road (Corinth Elementary School)
  - c. 73<sup>rd</sup> Street & Mission Road (St. Ann's School)
  - d. 67<sup>th</sup> Street & Mission Road (Prairie Elementary School)
  - e. 63<sup>rd</sup> Street & Mission Road (Indian Hills Middle School)

11-705. SAME; ACCESSIBLE PARKING. Section 87, entitled "Accessible Parking" of the current Standard Traffic Ordinance for Kansas Cities adopted by the city from time to time pursuant to Article 6 of this chapter, is hereby amended to provide for a mandatory fine of \$100 in subsection (e)(2), which is amended to read as follows:

(e)(2) Violation of subsection (e)(1) is punishable by a mandatory fine of \$100.

11-706. TRUCK TRAFFIC; REGULATION. No truck as defined in section 11-701 of this article (except those owned and/or operated by the City, emergency vehicles, or those operated by public utilities and engaged in repair, maintenance or construction of utilities, and buses picking up and dropping off passengers in residential areas) shall be allowed to enter upon any of the streets of the city except the following named streets:

- (a) 75th Street;
- (b) 95th Street;
- (c) Nall Avenue;
- (d) State Line, from 75th Street to 79th Street;
- (e) Mission Road from Tomahawk to 95th Street;

provided, that at the time of any alleged violation of these restrictions, there shall be posted upon the streets of the city, signs indicating streets which allow truck traffic. Trucks delivering or receiving goods or merchandise to or from any house or premises within the city shall be permitted to enter thereon while delivering the

goods or merchandise, provided that the trucks travel as close to their destination point as is reasonably possible on the closest designated truck route, then from that truck route using the most direct route to the point of pick up or delivery and shall return to the nearest designated truck route after the delivery as is reasonably possible.

11-707.           **PARKING; TWO-HOUR LIMIT.** No vehicle of any type other than a passenger vehicle, shall be parked on any street of the city for more than two hours between 12:01 a.m. and 6:00 a.m. of the day.

11-708.           **STOPPING, STANDING AND PARKING; WHERE PROHIBITED.** No driver of a vehicle shall stop, stand or park or cause to be placed, left or stopped such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal, on private property or upon any area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of any such private property or facility.

11-709.           **DRIVING, STOPPING, STANDING AND PARKING OF MOTOR VEHICLES IN BICYCLE LANE; PROHIBITED.** No driver of any motor vehicle shall drive, stop, park or allow the vehicle to stand in any path or roadway area set aside, designated and marked for the exclusive use of bicycles. For purposes of this article, motorized bicycles shall not be considered as motor vehicles.

11-710.           **PARTIES TO VIOLATION.** Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons, or as a principal, agent or accessory is guilty of such offense and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provisions of sections 11-208:218 is likewise guilty of such offense. Every person who knowingly and willfully gives to a police officer false information is guilty of a misdemeanor.

11-711.           **SLEDDING ON STREETS.** It is unlawful for any person upon a sled or riding on or by means of any sled or coaster, or similar device, to go upon any street or roadway within the city except while crossing a street on a crosswalk, or upon a street specifically authorized for such purpose by order of the chief of police during the times designated by him or her for that purpose.

11-712.           **VEHICLES PROHIBITED WITHIN CERTAIN AREAS IN RESIDENTIAL ZONES.** No vehicle or part of such vehicle shall be parked or stored in the front setback area of any lot in a residential zone or the side setback area, except on a driveway.

- 11-713.           **DRIVING UPON IMPROVED CREEKBEDS.** No person shall operate or cause to be operated any licensed or unlicensed motor vehicle or motorized bicycle (as defined by the current Standard Traffic Ordinance for Kansas Cities adopted by the city from time to time pursuant to Article 6 of this chapter), or other motorized conveyance within or upon any improved creek bed or unimproved watercourse within the city, except at the direction of the city and as necessary to maintain the improved creek beds. As used in this section, an “improved creek bed” shall be defined as any watercourse, waterway or drainage ditch which has been temporarily or permanently improved by the placement or construction of cement sides, walls, bed or other enclosure within or upon the watercourse, waterway or drainage ditch. “Unimproved watercourse” means any watercourse, waterway or drainage ditch upon which no improvements or structured modifications have been made.
- 11-714.           **REGULATION OF THE USE OF PUBLIC STREETS BY INDIVIDUALS WHILE JOGGING AND RUNNING.** For purposes of public safety and welfare, any person using the public streets of the city during the period from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, shall be required to wear on his or her person some type of reflective apparel or materials of sufficient size and placement so as to be visible to vehicular traffic from a distance of 200 feet, in addition to comply with the provisions of the current Standard Traffic Ordinance for Kansas Cities adopted by the city from time to time pursuant to Article 6 of this chapter.
- 11-715.           **PARKING OF TRUCKS AND BUSES IN RESIDENTIAL ZONING DISTRICTS.** In all residential zoning districts, the parking of trucks and buses as defined in this article is expressly prohibited in residential driveways except such vehicles may temporarily be parked in residential driveways if such parking does not create a safety hazard; and
- (A) Such vehicle is in the process of delivering goods or merchandise; or
  - (B) Such vehicle is being used for construction purposes for construction work in progress on the property.
- 11-716.           **CHEMICAL TEST.** Any person who operates a motor vehicle upon a public highway in this state shall be deemed to have given his or her consent to submit to a chemical test of his or her breath, blood, urine or saliva for the purpose of determining the alcoholic content of his or her blood whenever he or she is arrested or otherwise taken into custody for any offense involving operating a motor vehicle under the influence of intoxicating liquor in violation of a state statute or a city ordinance and the arresting officer has reasonable grounds to believe that prior to his or her arrest the person was driving under the influence of intoxicating liquor. The test shall be administered at the direction of the arresting officer. If the person so arrested refuses a request to submit to the test, it shall not be given and the arresting officer shall mail to the vehicle department of the Kansas Department of Revenue a sworn report of the refusal, stating that prior to the arrest he or she had

reasonable grounds to believe that the person was driving under the influence of intoxicating liquor.

11-717. TRAFFIC OFFENSE. The violation of any provision of this article is hereby declared to be a traffic offense punishable in accordance with Section 11-603 Article 6 of this chapter.

SECTION 2. This ordinance shall be published in accordance with law prior to and shall take effect and be enforced from and after July 1, 2015.

PASSED AND APPROVED THIS 5<sup>TH</sup> DAY OF JANUARY, 2015.

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Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

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Joyce Hagen Mundy, City Clerk

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Catherine P. Logan, City Attorney